



An
Bord
Pleanála

Inspector's Report

ABP-317813-23

Development

The development consists of the demolition of 80 Slieve Rua Drive and the construction of five two storey, two-bedroom dwellings and one two storey three-bedroom dwelling and associated works.

Location

80 Slieve Rua Drive, Kilmacud,
Blackrock, Co. Dublin, A94 N6Y5

Planning Authority

Dún Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D23A/0048

Applicant(s)

Corbett Construction Ltd

Type of Application

Planning Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Simon Carolan & others

Observer(s)

Patricia Carolan

Date of Site Inspection

24th January 2024

Inspector

Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site measures approximately 0.15 ha at no.80 Slieve Rua Drive, Kilmacud, Blackrock, County Dublin. The site is located in the established residential suburb of Kilmacud, approximately 7.1km south of Dublin City Centre within the Local Authority area of Dún Laoghaire Rathdown County Council.
- 1.1.2. The site itself currently consists of a detached bungalow dwelling, including a garage to the side and a separate pedestrian side entrance. The surrounds of the site include a disused shed to the rear of the existing dwelling, overgrowth to the rear that has been significantly cut back and an open ditch traversing the southern boundary. The front garden appears unkempt and includes a pedestrian and vehicular entrance onto Slieve Rua Drive.
- 1.1.3. The site is bounded to the south by nos.84-86 Hazel Avenue, to the east by nos.1-3 Rathmore Avenue and no.81 Slieve Rua Drive, to the north by Slieve Rua Drive roadway and to the west by no.79 Slieve Rua Drive and no.4C Sweet Briar Lane, both of which are also bungalow dwellings. No.82 Slieve Rua Drive backs onto the site along the northeastern boundary and no.5 Rathmore Drive backs onto the site along the southeastern boundary.

2.0 Proposed Development

- 2.1.1. The proposed development is described as follows:
 - Demolition of an existing single storey detached dwelling.
 - Construction of 5 no. two storey, two bedroom semi-detached dwellings and 1 no. two storey, three bed semi-detached dwelling within the curtilage of the existing dwelling.
 - Provision of off-street car parking, landscaping, ancillary site works and services.
- 2.1.2. It should be noted that the proposal was altered at Further Information (FI) stage to revise the building line of dwellings 1 and 2 to align with that of nos. 81-84 Slieve Rua Drive. This resulted in the reduction of the depth of the rear gardens for the subject dwellings from 8m to 7.86m. Electrical vehicle charging points, a fire hydrant

and a relocated entry point to the site were included in revised details submitted as part of the response to FI. The landscaping and boundary treatments for the proposed development were clarified at clarification of FI (CFI) stage.

2.1.3. The application is accompanied by:

- Pre-Planning Application to Dún Laoghaire-Rathdown County Council.
- 3D views of the proposed development.
- Engineering Report on Drainage, Water Supply and Transportation Issues (including Flood Risk Assessment).
- Construction Management Plan (FI).
- Boundary Treatment & Planting Schedule (CFI).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dún Laoghaire-Rathdown County Council (The Planning Authority) issued a FURTHER INFORMATION request on the 21st March 2023 relating to residential amenity, design and layout, landscaping, cycle parking and accessibility of the site for fire appliances. The Planning Authority subsequently issued a CLARIFICATION OF FURTHER INFORMATION request on the 29th May 2023 relating to boundary treatment and accessibility of the site for fire appliances and refuse vehicles, and issued a subsequent GRANT of permission for the above-described proposed development on the 21st July 2023, subject to 15 no. conditions. Conditions of note include:

- Condition 2 which modifies the glazing on the bathroom window at first floor level on the side elevation of house 6 to include opaque or frosted glass.
- Condition 4(c) which requires a minimum wayleave of 6m (3m either side from the external face of the pipe to any building/foundation) for all public surface water sewers located within the site.
- Condition 15 which restricts the first occupation of all residential units to individual purchasers unless it is demonstrated that after 2 years of the

completion of the unit that it has not been possible to transact the unit for use by an individual purchaser.

3.2. Planning Authority Reports

3.3. Planning Reports

- 3.3.1. The Planning Officer's Report dated 21st March 2023 recommended a request for further information on 12 items.
 - 3.3.2. The Planning Officer's Report found the principle of the proposed development to be acceptable but sought further information on the above items. The Planning Officer assessed the proposed development as infill development and considered the proposed car parking layout, dwelling design, private amenity space, standard of accommodation and open space provision to be acceptable, subject to conditions. In addition, the Planning Officer also considered the existing dwelling to be in a poor state of disrepair requiring works to make it habitable.
 - 3.3.3. A second Planning Officer Report was issued by the Planning Authority on the 29th May 2023 indicating that some of the FI items above were either fully addressed or can be adequately addressed by way of conditions, and issuing a Clarification of FI on 2 items.
- #### **3.4. Other Technical Reports**
- 3.4.1. Environmental Health Officer (EHO) – Following consideration of the FI and CFI submitted, on the 18th July 2023, the EHO issued a report with no further comment.
 - 3.4.2. Transportation Department – Following consideration of the FI and CFI submitted, on the 18th July 2023, the Transportation Department issued a report citing no objection to the proposed development, subject to 5 no. conditions.
 - 3.4.3. Environmental Enforcement – On the 10th July 2023 a report issued citing no objections to the proposed development, subject to 5 no. conditions.
 - 3.4.4. Housing Department – On the 27th February 2023 a report issued requesting the imposition of 1 no. condition, in the event of a grant of planning permission.

- 3.4.5. Building Control – On the 24th February 2023 a report issued citing no objections to the proposed development and the need to comply with taking in charge policies of the planning authority.
- 3.4.6. Drainage Department – On the 23rd February 2023 the Drainage Department issued a report citing no objection to the proposed development subject to 3 no. conditions.

3.5. Prescribed Bodies

- 3.5.1. Irish Water/Uisce Eireann – On the 24th February 2023 a report issued requesting further information relating to 1 no. issue.

3.6. Third Party Observations

- 3.6.1. A number of 3rd party observations were received in response to the original application and the FI submitted to the Planning Authority. The issues raised by observers are generally reflected in the 3rd party appeal and observation, apart from the following concerns:

- The application contains material inaccuracies and is incomplete.
- No proposals for public lighting submitted.
- The existing dwelling is habitable.
- Inadequate sightlines that do not take account of existing vegetation.
- The new internal access road should be designed to minimise noise.
- The new access road will have no footpaths which is a safety concern.
- The proposed development should be considered premature pending the completion of flood alleviation works.
- Noise from the proposed heat pumps will cause disturbance.
- The proposed development is promoted as suitable for downsizing, however, single storey bungalows, such as the existing, would be more appropriate for elderly people than two-storey dwellings.
- Existing mature hedgerows and trees should be protected.

- Compliance with the Design Manual for Urban Roads & Streets (DMURS) has not been satisfactorily demonstrated.
- The proposed dwellings will be located on land 1m lower than surrounding properties and is prone to flooding.
- Concern about the proposed infilling of a stream onsite that could lead to flooding.
- The proposed development will lead to tree loss onsite.
- Houses 1 and 2 should be merged into 1 no. three bed detached dwelling.
- Unclear if the local network has capacity to cater for proposed electric vehicle charging points.

4.0 Relevant Planning History

Subject Site:

- 4.1.1. PAC/44/22 - Pre-app held with Dún Laoghaire-Rathdown County Council on the 8th March 2022 regarding a proposal to demolish the existing dwelling and construct 7 no. 2 bed dwellings at No.80 Slieve Rua Drive.
- 4.1.2. D01A/0513 (ABP Ref. PL06D.127127) – Permission REFUSED by the Board on the 30th April 2002 for erection of 1 no. dormer-type bungalow on site at rear and to demolish existing garage to form entrance, and to form new entrance and car parking to number 80.
- 4.1.3. D01A/0029 – Permission REFUSED on the 12th March 2001 for the erection of 2 no. dormer type bungalows on site at the rear.

Neighbouring Sites of relevance:

- 4.1.4. D23B/0538 – Retention permission GRANTED on the 23rd January 2024 for first floor extension over existing ground floor garage to the side, permission GRANTED for alterations to roof to accommodate attic conversion into non-habitable storage with dormer to rear and associated works at no.81 Slieve Rua Drive.
- 4.1.5. D08A/1277 – Permission GRANTED on the 7th May 2009 for the construction of a new detached single storey townhouse dwelling with new driveway entrance,

diversion of existing public services and all ancillary works to east of existing dwelling at no.86 Hazel Avenue.

- 4.1.6. D08A/0290 (ABP Ref. PL06D. 229212) – Permission GRANTED on the 12th November 2008 for the demolition of a granny flat to the side, construction of 1 no. dwelling with shared vehicular entrance and associated works at no.86A Slieve Rua Drive.

5.0 Policy Context

5.1. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2023

- 5.1.1. These recently adopted ministerial guidelines serve to implement the principles of sustainable residential development in urban areas. The guidelines encourage the following approaches:
- Realise opportunities for adaptation, reuse and intensification of existing buildings and for incremental brownfield and infill development.
 - Deliver brownfield and infill development at scale at suitable strategic and sustainable development locations within the existing built up footprint of the city and suburbs area or metropolitan towns.
 - Residential densities in the range of 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin.
 - Active travel should be prioritised through design measures that seek to calm traffic and create street networks that feel safe and comfortable for pedestrians and cyclists.
 - The quantum of car parking in new developments should be minimised in order to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm.
 - SPPR 1 – Separation Distances – ‘It is a specific planning policy requirement of these Guidelines that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres

between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level’.

- SPPR 2 – This SPPR sets minimum private open space standards as follows:
 - 2 bed house 30 sq.m
 - 3 bed house 40 sq.m
- Policy and Objective 5.1 - Public Open Space – ‘In some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising under the development plan..... In such circumstances, the planning authority may seek a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within an application site’.
- SPPR 3 - Car Parking – ‘In city centres and urban neighbourhoods of the five cities....car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling’.
- Section 5.2.5 - Bicycle Parking and Storage - ‘In areas of high and medium accessibility, planning authorities must ensure that new residential developments have high quality cycle parking and cycle storage facilities for both residents and visitors’.
- SPPR 4 - Cycle Parking and Storage – ‘All new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors.
- ‘Planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise, and planning authorities may apply a level of discretion in this regard’.

5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. The following are policies and objectives of relevance to the proposed development from the Dún Laoghaire Rathdown County Development Plan:

- Zoning Objective A – ‘To provide residential development and improve residential amenity while protecting the existing residential amenities’.
- Policy Objective CA6: Retrofit and Reuse of Buildings – ‘It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible’.
- Section 3.4.1.2 – ‘Priority should be given to repairing and re-using existing buildings in preference to demolition and new-build. Where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority’.
- Policy Objective PHP18: Residential Density – ‘Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria... Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.’
- Section 4.3.1 Delivering and Improving Homes – This section sets out a minimum density for new residential development at 35 units per hectare but notes that this may not be suitable in all circumstances.
- Policy Objective PHP19: Existing Housing Stock – Adaptation – ‘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 – Policy Objective to protect the residential amenity of existing homes adjacent to proposed higher density and greater height infill developments.
- Section 4.3.2 and Policy Objective PHP27 promote a variety of housing types and tenure types whilst having regard to existing housing tenures and types.
- Chapter 12 Development Management: Section 12.3.7.7 Infill – ‘infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units.
- Section 12.3.9 Demolition and Replacement Dwellings – ‘The Planning Authority has a preference for and will promote the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant.... Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of replacement numbers only but will be weighed against other factors’.
- Section 12.4.6.1 Requirements for New Development – requires a Cycle Audit to be submitted for residential development of more than 5 units’.
- Section 12.4.6.2 – Identifies Cycle Parking Assessment Criteria for new residential developments of 5 units or more.
- Section 12.8.3.1 Public Open Space – Provides for a development contribution under Section 48 of the Planning and Development Act 2000, as amended, in lieu of public open space.
- Section 12.9.10.2 Street Lighting – ‘In general, for security and road safety reasons, street lighting may be provided for car and cycle parking areas, new access roads and along cycle/ pedestrian routes within new developments, all as per the Council requirements... Where new junctions are created as a result of new developments, additional lighting poles may be required on the public roads opposite the junction. In such cases an assessment of the adequacy of the street lighting should be undertaken with details of light intensity/ lux levels provided.

5.3. Natural Heritage Designations

- 5.3.1. The closest site of natural heritage interest to the proposed development is Fitzsimons Wood proposed Natural Heritage Area (001753), which is approximately 2.2km from the proposed development. I also note that the South Dublin Bay proposed Natural Heritage Area (000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210) are located approximately 3km from the proposed development.

5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 3rd party appeal was submitted by Simon Carolan & others, on the 14th August 2023 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:
- Overdevelopment of the site leading to adverse effect on existing residential amenities.
 - Haphazard development that will be overbearing and will result in overshadowing, setting an unacceptable precedent.
 - Proposed groundworks will materially increase the risk of flooding which is already an issue on a regular basis.
 - Inadequate provision of car parking and access to the site which will lead to overspill car parking and traffic hazards.

- Contrary to the zoning objective.
- No precedent for infill development of 6 no. houses in the area.
- Existing backland development to the rear of no.4 Sweet Briar Lane has been ignored.
- Proposed development fails to address previous reasons for refusal of planning permission on this site.
- Public open space is not being provided by the proposed development.
- The Further Information process did not result in the substantial or meaningful redesign or a reduction in the quantum of development proposed.
- Proposed boundary treatment is unsatisfactory.
- The applicant has failed to demonstrate the ability of emergency vehicle and refuse vehicles to access the site.
- Condition no.2 fails to address negative impacts on residential amenities.
- The applicant has failed to set out a robust case for the demolition of the existing dwelling.
- The proposed development constitutes backland development.
- Does not respect the character of the area, particularly the hipped roof forms.
- The visual impact is at least negative, very significant and permanent in nature.
- The proposed 2 bed dwellings are more akin to small 3 bed dwellings based on their floor area.
- Rear garden lengths and sizes are not in compliance with the Development Plan standards.
- Proposed development would materially impact the value of surrounding properties.
- Potential negative impact on the structural integrity of neighbouring properties.
- Clearance of the site has already led to flooding issues in the rear gardens of surrounding properties.

- No tree survey or arboricultural impact report, ecological impact assessment, including a bat survey, Appropriate Assessment Screening, topographical survey, traffic impact assessment or swept path analysis have been provided by the applicant.

6.2. Applicant Response

6.2.1. The response of the applicant, to the grounds of appeal can be summarised as follows:

- All concerns raised by local residents have been addressed by the applicant in response to the additional information requested.
- References by the appellants to precedent decisions are unfounded as the decisions date back over 20 years during which Irish society and government policy changed significantly.
- The proposed development has been designed to meet current national and local policies and objectives.
- All rear garden sizes refer to the garden area to the rear of the dwelling unit.
- The appellants have not included a professional drainage or flooding assessment in their appeal.
- The proposed development aims to utilise existing resources and preserve the unique character of the area, through a design that integrates with the local architecture and landscape.
- The location of the proposed development within walking distance of many facilities will encourage pedestrian-friendly engagement and reduce vehicular congestion.
- There is an agreement with the inhabitants of no.79 Slieve Rua Drive to insulate and soundproof the gable wall adjacent to the proposed roadway, and also to plant evergreen trees on both sides of the boundary wall to minimise views from dwellings no. 3 and 4.
- Other neighbouring properties have been approached to discuss planting measures.

- Precedent infill development within the appellant's property dispels the idea that the proposed development will create traffic and flooding issues.
- No part of the proposed development is underground.
- No.86A Slieve Rua Drive represents an infill development within the appellants lands which demonstrates the acceptability of a distinct house design and height difference compared to existing development.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority refers the Board to the Planning Officer's Report as the grounds of appeal do not, in the opinion of the Planning Authority, raise any new matters which would justify a change of attitude to the proposed development.

6.4. Observations

- 6.4.1. An observation from Patricia Carolan was received by the Board on the 12th September 2023 and can be summarised as follows:
- Irish Water have not properly considered the feasibility of connecting the proposed development to existing water and wastewater infrastructure.
 - Irish Water have failed to take account of known drainage capacity issues in the area and overflow flooding as a result of this.
 - The planning authority's Appropriate Assessment (AA) Screening incorrectly states that the proposed development does not involve the potential for discharge into a watercourse leading to a coastal European Site.
 - There is a risk of hydrocarbons from parked vehicles entering the watercourse and being discharged into the South Dublin Bay Special Area of Conservation (SAC).
 - The proposed development is exceptional in the context of the existing environment as it represents a very considerable increase in density.
 - A full Environmental Impact Assessment Report (EIAR) is required under Appendix 3 of the County Development Plan.

- No cycle audit provided, as required by Appendix 3 of the County Development Plan.
- The dwellings on Slieve Rua Drive were developed in the 1950s as part of the Redesdale Garden Estate, therefore the provisions of the Development Plan regarding the retention of the physical character of the area in the event of infill development are particularly applicable.
- The Construction Management Plan does not address the concerns of nearby residents.
- The security of surrounding properties will be compromised by the proposed development as it will allow for access to rear gardens which have previously been inaccessible. In particular, the rear garden of no.86 Hazel Avenue will be exposed due to the proposed open fence along this boundary.
- The applicant's reliance on a fire hydrant to cater for any concerns over fire is inadequate.

The remaining issues raised in this observation are covered in the grounds of appeal. It is noted that the submitted observation included appended attachments as follows:

- Confirmation of Feasibility application to Irish Water.
- Irish Water Confirmation of Feasibility Assessment.
- Rathmore Avenue Flood Alleviation Feasibility Report.
- AA Screening Map extracts.
- Planning Authority AA Screening Report extracts.

7.0 Assessment

7.1.1. 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:

- Surface Water & Flood Risk

- Foul Drainage
- Design & Layout
- Parking & Access
- Residential Amenity
- Justification for Demolition
- Other Matters
- Appropriate Assessment Screening

7.2. Surface Water & Flood Risk

- 7.2.1. From undertaking my site visit it was evident that the site slopes slightly towards the southern boundary of the site. It would appear that the applicant's Engineering Report is correct in stating that there is fall of approximately 0.6m in the topography of the site from north to south.
- 7.2.2. I note concerns have been raised about the proposed backfilling of an existing drain/watercourse which traverses the southern boundary of the site on an east-west axis. Having inspected this area of the site, I am of the view that this is a watercourse as it is identified as a part of Kilmacud Stream on flood mapping. It appears to be in the form of an open drain that discharges via a drainpipe to an existing manhole located in the southeastern part of the site, as suggested by MTW Consultants Ltd. in their Engineering Report submitted on behalf of the applicant. This report also states that the drainpipe was fully blocked, upon inspection, causing a build-up of water in the open drain. The drain was noted to receive water seepage from the west due to previous backfilling undertaken outside the confines of the site.
- 7.2.3. Given the impact of the blocked drainpipe on the open drain at this part of the site and the sloping topography of the site which naturally drains towards this area, I am of the view that the applicant's proposal to install a 200mm perforated land drainpipe wrapped in geotextile connected to the existing manhole, to unblock the drainpipe into which the open drain discharges and to backfill the ditch, is acceptable and will not give rise to any flood risk onsite or elsewhere. I also note that the proposed site landscaping will eliminate the natural slope of the site thereby flattening the

topography and discouraging surface water flow towards the area in which the open drain is located.

- 7.2.4. The retention of the drain to the south of the site in culvert form and the unblocking of the drainpipe will serve to facilitate an unimpeded flow of water at this point of the Kilmacud Stream. The proposed development will not lead to an increase in discharge to the stream, as a result of onsite sustainable drainage measures such as rainwater harvesting tanks, rain gardens and permeable paving. In addition, I note that the planning authority drainage department have not objected to the proposed development.
- 7.2.5. I note that flood risk concerns have been raised by the appellants and observer and it has been contended that previous flood events in the vicinity of the site have been impacted by the drainage of this site. This contention is supported by pictures of past flood events on Rathmore Drive to the east of the site and the fact that the Flood Zone Map 2 of the Development Plan notes previous foul water flood events to the east and west of the site and a previous surface water flood event to the east of the site. In addition, floodinfo.ie notes that a past flood event occurred in 2011 to the east of the site in an area that appears to align with that of the previous foul water flood event identified in the Development Plan. This area appears to cover Dale Drive further to the east of the site and to where the culverted Kilmacud Stream flows.
- 7.2.6. Notwithstanding this, the applicant has considered the assessment of flood risk as part of their Engineering Report which considers said previous flood events and determines that the proposed development poses no flood risk. Having considered this along with the concerns of the appellants and observer, and the report and recommendation of the Planning Authority Drainage Department, I am satisfied that the proposed development is not likely to result in a flood risk onsite or elsewhere as it will not lead to an increase in discharge to the culverted Kilmacud Stream.

7.3. Foul Drainage

- 7.3.1. I note that the observer has raised concerns surrounding the accuracy of Irish Water/Uisce Eireann's assessment of the proposed development, and both the observer and the appellants have referenced wastewater capacity issues in the wider area. Notwithstanding this, neither the planning authority nor Irish Water/Uisce

Eireann have identified any capacity issues for wastewater or water supply specifically related to this site.

- 7.3.2. With regard to the Irish Water/Uisce Eireann assessment of wastewater drainage capacity obtained and provided by the observer under FOI, I note that the foul demand calculation reflects the developer's calculation of demand from 6 no. dwellings, rather than the commercial units as supplied by 3rd parties. I also note that the confirmation of feasibility issued by Irish Water/Uisce Eireann on the 2nd May 2023 refers to the development of 7 no. units as part of a mixed use development, which is more than the proposed 6 no. dwellings. Notwithstanding the requirement for the development to be subject to a water and wastewater connection agreement with Irish Water/Uisce Eireann, I am of the view that Irish Water/Uisce Eireann have determined that there are no capacity issues for a higher level of development. This is not to the detriment of the proposed development.
- 7.3.3. I therefore consider the proposed development to be acceptable in light of the assessment of drainage capacity issues by the above competent drainage authorities. I note that the assessments of the competent drainage authorities were also undertaken within a more recent timeframe than previous assessments referenced by the appellant dating to 2013. This better reflects the current water and wastewater capacity.

7.4. Design & Layout

- 7.4.1. I note that the surrounding area is residential suburban in nature characterised by low density single and two storey dwellings. The proposed development is located within the curtilage of a single storey semi-detached bungalow dwelling which is bounded to the east by semi-detached two storey dwellings and to the west by semi-detached single storey bungalow dwellings. The roofscape of the surrounding area is characterised by a mixture of hipped roofs and pitched roofs, with Slieve Rua Drive mostly consisting of hipped roofs. The architecture of the existing bungalow dwelling is not particularly striking, except for the arched porch doorway which appears to be a feature of all existing bungalow dwellings along Slieve Rua Drive.
- 7.4.2. In the absence of any architectural assessment of the existing dwelling, I consider the hipped roof design to be a consistent feature of existing dwellings on Slieve Rua Drive. Given that the proposed dwellings fronting onto Slieve Rua Drive (House 1 &

2) include for pitched roofs, I do not consider them to be in keeping with the character of the area. In the event of a grant of permission, I am of the view that said houses should be conditioned to include hipped roofs.

7.4.3. I note that the building lines of House 1 & 2 were altered at FI stage to align with that of nos.81 and 82 Slieve Rua Drive. I agree with this alteration as it provides for continuation of the building line along Slieve Rua Drive and will distinguish the building line of the proposed two storey dwellings from that of the neighbouring single storey bungalow dwelling.

7.4.4. The proposed development includes 6 no. dwellings on a site measuring approximately 0.15 hectares. This allows for a site density of approximately 40 dwellings per hectare, which is below the recommended density standards set out in the Compact Settlement Guidelines for an infill site in an urban neighbourhood in Dublin but is above the minimum default density for new residential development set out in the County Development Plan. Having regard to the constraints of the site and the character of the surrounding area, I consider it acceptable to provide this density of development at this site.

7.5. Parking & Access

7.5.1. In the absence of any dedicated refuse storage and in light of the applicant's suggestion that refuse bins be collected from the existing roadway, I consider the refuse collection proposal for the proposed development to be unacceptable and agree with the appellant's concerns on this matter. It is not satisfactory to expect up to 12 no. refuse bins to be simultaneously collected from the existing roadway as this is likely to create access issues for pedestrians on Slieve Rua Drive, a visually cluttered streetscape and ancillary health and safety concerns due to the congregation of a large amount of bins in a confined area.

7.5.2. In light of concerns raised by the Planning Authority and 3rd parties surrounding accessibility to the site for refuse vehicles and the applicant's suggestion that refuse bins be collected from the existing roadway, I consider that the provision of an accessible bin collection area for both future residents and refuse collection vehicles within the confines of the internal roadway should be conditioned, in the event of a grant of planning permission.

- 7.5.3. In addition to the negative impact of the refuse collection proposal on pedestrian accessibility, no dedicated footpaths facilitating pedestrian access from Slieve Rua Drive are provided in the proposed development. Although, I note that the applicant proposes to provide for shared surfacing of the internal carriageway which will allow for pedestrian access and egress to and from the site. No public lighting is proposed as part of the proposed development which serves to discourage pedestrians from accessing the site, particularly during hours of darkness when visibility would be limited and it would not be evident that the internal carriageway is a shared surface. I also note that the County Development Plan requires lighting to be provided where new junctions are created. I consider that this can be remedied by way of condition, in the event of a grant of planning permission, requiring the provision of public lighting within the proposed development and at the new access junction to Slieve Rua Drive.
- 7.5.4. I note that the planning authority requested a Cycle Audit at FI stage from the applicant, in accordance with the provisions of the County Development Plan. The applicant did not provide an audit but did commit to allowing for cycle storage within the rear garden area of the proposed dwellings, which is considered to be an acceptable response.
- 7.5.5. I note that 7 no. car parking spaces are provided as part of the proposed development, and this has been considered to be acceptable by the planning authority. The appellant's have raised concerns about the potential overspill of cars onto Slieve Rua Drive as a result of an under provision of car parking spaces within the proposed development. The recently published ministerial guidelines promote the reduction and/or elimination of car parking in favour of active travel measures, however, given the evident occurrences of informal on-street parking along Slieve Rua Drive witnessed on my site visit, I consider it necessary to require the maximum level of car parking spaces on this site, namely 1 no. car parking space per dwelling. The provision of electric vehicle charging infrastructure at each allocated parking space is a welcome addition to the proposed development which futureproofs the dwellings for the use of electric vehicles. The addition of 1 no. visitor car parking space is considered to be acceptable and necessary to discourage informal parking on Slieve Rua Drive.

7.5.6. I note that concerns have been raised about the accessibility of the site for emergency vehicles which was substantively addressed at FI stage. The planning authority have determined the proposed arrangements for emergency fire vehicles to access the site to be acceptable and I agree with the planning authority on this matter.

7.6. Residential Amenity

- 7.6.1. I note that concerns have been raised about the potential for the proposed development to be overbearing, leading to overshadowing and overlooking of adjacent dwellings. I also note the provisions of the recently published Compact Settlement Guidelines which refer to a minimum separation distance of 16m between opposing windows serving habitable rooms at the rear or side of houses above ground floor level. Given that the applicant has provided sufficient information to demonstrate compliance with this provision, I am satisfied that the proposed development will not lead to undue overlooking or overshadowing of adjacent dwellings and will not create an overbearing impact due to the layout and orientation of the dwellings.
- 7.6.2. I note that concerns have been raised about the height of existing boundary walls and fences which will not provide sufficient screening from the proposed development for adjacent dwellings. Having regard to this, the applicant has submitted a boundary treatment and landscape plan which shows that the boundaries of the proposed development will be supplemented by improved boundary treatments and increased boundary heights. I am therefore satisfied that the proposed development will be sufficiently screened from adjacent dwellings.
- 7.6.3. With regard to the residential amenity of future residents, I note that rear garden depths have been raised as an issue by the appellants. With the recent publication of the Compact Settlement Guidelines, minimum private open space standards have been clarified for 2 and 3 bed developments. I am of the view that the proposed development meets these minimum private open space standards and therefore will not negatively impact the residential amenity of future residents. The guidelines and the Development Plan also state that financial contributions in lieu of the provision of public open space is acceptable, and given the constraints of the site, I am satisfied

that such contributions can be conditioned, in the event of a grant of planning permission.

- 7.6.4. Having regard to the above, I am not of the opinion that the proposed development constitutes overdevelopment of the site as it fails to negatively impact the residential amenity of adjacent dwellings and/or future residents. I also consider that the proposed development represents an appropriate increase in density on what is an infill site located within an accessible urban area. This is generally in accordance with national, regional and local planning policy in this regard.

7.7. Justification for Demolition

- 7.7.1. I note that the planning authority have deemed the existing dwelling at 80 Slieve Rua Drive to be in a poor state of disrepair requiring works to bring it to a habitable condition, therefore justifying its demolition. In establishing this, the planning authority further contended that the footprint of the dwelling inhibits access to the rear of the site, therefore preventing the development of infill land within a serviced urban area. In addition to this, the applicant has stated that the property is showing signs of structural decay and does not lend itself to economical upgrading, particularly with regard to meeting energy conservation regulations. The appellants have determined that the existing dwelling is habitable.
- 7.7.2. In the absence of any structural assessment of the existing dwelling and having inspected the dwelling on my site visit, I am not of the view that the existing dwelling could not be readily rendered habitable. I am also not in agreement with the planning authority regarding the footprint of the property preventing access to the rear of the site as the site could potentially be accessed from a private laneway to the rear.
- 7.7.3. Notwithstanding the above, I note that the existing dwelling carries little architectural merit and coupled with the need to provide compact growth and greater levels of density on such infill sites, I am satisfied that a reasonable justification exists for the demolition of the existing dwelling.

7.8. Other Matters

- 7.8.1. I note that the observer queried the outcome of the AA Screening of the planning authority, however, I note that the Board is required to undertake AA Screening of the proposed development de novo.

- 7.8.2. The observer has also queried the need for EIA and argues that mandatory EIA is required under Appendix 3 of the County Development Plan. I note that this refers to Development Management Thresholds. I refer to section 5.4 above and my assessment in Appendix 1 & 2 of this report.
- 7.8.3. I note, from undertaking my site visit, that significant overgrowth and tree removal has taken place to the rear of the existing bungalow onsite, and I note that a number of trees are proposed to be removed without any professional assessment of their value to support this. Notwithstanding this, I do not consider the overall tree loss onsite to be significant, however a condition relating to protection of retained trees should be imposed, in the event of a grant of planning permission.

7.9. Appropriate Assessment Screening

- 7.9.1. I note that the application was not accompanied by a screening report for Appropriate Assessment. The Local Authority undertook Appropriate Assessment Screening and concluded that the proposed development would not significantly impact upon a Natura 2000 site.
- 7.9.2. The site is not located adjacent to a European Site but appears to drain to a culverted stream, namely Kilmacud Stream, which appears to discharge to the South Dublin Bay & River Tolka Estuary Special Protection Area (004024) and the South Dublin Bay Special Area of Conservation (000210), located approximately 3km from the site. There is therefore a likelihood that an indirect hydrological pathway may develop between the site and a European Site by means of surface water runoff. This indirect hydrological pathway to a marine environment is considered to be insignificant due to the considerable distance and intervening land uses between the proposed development and the European Site in question. In addition, the proposed development includes standard best practice drainage methods and operational sustainable drainage systems which will reduce the level of surface water runoff.
- 7.9.3. Given the size and scale of the proposed development, the location of the proposed development in an established urban area that is suitably serviced, and the nature of works involved, I am of the view that the proposed development will not lead to a likely significant effect on the qualifying interests of any European Site.
- 7.9.4. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out

Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 7.9.5. This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

7.10. Conclusion

- 7.10.1. Having regard to the above, I consider the proposed development, as modified at Further Information and Clarification of Further Information stage, would be acceptable and would not give rise to drainage, design overlooking, parking and accessibility concerns. The proposed development, as modified, will positively contribute to the character of the area and allow for the development of an infill site in an accessible area, without negatively impacting existing and future residential amenities. Thus, I conclude that a grant of planning permission should be issued, subject to conditions.

8.0 Recommendation

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to nature of the proposed development, the constraints of the site and the zoning of the site for residential development, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines. 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 retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted in response to a Further Information Request on the 3rd day of May 2023 and in response to a subsequent Clarification of Further Information Request on the 27th day of June 2023, 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>The proposed development shall be amended as follows:</p> <p>(a) Amend the roof form of houses no. 1 and 2 to include for a hipped roof form.</p> <p>(b) Provision of a waste collection area within the confines of the internal road network within the development.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the</p>

	<p>Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interests of sustainable waste management.</p>
5.	<p>The internal road network serving the proposed development [including turning bays, junctions, parking areas, footpaths and kerbs] shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water and a draft wayleave agreement, shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
7.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer.</p> <p>(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.</p> <p>Reason: In the interest of public health.</p>

8.	<p>Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>
9.	<p>Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats or badger setts on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.</p> <p>Reason: In the interest of nature conservation.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement</p>

	<p>empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.</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>
14.	<p>The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of public open space, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and</p>

	<p>shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.</p>
15.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
16.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not</p>

	<p>being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</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.

Conor Crowther
Planning Inspector

15th March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317813-23		
Proposed Development Summary	The development consists of the demolition of 80 Slieve Rua Drive and the construction of five two storey, two-bedroom dwellings and one two storey three-bedroom dwelling and associated works.		
Development Address	80 Slieve Rua Drive, Kilmacud, Blackrock, Co. Dublin, A94 N6Y5		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	✓	Class 10(b)(i) and (iv)/ min. 500 dwelling units and/or an area greater than 10 ha	
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: **Conor Crowther** Date: **15th March 2024**

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317813-23	
Proposed Development Summary	The development consists of the demolition of 80 Slieve Rua Drive and the construction of five two storey, two-bedroom dwellings and one two storey three-bedroom dwelling and associated works.	
Development Address	80 Slieve Rua Drive, Kilmacud, Blackrock, Co. Dublin, A94 N6Y5	
<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, emissions or pollutants?</p>	<p>Given the location of the proposed development in a suburban area where infill residential development of a similar nature has previously been permitted, I do not regard the nature of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p> <p>No</p>
<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 regard to other existing</p>	<p>Given the location of the proposed development in a suburban area where infill residential development of a similar size has previously been permitted, I do not regard the size of the proposed development to be exceptional in the context of the existing environment.</p>	<p>No</p>

