

An
Bord
Pleanála

Inspector's Report

ABP-318110-23

Development	<i>Demolition of shed/garage, construction of dwelling house and associated site works</i>		
Location	<i>100 Boot Road, Clondalkin, Dublin 22, D22 N2N9</i>		
Planning Authority Ref.	<i>SD23A/0152.</i>		
Applicant(s)	<i>Elaine McKernan</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Elaine McKernan</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>23/12/2023</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located at 100 Boot Road, Clondalkin, Dublin 22 D22 N2N9 The site comprises of an end of terrace house with front and rear gardens. The rear garden stretches back as far as Brideswell Lane to the rear. A single storey detached garage which forms part of the site faces out onto the same lane. There are a number of car repair enterprises, including a large metal clad garage operating a commercial business on the adjoining site to the south No.101. The lane culminates in a cul de sac.

2. Description of development. *The proposed development comprises of Permission for:*

- Demolition of existing Shed and Garage buildings to the rear of existing dwelling.
- Construction of 1 no. 2-bedroom, pitched roof, detached mews dwelling house fronting on to Brideswell Lane,
- Vehicular entrance off Brideswell Lane,
- Connections to public services and all associated site works.
- Provision of rear garden private open space and
- 2 parking spaces accessed off Brideswell Lane.

3. Planning History.

Subject Site

- SD23B/0206 – permission to relocate existing front door and all associated site works. Granted Permission

Adjacent

- SD19A/0385 - 99 Boot Road, Clondalkin, Dublin 22. Conversion of an existing single storey structure into a two bed mews dwelling refused permission by SDCC and granted permission on first party appeal to the Board (ABP306855-20)
- SD22A/0062 - 104 Boot Road, Clondalkin, Dublin 22 (1)The demolition of the existing shed/garage building to the rear of the existing dwelling; (2) the construction of 2 2-bedroom, 3 person detached two storey pitched roof mews dwellings refused permission by SDCC and granted permission on first party appeal to the Board (ABP313577-22)
- SD19A/0131 - 104 Boot Road, Clondalkin, Dublin 22 Demolition of shed buildings; construction of a 2 storey, 2 bedroom detached dwelling granted permission by SDCC

4. National Planning Policy

Project Ireland 2040 National Planning Framework (NPF)

- Section 5.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and

consolidation of urban areas is required to minimise urban sprawl and is a top priority. 40% of future housing delivery is to be within the existing footprint of built up areas (National Policy Objective 3a).

- National Policy Objective 35 of the NPF seeks to “Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

Local Planning Policy

- The South Dublin County Development Plan 2022- 2028 was adopted by the Planning Authority on 22nd June 2022 and came into effect on 3rd August 2022.
- The following polices/objectives of the plan apply:
 - The site is zoned as RES in the above plan the objective of which is ‘*To protect and improve residential amenity*’
 - Policy H13: Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County
 - H13 Objective 2: To maintain and consolidate the County’s existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.
 - Section 12.6.8 (Residential Consolidation) notes that development on infill sites should meet the following relevant criteria:
 - “Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
 - A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development.
 - On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required,

through density, features such as roof forms, fenestration patterns and materials and finishes...

- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development..."
- Section 12.6.8 notes that "The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:
 - -Be guided by a site analysis process in regard to the scale, siting and layout of development;
 - Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;
 - Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;

5. Natural Heritage Designations

- The nearest designated site is the Rye Water Valley/Carlton Special Area of Conservation (SAC) (Site Code: 001398) c. 8.3km to the north-west of the site
- The proposed Natural Heritage Area (pNHA): Grand Canal is also located c. 1.6km to the site's north.

Development, Decision and Grounds of Appeal

6. PA Decision.

Permission was refused for the following reason:

The proposed development, by reason of its location within Brideswell Lane and the associated lack of pedestrian and cyclist infrastructure which is unsuitable for residential development in its current form due to poor road dimensions and supporting facilities, is considered to constitute piecemeal and haphazard development and would therefore be contrary to Section

12.6.8 (Backland Development and Infill Sites) of the South Dublin County Council Development Plan 2022-2028. Furthermore, considering the proliferation of informal on-street parking within Brideswell Lane due to commercial and childcare operations along the Lane and the inadequate access and navigation route for refuse and emergency vehicles, it is considered that the proposed development would endanger public safety by reason of traffic hazard and therefore would materially contravene the 'RES' land-use zoning objective for the area in the County Development Plan and would seriously injure the amenities of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

7. First Party Appeal.

The grounds of the first party appeal area as follows:

- The subject site forms part of the rear garden of 100 Boot Road, a residential home on a terrace of 4 houses, numbered 97 to 100. Recent applications for similar developments have been refused by SDCC and subsequently granted by An Bord Pleanala
- The proposed development is in accordance with the current SDCC Development Plan and Sustainable Residential Development in Urban Areas ~ Guidelines for Planning Authorities DEHLG, 2009.
- Issues with respect of traffic safety, pedestrian safety and cycle access have been addressed successfully in previous adjacent planning applications
- Details with respect of boundary treatment could have asked for by way of a further information request but the Planning Authority did not request such details
- While the planning applications for numbers 97, 99 and 100 Boot Road have been made separately they form part of a coordinated effort by existing Boot Road residents to develop the serviced lands at the rear of their properties and to enhance the character of Brideswell Lane and therefore the development is not considered piecemeal

8. PA Response

- None received

Environmental Screening

9. EIA Screening

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

10. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Zoning & Council Policy
 - Backland Development
 - Access & Parking
 - Visual Amenity Issues
 - Residential Amenity Issues
 - Connections to Services

2.2. Zoning & Council Policy

- 2.2.1. The proposed development is located on lands zoned as RES in the South Dublin County Development Plan 2022-2028 the objective of which is *'To protect and improve residential amenity'* The development plan allows for a new residential dwelling on lands zoned with this zoning objective
- 2.2.2. Policy H14 of the current statutory development sets out policy with respect of Residential Consolidation and seeks to promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County
- 2.2.3. In addition, the National Planning Framework 2040 seeks to locate 40% of all new residential development on brownfield sites within existing settlements.
- 2.2.4. With respect of the same therefore the principle of residential use at this location is supported by local and national policy and in this regard I consider the proposed development is acceptable in principle at this location.

2.3. Backland Development

- 2.3.1. Given the presence of the laneway serving these lands I do not consider the proposed development to be 'backland development'. However, in the proposed context the provisions of section 12.6.8 of the SDCC Development Plan are pertinent to this assessment. In particular the section states that the proposal should be guided by a site analysis process in regard to the scale, siting and layout of development; should avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area; and should demonstrate that there is no undue overlooking or overshadowing.
- 2.3.2. It is noted that a dwelling has been granted in the rear garden to the east of the proposed development site at 99 Boot Road and two dwellings in the rear garden of 104 Boot Road. It is clear therefore that precedent has been set for residential development in the rear gardens of existing properties at this location.
- 2.3.3. While the proposed development may constitute piecemeal development, I would consider that it would be difficult for these rear garden sites to be developed

comprehensively unless by way of input from the local authority. It is therefore up to the development management process to plan the development of these rear garden sites as comprehensively as possible in such circumstances

- 2.3.4. The proposed development comprises of a 2 storey dwelling with half hipped gable facing towards Brideswell Lane. This is a similar form of dwelling granted in the adjacent site (99 Boot Road) on appeal to the Board under SD19A/0385. 2 parking spaces are proposed to the front of the house off the lane.
- 2.3.5. No overlooking or overshadowing of adjacent properties will result as a consequence of the proposed development
- 2.3.6. With respect of the above, I generally consider that the proposed development complies with 12.6.8 of the SDCC Development Plan with respect of residential consolidation in urban areas.

2.4. Access & Parking

- 2.4.1. Vehicular access to the proposed development is by way of an open access onto Brideswell Lane. There is no boundary treatment proposed and the entire area between the lane and the proposed dwelling is to be a hard surface with no soft landscaping treatment. There is sufficient space for 2 car parking spaces though it is unlikely that there will be sufficient room for turning within the space. In any rate, there are more than sufficient parking provided to meet development plan standards which I note the standard requirement under the development plan for a 3 bed units is one space.
- 2.4.2. The lane itself has no dedicated space for pedestrians and cyclists and there is haphazard parking all along the lane which most likely is a consequence of the various car repair garages along the lane.
- 2.4.3. I note that the lane is in charge of South Dublin County Council – there is scope therefore for the council to implement pedestrian and cycle measures and restrict car parking
- 2.4.4. The report from the Roads Department on file recommends that the proposed development be refused on the grounds that

- The proposed development would introduce a significant increase in pedestrian/cyclist activity on the laneway, and the safe movements of this cohort have not been catered for in the proposal
- There is no public footpath.
- The public lighting requires upgrading
- Neither safe access or turning can be achieved by emergency vehicles or bin trucks along, or at the end of, the laneway.

2.4.5. The Roads Department recommend in the event that permission is granted that it is conditioned that:

- i. The applicant provides a drawing to the planning authority demonstrating how vehicular traffic, cyclists and pedestrians would share the laneway; specifically, how pedestrians and cyclists would safely come and go from the proposed dwelling.
- ii. The applicant to provide an AutoTRAK dwg which displays: (a) Vehicular access/egress/turning movements (b) Bin Truck/Emergency Vehicle access/turning movements along the laneway
- iii. The boundary walls at vehicle access points are limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
- iv. Vehicular access point shall not exceed a width of 3.5 meters.
- v. Any gates shall open inwards and not outwards over the public domain.
- vi. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.
- vii. The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.
- viii. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC.

2.4.6. While the above is noted much of the requirements set out by the Roads Department are out of the control of the applicant and in particular with respect to Item (i) and (ii) above.

- 2.4.7. The fundamental issue at stake here is as to whether the lane as it is currently can facilitate the extra traffic movements that would result as a consequence of the proposed development and as to whether or not the lane is a safe space for pedestrians and cyclists.
- 2.4.8. Traffic speeds on the lane are relatively slow as a consequence of its narrow width and having regard to the haphazard parking along the same.
- 2.4.9. Regard must also be had to the fact that the adjacent site at 99 Boot Road has benefit of planning permission as granted under ABP-306855-20. The proposed development site is almost identical in nature to that of 99 Boot Road. With respect of this development, the Board considered that the dimensions of the laneway are sufficient to accommodate the addition of the proposed residence without endangering public safety by reason of traffic safety.
- 2.4.10. On the basis of this precedent, I consider that the proposed development should be facilitated as I do not consider that the traffic generated by a further dwelling along the lane would result in any significant traffic hazard implications.

2.5. Visual Amenity Issues

- 2.5.1. The proposed development is for a 2 storey dwelling with hipped gable facing the proposed laneway. The dwelling is not too dissimilar to that granted under ABP-306855-20 on the adjacent site. I am of the opinion that subject to material finishes being agreed with the Planning Authority that the proposal is considered acceptable.

2.6. Residential Amenity Issues

- 2.6.1. The proposal includes for a rear garden which is 7.9 metres in depth and with 60.sq.m. of private open space. I further note that there is more than 22 metres between the first floor windows of the proposed dwelling and the opposing first floor windows of the existing house at 100 Boot Road. With respect of the above, the proposal meets the minimum requirements with respect to standards of private open space and residential amenity of the current statutory development plan serving the area.

- 2.6.2. There are no windows on the proposed house which will overlook the rear gardens of adjacent properties.
- 2.6.3. No overshadowing will result as a consequence of the proposed development.
- 2.6.4. Boundary details are not proposed but in the case where the Board decides to grant permission such details can be agreed by way of condition.

2.7. **Connections to Services**

- 2.7.1. A report from Irish Water on file states that there is no objection to connection to water and foul water services at this location.
- 2.7.2. A report from Water Services on file states that Surface water should be attenuated above ground, by means of Sustainable Urban Drainage Systems (SuDs) details to be agreed prior to the commencement of development.

3.0 **Recommendation**

- 3.1. I recommend that permission for the development be granted.

4.0 **Reasons & Considerations**

- 4.1. Having regard to the information submitted with the application and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning objective for the site and the policies with respect of residential extensions as set out in the South Dublin County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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
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	<p>developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Boundary details to the rear, front and side boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
5.	<p>The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of development.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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: To safeguard the residential amenities of adjoining property in the vicinity</p>

7.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
9	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<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>

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.

Andrew Hersey

Planning Inspector

23rd January 2024

Site Location Map

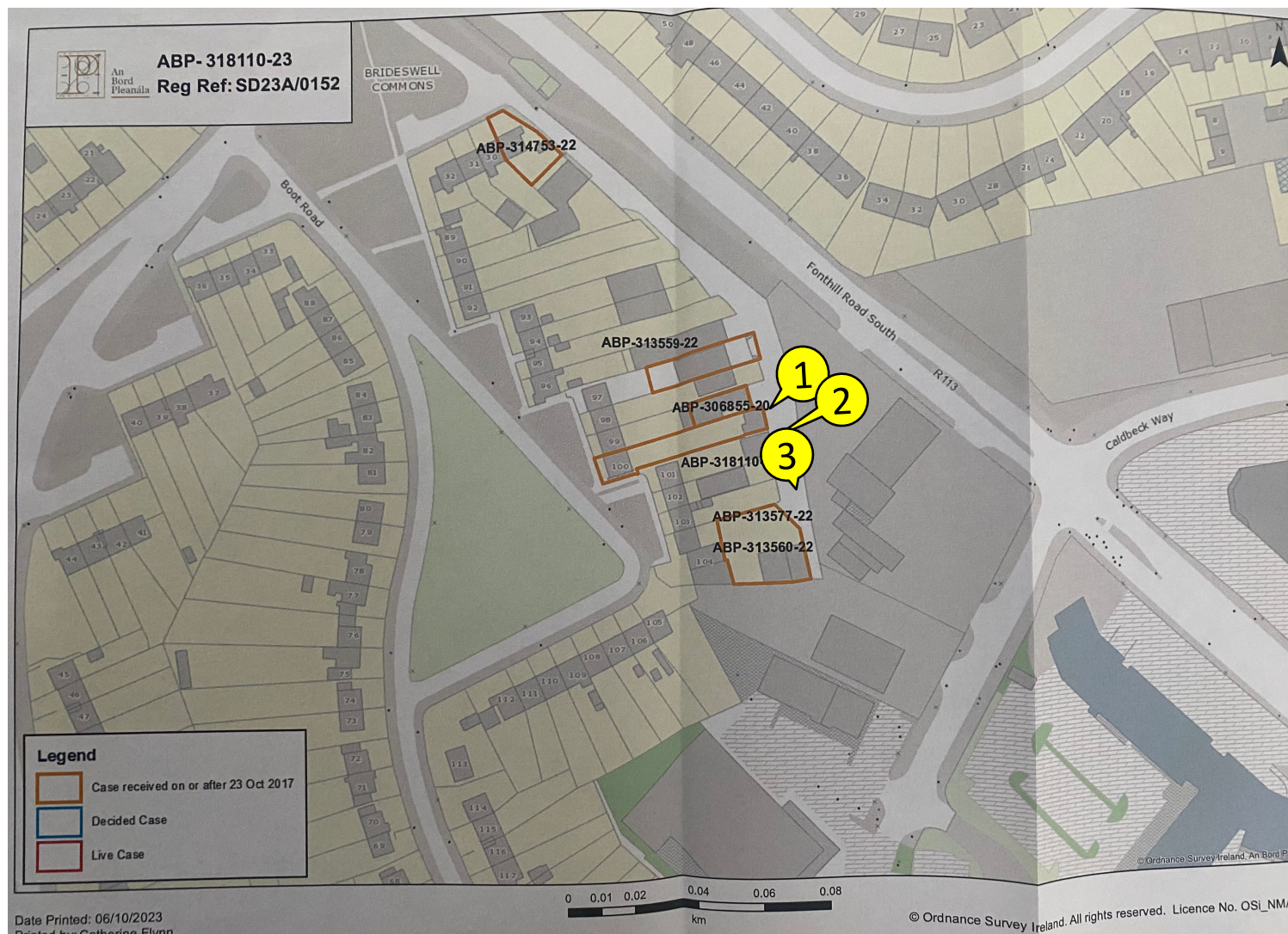


Photo 1



Photo 2



Photo 3

