



An
Bord
Pleanála

Inspector's Report

ABP-315218-22

Development	Three new 2.5 storey houses and all associated site works
Location	St. Patrick's Cottages, Whitechurch Road & Grange Park, Rathfarnham, Dublin 14
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0136
Applicant(s)	John Lyons
Type of Application	Permission
Planning Authority Decision	Refusal for 2 no. reasons
Type of Appeal	First Party
Appellant(s)	John Lyons
Observer(s)	None
Date of Site Inspection	28 th June 2023
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Whitechurch Road (to the west), St. Patrick's Cottages (to the north) and Grange Park (to the south) in Rathfarnham. The area is suburban in nature and to the north the subject site is adjacent to an Architectural Conservation Area.
- 1.2. The appeal site is comprised of No. 51 Grange Park which terminates those houses on the north side of Grange Park where it intersects with Whitechurch Road. No. 51 is set at a 45° angle to present a façade to Whitechurch Road and the front garden lies between the house and Whitechurch Road with a green area (not in the ownership of the applicant) in between. To the north of No. 51 is a side/corner garden area that is disused and overgrown.

2.0 Proposed Development

- 2.1. The proposed development is comprised of the following elements:
 - The refurbishment of No. 51 and a single storey extension to the north.
 - The construction of 3 no. 2.5 storey houses in a terrace format each with 3 no. bedrooms and a single parking space located off St. Patrick's Road.
 - .The closure of two existing vehicular entrances off Whitechurch Road.
 - All ancillary works including landscaping.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 9th November 2022 for 2 no. reasons as follows:

- 1 Having regard to the RES zoning of the subject site (the objective of which is 'to protect and/or improve residential amenity') and the surrounding character of the area, the proposed development, by way of its layout, building orientation and front building line, is not considered to comply with the residential consolidation and infill policies and objectives of the

South Dublin County Development Plan 2022-2028. The proposed development fails to appropriately integrate with Grange Park and Whitechurch Road, particularly in terms of building orientation and frontages. The proposed private amenity spaces, for both the existing and proposed houses, are not considered to be adequately usable in terms of shape and layout. As a result, the proposed development would seriously injure the amenities of property in the vicinity and is considered to be overdevelopment of the site and contrary to the proper planning and sustainable development of the area

- 2 Insufficient information has been submitted in relation to car parking, access and traffic safety to the satisfaction of SDCC's Roads Department. The submitted road safety audit is considered to be insufficient in information. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two Planner's Report's on file, the initial report dated 30th June 2022 sought additional information and the second report dated 9th November 2022 assessed the information received and made a recommendation leading to a decision to refuse permission.

The Planner's Report following the receipt of additional information, in summary, had regard to the following planning issues:

- The principle of development – acceptable in a residentially zoned area.
- Design and form – visually acceptable but still does not integrate into architectural context and building line on St. Patrick's Road. The front of the houses should be south facing onto Whitechurch Road. Rear garden areas are narrow and may impact on residential amenity of occupants. Landscaping not considered to be satisfactory. Not satisfied with quality of amenity space available for No. 5. Development does not comply with residential consolidation or infill policies of the Development Plan – **refusal of permission recommended.**

- Irish Water requirements – no issues.
- Surface water drainage – no issues.
- Access and parking – insufficient information received in relation to road safety audit, sightlines and entrances – **refusal of permission recommended.**
- Landscaping – no issues.
- Architectural details – no issues.
- Red line boundary clarification – no issues.

3.2.2. Other Technical Reports

Following the receipt of additional information:

- Surface Water Drainage, Public Realm Section and the Architectural Conservation Officer had no objection subject to conditions.
- The Roads Department required clarification of the additional information.

3.2.3. Prescribed Bodies

Following the receipt of additional information:

- Irish Water had no objection subject to conditions.

3.2.4. Observations

Several observations were received (the number is not specified in the Planner's Report) and submissions objected to the proposed development on the following grounds: detrimental to character of the area; overbearing impact on surrounding properties; traffic hazard associated with 4 no. new vehicular entrances onto St. Patrick's Cottages; insufficient parking provided; and the proposed development if permitted would set an undesirable precedent.

4.0 Planning History

4.1. On the Appeal Site

- No planning history for the appeal site on file.

4.2. In the Vicinity of the Site

- None of relevance in close proximity to the site.

5.0 Policy and Context

5.1. Development Plan

The South Dublin County Development Plan 2022-2028 is the statutory Development Plan for the area within which the appeal site is located.

3.5 Built Heritage

3.5.3 Architectural Conservation Areas

NCBH20 Objective 3: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.

NCBH21 Objective 4: To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.

6.8 Residential Consolidation in Urban Areas

6.8.1 Infill, Backland, Subdivision and Corner Sites

In established residential areas sustainable intensification can be achieved through infill development, the subdivision of larger houses, backland development and the development of large corner sites. Sensitive intensification will be important to revitalise areas that have stagnant or falling populations, to secure the ongoing viability of facilities, services and amenities and to meet the future housing needs of the County. The sensitive intensification of housing development in established areas is supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), which recognises that the provision of additional dwellings in the suburban areas of towns and cities can revitalise such areas. Standards in relation to residential consolidation are set out under Chapter 12: Implementation and Monitoring of this Plan and have been framed by the policies and objectives set out below.

Policy H13: Residential Consolidation - Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

H13 Objective 1: To promote and support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H13 Objective 2: To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

H13 Objective 3: To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

H13 Objective 4: To promote and encourage 'Living-Over-The-Shop' residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.

H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

H13 Objective 6: To support the subdivision of houses in suburban areas that are characterised by exceptionally large houses on relatively extensive sites where population levels are generally falling and which are well served by public transport, subject to the protection of existing residential amenity.

H13 Objective 7: To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Policy NCBH 22: Features of Interest and Chapter 12: Implementation and Monitoring).

12.6.8 Residential Consolidation Infill Sites

Development on infill sites should meet the following criteria:

- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual;
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.
- Larger sites will have more flexibility to define an independent character;
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines
- Sustainable Urban Housing: Design Standards for New Apartments, 2020;
- Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;
- Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);
- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development

for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;

- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;
- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development; à Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space

Corner / Side Garden Sites

Development on corner and / or side garden sites should be innovative in design appropriate to its context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;
- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
- The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible.

- Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
- The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
- A relaxation in the quantum of private open space may be considered on a case by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.

5.2. Natural Heritage Designations

The appeal site is not located in close proximity or in a situation of connectivity with any designated European site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the First Party appeal are, in summary, as follows:

- The planning authority state that the proposed development fails to “integrate” with Grange Park and Whitechurch Road. There is no building line on Whitechurch Road as Nos. 51 and 52 terminate Grange Park at 45° to create a clear end.
- Replicating the houses on Grange Park is not an option given their substandard room sizes. The scheme has been designed to have a similar form and roof profile so as to respect the character of the context.
- The Architectural Conservation Officer has no objection to the design of the proposed scheme.
- The suggestion in the Planner’s Report to orient the fronts of the houses southward onto Grange Park is not feasible as vehicular access would not be possible at this corner location.
- There is a public sewer traversing the site and due to flood risk the houses need to be c1m above ground level which would not be possible if the orientation of the houses were reversed.
- The Roads Department have no objection to access from St. Patrick’s Road subject to conditions that are easily complied with.
- The second reason for refusal relating to insufficiencies in the Road Safety Audit does is not valid and should never have been used as a reason for refusal in the first place.

6.2. Planning Authority Response

The Planning Authority response states that all relevant planning issues have been addressed in the Planners Report.

6.3. Applicant Response

Not applicable.

6.4. Observations

None.

6.5. Further Responses

Not applicable.

7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.1.1. Having regard to the extensive further information received and to the generally positive assessment of the scheme, with which I agree, I propose to assess only the single issue of relevance in the first reason for refusal – the design and layout of the scheme is not compliant with the residential consolidation and infill policies and objectives of the Development Plan.

7.1.2. The issue of AA Screening is also assessed below.

7.1.3. The second reason for refusal, insufficiency of information regarding parking, access and traffic safety supplied in the Road Safety Audit does not make the proposed scheme contrary to the proper planning and sustainable development of the area. Instead it makes this insufficiency of information the appropriate subject for a clarification of further information or a condition attached to a grant of permission.

7.1.4. To my mind there is ample information on file to assess whether or not the proposed scheme should be refused on parking, access and traffic safety grounds and I find that these factors are sufficiently addressed by the applicant so as to rule out traffic associated issues as a reason for refusal.

7.1.5. I recommend to the Board therefore that the second reason for refusal be dismissed.

7.2. Design and Layout

- 7.2.1. The first reason for refusal relates to the proposed development not being compliant with the Development Plan policies and objectives regarding residential consolidation and infill development. A failure to integrate with Grange Park and Whitechurch Road and the north facing frontage are cited in the reason for refusal. Poor layout and usability of private open space are also included in the refusal reason.
- 7.2.2. In terms of residential consolidation and infill development policies and objectives, it is stated in the Development Plan that corner sites/infill development will be favourably considered subject to other development standards being met. Having read the internal reports on file, aside from the Roads Department requiring clarification of certain aspects of the Road Safety Audit, all other sections within the planning authority are satisfied that the proposed development meets the standards for their specialist areas – Services and Drainage, Heritage/Conservation, Environmental Health and Public Realm.
- 7.2.3. Section 6.8.1 Infill, Backland, Subdivision and Corner Sites refers to Chapter 12 for development standards such as housing mix, room sizes, quantum of private open space, etc. Having read the relevant standards contained in Chapter 12 (some standards relate specifically to apartment developments) and assessed the proposed scheme against same, I cannot find any significant variance between the Development Plan standards and the design of the proposed development.
- 7.2.4. Therefore, the reason for refusal appears to hinge largely on the issue of the orientation of the three houses and the need to integrate with the surrounding area.
- 7.2.5. I note the First Party's comments regarding the necessity to orient the frontages to the north, onto St. Patrick's Road and I would partially concur with same. Looking at the south (rear) elevation drawings of the facades that face onto Grange Park and Whitechurch Road, these facades do not read architecturally as rear elevations in a traditional sense. The design is symmetrical, the fenestration pattern is formal but has variety, the half brick finish provides interest and the dormers while large are not disproportionately so.
- 7.2.6. In short, there is no need to reorient the buildings as, in my opinion, this south elevation already successfully addressed its neighbouring buildings and the public

realm as expressed by Grange Park and Whitechurch Road. I believe that the first reason for refusal is not based on a breach of Development Plan standards but on a sincere but misguided attempt to impose a design iteration on a scheme that was unnecessary in the first instance.

7.2.7. In summary, I find that both reasons for refusal are without substance and that they should both be overturned by the Board.

7.3. AA Screening

7.3.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin Development Plan 2022-2028, including the zoning objective for the site Objective RES for which the objective is to *“to protect and/or improve residential amenity”*; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would not, by virtue of the location of the vehicular entrances to the site, represent a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 16th May 2022 and, as amended by the plans and particulars received on the 13th October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Surface water from the site shall not be permitted to drain onto the adjoining public road.</p> <p>Reason: In the interest of traffic safety</p>
4.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

6.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bernard Dee
Planning Inspector

3rd August 2023