



An
Bord
Pleanála

Inspector's Report

ABP-317466-23

Development	Demolition of the single storey industrial unit and the construction of 2 semi-detached, two storey 3 bedroom dwelling houses.
Location	Site at Former Tyre Sales Building, Orchard Lane, Blackrock, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0268
Applicant(s)	TDL Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David & Margaret Farrar
Observer(s)	None.
Date of Site Inspection	18 th September 2023
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Orchard Lane at its junction with Orchard Cottages in Blackrock, County Dublin. Orchard Lane is a cul de sac situated to the north of Newtown Park containing a mix of residential and commercial properties. Along the eastern side of the road and opposite the appeal site there are a number of two storey properties and the Courtyard Business Centre is located towards the end of the cul de sac. Orchard Cottages is a small laneway located to the north of the site serving a number of single storey properties situated on the opposite side of the lane from the appeal site.
- 1.2. Vehicular access to the site is from Orchard Lane. There are double yellow lines along the western side of the lane fronting the application site and for the majority of its extent while there is provision for on-street car parking along the eastern side of the lane for the majority of its extent.
- 1.3. The site has a stated area of circa 319sq m and contains a single-storey building of 138 sq.m which was formerly occupied by a tyre sales business. The site has frontage on to Orchard Lane of circa 13m. The single-storey building located immediately to the south of the site contains a community centre building. The southern boundary adjoins No. 28 Newtown Park, a two-storey period residence and No. 30 Newtown Park, a single storey dwelling. The western site boundary adjoins an area which is densely planted and contains the rear garden of a residential property at 30 Newtown Park. The northern site boundary addresses the lane at Orchard Cottages.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of a single storey industrial unit and construction of 2 semi-detached, two storey 3 bedroom dwelling houses. House 1 has a gross floor area of 159sqm and House 2 has a gross floor area of 149sqm. Rear gardens and first floor terraces are provided for each dwelling with paved off street under-croft parking providing 2 car parking spaces per dwelling.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions by order dated 15th June 2023.

- Condition 3 requires that the first-floor terrace area proposed to serve House (A) shall be set back from the southern and western boundary by a minimum distance of 1 metre in order to protect the residential amenity of the adjacent property.
- Condition 4 requires the provision of cycle parking for the 2 houses.

3.2. Planning Authority Reports

3.2.1. The Planning Officers report considers that the previous reasons for refusal on this site (planning reference ABP 305496-19 / D19A/0485 and D19A/0173) have been overcome and recommends permission be granted subject to conditions.

3.2.2. Other Technical Reports

Drainage Planning Report concludes no objection subject to standard conditions.

Transportation Planning report states no objection subject to conditions.

3.3. Prescribed Bodies

Report from Irish Water requests further Information required in relation to confirmation of feasibility to determine the feasibility of connection to the public water/wastewater infrastructure.

3.4. Third Party Observations

Three third party observations were submitted to the planning authority. Concerns raised are comparable to those raised in appeal and include concerns in relation to the impact of the proposal on development potential of adjoining properties, impacts on residential amenities of adjoining properties, and flooding following heavy rainfall.

4.0 Planning History

Appeal Site:

PA reference D19A/0173: Permission was refused by the planning authority on 03/05/2019 for the demolition of the single-storey industrial unit and the construction of 2 x semi-detached, three-storey, 4- bedroom dwelling houses for three reasons relating to deficiency in off-street car parking resulting in traffic hazard, precedent arising from deficiency in off street parking, and overdevelopment of site.

PA Reference D19A/0485 / Appeal Reference ABP 305496-19: Permission was refused by the planning authority and following appeal by An Bord Pleanála on 06/03/2020 for demolition of industrial unit and construction of 2 dwellings for one reason relating to overly prominent appearance of proposal on streetscape, unacceptable standard of private open space for future occupants, and interference with development potential of adjoining property to south.

Adjoining Site to South:

D17A/0291 & ABP-249247: The planning authority granted permission for demolition of single-storey building and construction of 5 apartments. Following a third party appeal permission was refused by An Bord Pleanála on 09/02/2018 for one reason relating to overdevelopment of a restricted site, substandard residential amenity for future occupiers, problems of vehicular access onto Orchard Lane and adverse physical impacts on the adjoining property to the south.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028 is the statutory development plan for the area. It has regard to national and regional policies in respect of infill development within existing built-up areas.
- 5.1.2. The site is zoned Objective 'A' residential with the objective to: 'provide residential development and improve residential amenity while protecting the existing residential

amenities' under which residential development is listed within the 'Permitted in Principle' category of this zoning objective.

- 5.1.3. Policy Objective PHP19: Existing Housing Stock – Adaptation seeks to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20: Protection of Existing Residential Amenity seeks to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

- 5.1.4. Within the development plan Section 12.3.1.1 outlines Design Criteria for residential development, which includes taking account of the following criteria:

- Quality of the proposed layout and elevations, the quality of the residential environment will be of primary significance in determining the acceptability of planning applications. Layouts, elevations, and plan form must be designed to emphasise a 'sense of place' and community, utilising existing site features, tree coverage and an appropriate landscape structure.
- Levels of privacy and amenity, the relationship of buildings to one another, including consideration of overlooking, sunlight/daylight standards and the appropriate use of screening devices.
- Safety and positive edges to the public realm - opportunities for crime should be minimised by ensuring that public open spaces are passively overlooked by housing and appropriate boundary treatments applied.

- 5.1.5. Section 12.3.4.2 Habitable Rooms states "The minimum size of habitable rooms for houses/apartments/and flats shall conform with appropriate National guidelines/standards in operation at the date of application for planning permission' and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007). All habitable rooms within new residential units shall have access to appropriate levels of natural /daylight and ventilation. Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard."

5.1.6. Section 12.3.7.7 relates to Infill residential development, stating infill development will be encouraged within the County. It states that: “new infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings”. Of relevance, it also sets out that reference be had to Section 12.3.7.5 corner/side garden sites for development parameters.

Section 12.3.7.5 outlines guidance in relation to Corner/Side Garden Sites which is also stated as being applicable to appropriately zoned brownfield sites and the Planning Authority will have regard to parameters including design, layout, relationship with adjacent properties, impact on the amenities of existing and future residents, and development plan standards for existing and proposed dwellings.

5.1.7. Section 12.4.5.1 outlines development management criteria relating to Parking Zones and Table 12.5 outlines standards for each zone. The site is located within Car Parking Zone 3 requiring 2 spaces for a house with 3 or more bedrooms.

5.1.8. Section 12.4.8 deals with Vehicular Entrances and Hardstanding Areas.

Section 12.4.8.1 General Specifications requires vehicle entrances and exits shall be designed to avoid traffic hazard for pedestrians and passing traffic and states ‘In general, for a single residential dwelling, the maximum width of an entrance is 3.5 metres. For a shared entrance for two residential dwellings, this may be increased to a maximum width of 4 metres. Each car parking space for a residential dwelling shall have a minimum length of 5.5 metres depth to ensure the parked car does not overhang onto the existing public footway and a minimum width of 3 metres to allow for clearance from nearby wall/steps/boundary’.

Section 12.4.8.2 Visual and Physical Impacts states: Vehicular entrances and on-curtilage parking should not normally dominate a property’s frontage. In areas characterised predominantly by pedestrian entrances and few, if any, vehicular entrances, proposals for driveways and on-curtilage parking will be assessed on their own merits but should be resisted. Applications for double-width entrances will normally be resisted.

- 5.1.9. Policy Objective CA6: Retrofit and Reuse of Buildings states that it is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible.
- 5.1.10. Policy Objective OSR7: Trees, Woodland and Forestry seeks to ensure tree cover in the County is managed and developed. Section 12.8.11 relates to existing trees and hedgerows and requires their incorporation, as far as practicable, into new developments.

5.2. **Natural Heritage Designations**

- 5.2.1. None in the vicinity of the site.

5.3. **EIA Screening**

- 5.3.1. See completed Form 2 in attached Appendix. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

One third party appeal has been submitted by Armstron Planning on behalf of David and Margaret Farrar, owners of No. 28 Newtown Park located to the south of the appeal site. The main points raised may be summarised as follows:

- Refers to previous refusals of permission on site for a similar form of development and considers previous reasons for refusal by local authority relating to the restricted nature of the site and the height and form of the proposed development have not been addressed. Proposal will appear overly prominent on streetscape and have an overbearing and overshadowing impact on adjoining properties and would injure amenities of properties in the vicinity.

- Concerns relating to overshadowing, loss of daylight, sunlight and views as well as visual and acoustic impact on appellants homes and gardens.
- Restricted corner site does not comply with Section 12.3.7.5 of Development Plan relating to corner/side garden sites, in particular relating to relationship with immediately adjacent properties, impacts on amenities of neighbouring residents and visual impact and results in overdevelopment.
- Overbearing impact on private amenity space to rear of No. 28 Newtown Park due to location of development adjoining its northern boundary and 5.0 m screening serving first floor terrace.
- Use of first floor terrace adjacent to private amenity space of No. 28 will result in noise and disturbance impacts.
- Non-compliance with Policy Objective PHP20 and zoning objective as it fails to protect existing residential amenity.
- Concerns in relation to traffic safety due to narrow width, unregulated parking and absence of turning circle on Orchard Lane.
- Reverse manoeuvres required to access proposed car parking. No vehicle tracking submitted to demonstrate vehicle movements can be safely accommodated.
- Non-compliance with requirements of Design Manual for Urban Roads and Streets which require a minimum stopping distance of 23 metres. Submits that proposal provides for 14.5 metre sight line to the north based on drawings submitted.
- Inadequate visibility splay for off-street parking and inadequate sightlines are contrary to DLR Development Plan Section 12.4.8.1 resulting in a traffic hazard and as such permission should be refused.
- No justification provided for demolition of industrial unit on site and as such is contrary to development plan, including Policy Objective CA6 concerning 'Retrofit and Reuse of Buildings'.

- Considers wastewater infrastructure does not have capacity for development and concerns that no Confirmation of Feasibility from Irish Water provided in advance of decision, as such development is premature.
- Concerns relating to disposal of surface water.
- Loss of mature trees is contrary to the Development Plan in Section 12.8.11, Policy Objective GIB18 and Policy Objective OSR7.
- Inaccuracies in planning application including relating to entity of applicant, consent of owner, incorrect orientation of north point, inaccurate site size and development floor area.

6.2. Applicant Response

A response on behalf of the first party was received from AD Designs. The main points of the response can be summarized as follows:

- Proposed development designed in keeping with best practice guidelines, development plan standards, and recent development in the area. Material finishes will match existing and adjacent dwellings. Overcomes previous reasons for refusal.
- Car parking provided as per development plan standards. Sightlines of 23m available from SSD setback of 2m in accordance with table 4.2 of DMURS where vehicle speeds are slow and flows on the minor arm are low.
- Foul and surface water drainage to be provided to serve development.
- In relation to overbearing impact of proposal on No. 28 Newtown Park, notes existing building is 5.1 m in height and approx. 12 m wide along the boundary of No. 28. Existing mature trees at No. 28 have a height in excess of 5.1m. Revised terrace layout with setback of 1m from 26 and 28 Newtown Park proposed which improves the private amenity space to No 28 compared to the existing building on site.
- Retrofit and reuse of existing building not appropriate.
- No mature trees on application site. Proposal will result in improvement in area.

- Addresses stated inaccuracies relating to application name, plans and drawings.

6.3. **Planning Authority Response**

Submission from PA states grounds of appeal raise no matters which would justify a change in attitude to the proposed development.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Nature and Design of Development
- Impacts on Adjoining Property
- Traffic
- Foul and Surface Water drainage
- Other issues
- Appropriate Assessment

7.2. **Nature and Design of Development**

7.2.1. The site comprises a vacant commercial building within an existing well serviced residential area. I consider the proposal to provide residential development on this under used brownfield site is acceptable in principle and in accordance with the Residential zoning objective on the site, subject to the detailed considerations below.

- 7.2.2. The site is located at the junction of Orchard Lane and Orchard Cottages. There are a range of house types in the immediate vicinity of the site, including single and two storey dwellings, many of which are of traditional design along with some newer infill development on the opposite side of the road from the site. The dwellings have a proposed ridge height of 8.42 m with a hipped roof style. Roof types in the area include a mix of gable, hipped and flat roof styles. The dwelling to the immediate south at 28 Newtown Park is indicated on the drawings as having a ridge height of 8.57m. Dwellings on the opposite side of the road at Orchard Cottages are single storey and located 4 metres from the site's northern boundary. Dwellings of a similar height are located on the opposite side of the road. Having regard to the range of building heights and roof styles in the area I consider that the height of the proposed development will satisfactorily integrate into the streetscape and is acceptable.
- 7.2.3. The development has been designed to provide for two perpendicular car parking spaces for each dwelling, located in an under-croft parking bay at the front of the property. The full extent of the front elevation facing Orchard Lane, measuring 13 metres in length, will appear as an under-croft parking area for 4 cars with the ground floor elevation set back approximately 4.7 metres to accommodate the car parking spaces. At first floor both dwellings protrude beyond the ground floor by 4.7 metres to accommodate bedrooms above the under-croft parking.
- 7.2.4. The development plan sets out development management standards relating to Vehicular Entrances in Section 12.4.8. These include a requirement that vehicular entrances and on-curtilage parking should not normally dominate a property's frontage and that applications for double-width entrances shall normally be resisted (Section 12.4.8.2).
- 7.2.5. I consider the inclusion of under-croft car parking to the extent proposed along the full extent of the front elevation provides for a poor interface with the street resulting in a negative impact on the streetscape and as such would significantly detract from the visual amenities of the area. I also consider that the parking proposed fails to take account of the standards set out in Section 12.4.8.2 which includes a requirement that vehicles should not normally dominate a property's frontage. I note that the full extent of the site currently provides for vehicular access and parking to

serve the commercial unit and that the existing development does not provide for an active street frontage. However, I consider it appropriate that any redevelopment of this site for residential development should provide for an improved street frontage at this location.

- 7.2.6. Both dwellings are provided with a rear kitchen / dining room and a living room to the front. As a result of the projecting first floor the front living room windows are located under an overhang 4.7 metres deep. A door opening has been provided to the rear garden from both living rooms. In House A this door is located perpendicular to and immediately adjacent to the rear boundary wall separating the two properties. The height of the rear boundary wall is not indicated on the drawings and is likely to be a minimum of 1.8 metres in height to allow for privacy within rear gardens. In House B this door is perpendicular to and immediately adjacent to the rear kitchen extension with screened terrace above which has a height of 5 metres.
- 7.2.7. Section 12.3.4.2 of the development plan outlines requirements for habitable rooms, stating that all habitable rooms within new residential units shall have access to appropriate levels of natural /daylight and ventilation. Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard. The applicant has not submitted a sunlight/daylight analysis.
- 7.2.8. Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), provide guidance in relation to internal layout, outlining the importance of achieving good daylight and sunlight and minimising obstruction of daylighting for residential amenity of occupants.
- 7.2.9. I have serious concerns in relation to the amount of daylight and visible sky that will be available to serve the living rooms for both dwellings as a result of the fenestration arrangements outlined above. The extent of the overhanging roof of the under-croft parking is considered significant, protruding 4.7 metres from the living room window. In this regard it is unlikely that the sky would be visible from the centre point of this window in the context of *Site Layout Planning for Daylight and Sunlight*,

A guide to good practice. I note that this document states that the advice given is not mandatory and I consider there may be scope for some reduction in standards on restricted infill sites such as the appeal site. In my opinion, however, the living rooms would not achieve reasonable daylight from this window due to the obstruction from the overhang above the window in both living rooms. Having regard to the location of the rear door openings adjacent to proposed high walls and the resulting potential obstruction of daylight, I am not satisfied that these rear openings provide sufficient daylight to serve the living rooms. A large kitchen/dining room is proposed to serve each dwelling which should provide sufficient sunlight and daylight for these rooms, however I consider the level of obstruction of windows in the living rooms to be significant and I consider the proposed development would provide for an unsatisfactory level of amenity for future occupants.

7.2.10. I note the internal room standards exceed the minimum standards as required by the development plan and set out in 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

7.2.11. The boundary dividing the proposed rear gardens is not located behind the internal boundary wall separating the two houses. As a result, part of the rear elevation of House A is situated within the rear garden of House B. At first floor level a window serving the ensuite bathroom in House A is located above the rear garden for House B. I have some concerns in relation to this arrangement as it has the potential to present issues relating to access and maintenance as well as potential overlooking from the ensuite window. I note the amount of private open space complies with the requirement for a three-bedroom house set out in Table 12.10 of the development plan.

7.2.12. In conclusion, I consider the design is inappropriate due to the poor interface with the street which undermines the ability to provide for an active street frontage. I also have concerns in relation to the inadequate daylight that will be provided in the living rooms and difficulties with maintenance and access to the rear elevation of House A as a result of the poor design and layout proposed. These issues will result in a poor level of amenity for future residents. The development fails to comply with development plan standards contained in Section 12.3.4.2 and Section 12.3.7.5 of the development plan, Section 5.3 of 'Quality Housing for Sustainable Communities' and Section 7.1 of 'Sustainable Residential Development in Urban Areas, Guidelines

for Planning Authorities' relating to appropriate levels of daylight for habitable rooms in new residential units and standards for proposed dwellings, resulting in an unacceptable standard of accommodation for future residents. The development also fails to comply with Section 12.4.8.2 of the development plan relating to visual and physical impacts of proposed new vehicular entrances. I conclude therefore that the proposed development would seriously injure the residential amenity of future residents, would be contrary to the development plan and would set an undesirable precedent. These issues arise as a result of the proposal to provide for a total of 4 no. in curtilage under croft car parking spaces in an attempt to address development plan car parking standards for a three-bedroom dwelling. I consider the design approach results in a development which is unacceptable in terms of visual impact on the streetscape and residential amenity for future occupants. Having regard to the design and layout proposed, I do not consider it suitable to address these concerns by condition. **These are new issues and the Board may wish to seek the views of the parties.**

7.3. Impacts on Adjoining Property

- 7.3.1. Concerns are raised in relation to overbearing impact on no. 28 Newtown Park due to a proposed 5m high screening serving the proposed first floor terrace adjoining the sites southern boundary. The planning authority included a condition that the screening be set back 1 m from the southern boundary adjoining the appellants property. I consider this acceptable and am satisfied that that this will reduce any overbearing impact and the resulting built form will be acceptable for this built up area and will not be so great as to warrant a refusal of permission
- 7.3.2. In relation to concerns relating to overshadowing, I note the orientation of the site, with the proposed development located immediately north of the appellants property and as such unlikely to result in overshadowing to the south. The main impacts in relation to overshadowing are likely to be on properties to the north at Orchard Cottages. Having regard to the siting and design of the proposed development and the existing semi mature tree planting in the vicinity of the site, I am satisfied that the potential for any additional overshadowing would be limited and would not be to such an extent as to warrant a refusal of permission.

- 7.3.3. In relation to concerns raised relating to noise and disturbance arising from the proposed first floor terrace and its proximity to No. 28 Newtown Park, I consider any noise or disturbance arising will be typical of the residential use provided for by the zoning objective of the site and as such is considered acceptable at this location and would not result in a negative impact on the residential amenity of adjoining properties.
- 7.3.4. In relation to compliance with S 12.3.7.5 of the development plan relating to relationship with immediately adjacent properties, visual impact and overdevelopment, I am satisfied that separation distances proposed are acceptable and that the development will not be overbearing or give rise to unacceptable impacts on the residential amenity of adjacent properties. I also conclude on this basis that the development does not contravene Policy Objective PHP20 or the zoning objective of the site in relation to protection of existing residential amenity.
- 7.3.5. I note the concerns raised in the appeal submissions with regard to the removal of hedging and planting from the site. From my site inspection it appears that the majority of trees are located outside of the development site and are located in the rear of no. 30 Newtown Park and overhanging into the application site. I note that the applicant has not submitted any landscaping details. I consider the trees are typical of those found in suburban gardens and do not provide for any significant amenity value at this location. I do not consider it appropriate that the development of this site should be constrained due to the presence of trees, particularly where such trees are not subject to a Tree Preservation Order or come within a nature designation. As such I do not have concerns in relation to the potential removal of trees.
- 7.3.6. Having regard to the foregoing, I do not consider that the proposed development would result in any unacceptable impacts on surrounding properties relating to overshadowing, overbearing or privacy and I consider that the appropriate redevelopment of this site for residential purposes has the potential to provide for improved visual amenity and an overall benefit to this area.

7.4. **Traffic**

- 7.4.1. The development plan sets out development management standards relating to Vehicular Entrances in Section 12.4.8. These include a maximum entrance width of

3.5 metres or a width of 4 metres for a shared entrance for two dwellings, a minimum depth of 5.5 metres to ensure the parked car does not overhang the foot path and a minimum width of 3 metres to allow for clearance (Section 12.4.8.1), and as noted in section 7.2.4 above, a requirement that vehicular entrances and on-curtilage parking should not normally dominate a property's frontage and that applications for double-width entrances shall normally be resisted (Section 12.4.8.2).

- 7.4.2. I consider that the parking proposed fails to take account of the standards set out in Section 12.4.8.1. The overall width of the proposed vehicular entrance at 13 metres is considerably wider than the 4 meter shared entrance width recommended in the development plan. I also have concerns in relation to the width of the proposed car parking spaces. Each double bay measures approximately 6 metres wide. The narrow width of Orchard Lane, along with the requirement to incorporate bike parking for residents and visitors as well as bin storage within the under-croft parking area, has the potential to result in limited manoeuvrability for vehicles accessing the car parking spaces.
- 7.4.3. The site has frontage of approximately 13 metres onto Orchard Lane. Orchard Lane, from which vehicular access is proposed, is narrow in width. There are double yellow lanes along the western side of the lane (same side of the road as the appeal site) for the majority of its extent where the site is located. There is provision for on-street car parking along the eastern side of the lane opposite the appeal site for the majority of its extent. On inspection of the site I observed that this on-street parking was mostly utilised and that it is a busy location in terms of parking generation having regard to the proximity of commercial, office and retail premises in the vicinity.
- 7.4.4. The site is located in parking zone 3 in the development plan. Car parking standards are set out in Table 12.5 of the development plan which requires 2 spaces for each house with 3 or more bedrooms.
- 7.4.5. In relation to the issue of car parking and access I note the decision of the Board in respect of the adjoining site to the south. Under appeal case PL06D.249247 permission was refused for residential development of 5 apartments. Issues relating to traffic movements generated by vehicular access on to and off Orchard Lane were

raised as a refusal reason. The layout of car parking to serve that scheme comprised 5 no. on-site spaces in a row perpendicular to Orchard Lane. The current application proposes 4 no. on-site spaces perpendicular to Orchard Lane.

- 7.4.6. The planning authority included deficiency in off-street parking and resulting traffic hazard as a reason for refusing permission on the appeal site under reference D19A/0485 for two dwellings with a total of 2 no. car parking spaces. The Board did not include this issue as a refusal reason in its decision on the appeal on that file, reference 305496.
- 7.4.7. I consider the constrained nature of the parking to serve the proposed development, the narrow width of Orchard Lane and the proximity of parked vehicles along the eastern side of the lane directly opposite the proposed vehicular entrance has the potential to result in difficult vehicular manoeuvres being required to access and exit the proposed car parking. Based on the information before me, having visited the site, and in the absence of drawings demonstrating that turning movements can be achieved, I have concerns in relation to the proposed parking arrangement and I am not satisfied that the proposed vehicular access can be safely accommodated.
- 7.4.8. The existing commercial (albeit vacant) use of the site and the potential traffic and car parking demand associated with that existing use is noted. The full extent of the site currently provides for vehicular access and parking to serve the commercial unit in a less constrained manner to that currently proposed. I consider it appropriate that any redevelopment of this site for residential development should provide for an improved street frontage at this location.
- 7.4.9. The appeal raises concerns in relation to non-compliance with the Design Manual for Urban Roads and Streets (DMURS) in relation to sight lines from the proposed vehicular entrance. As noted previously, the street is a cul de sac and is narrow in width with parking along one side of the street and low traffic speeds. I am satisfied that sightlines in both directions are adequate for this location.
- 7.4.10. In conclusion, I am not satisfied that the proposed car parking arrangement can be safely accommodated as the applicant has not demonstrated safe turning movements can be achieved. I also consider the development fails to comply with Section 12.4.8.1 and 12.4.8.2 of the development plan relating to general

specifications and visual and physical impacts of proposed new vehicular entrances. **These are new issues and the Board may wish to seek the views of the parties.**

7.5. Foul and Surface Water Drainage

- 7.5.1. Concerns are raised in the appeal in relation to a combined foul sewer and storm water drainage system which overflows and requires cleaning,
- 7.5.2. In relation to surface water, the local authority drainage section report states no objection subject to condition. Conditions require that surface water shall not be discharged to the public sewer but shall be infiltrated locally and that permeable paving shall be used to facilitate SuDS.
- 7.5.3. I am satisfied that surface water drainage requirements can be addressed by condition.
- 7.5.4. In relation to foul drainage, Irish Water's observation in relation to the planning application required that a pre-connection enquiry be submitted to determine the feasibility of connection to the public water/wastewater infrastructure and that same be submitted to the planning authority by way of further information response.
- 7.5.5. I am satisfied that the applicant will be required to comply with the requirements of Irish Water in relation to water supply and foul drainage and I do not consider it necessary to require the confirmation of feasibility be obtained in advance of a grant of permission.

7.6. Other Issues

- 7.6.1. Concerns are raised in relation to inaccuracies on drawings submitted with the planning application. Having reviewed the drawings I am satisfied that the information submitted with the planning application is sufficient for a full assessment of the appeal to be carried out.

7.6.2. In relation to demolition, Policy Objective CA6 of the development plan requires the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. Having regard to the change of use proposed from commercial to residential and the restricted nature of the site, I consider the proposal to demolish the existing building on site acceptable in this instance.

7.7. **Appropriate Assessment**

7.7.1. Having regard to the nature of the application, the minor scale of the development in the context of the permission, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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**

8.1. I recommend that permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Based on the information submitted with the application and appeal and having regard to the design and layout of the proposed development, it is considered that the proposed car parking arrangement will provide for a poor interface with the street and result in a poor level of daylight inside the dwellings. Furthermore, it has not been demonstrated that adequate and safe traffic turning movements on to the public road can be achieved without causing obstruction to road users. The development as proposed would be visually incongruous in this setting resulting in a negative impact on the visual amenity and character of the area, would give rise to substandard residential amenity for future occupiers of the proposed development and would set an undesirable precedent for similar such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Bernadette Quinn
Planning Inspector

13th November 2023

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317466-23	
Proposed Development Summary	Demolition of the single storey industrial unit and the construction of 2 semi-detached, two <u>storey</u> 3 bedroom dwelling houses.	
Development Address	Site at Former Tyre Sales Building, Orchard Lane, Blackrock, Co. Dublin	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, <u>emissions</u> or pollutants?</p>	<p>Proposal for two dwellings on residential zoned brownfield lands located in a built-up urban area is not exceptional in the context of existing environment.</p> <p>No, located on lands serviced by existing wastewater infrastructure.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p>	<p>Site measures 0.0318 ha with a proposed floor area of 308 sq.m. which is not considered exceptional in the context of the existing environment.</p> <p>There are no other developments under construction in proximity to the site. All other</p>	No

regard to other existing and/or permitted projects?	developments are established uses.	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. There are no natural heritage designations in the vicinity of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)