



An
Bord
Pleanála

Inspector's Report

ABP-318348-23

Development	Construction of 4 no. houses, access, and all ancillary works
Location	43/44 Silchester Road, Glenageary Co. Dublin
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D23A/0531
Applicant(s)	Cian & Connor Crowley
Type of Application	Permission
Planning Authority Decision	Granted subject to 22 no. conditions
Type of Appeal	Third Party
Appellant(s)	(1) Colm Hardiman & Averil Roche, (2) Una & Beverly Hanley
Observer(s)	None
Date of Site Inspection	22 nd December 2023
Inspector	Bernard Dee

1.0 Site Location and Description

The appeal site which is 0.160ha in area is located on Silchester Road, Glenageary which is located approximately 1km south of the People's Park in Dun Laoghaire. The site is located to the rear of Nos. 43 and 44 Silchester Road. The houses on Silchester Road are a mix of styles and periods but Nos. 43 and 44 appear to date from the post-war period. The subject properties are two storey detached houses with a single storey garage in between which it is proposed to demolish to provide access to the long rear gardens within which the residential development is proposed.

2.0 Proposed Development

It is proposed to construct 4 no. two storey houses plus attic space with 2 no. parking spaces per house. Landscaping works around the houses and on the boundaries of the site are proposed as part of the scheme.

There are two detached and a semi-detached proposed each of which has three bedrooms and an attic level for an office/bedroom. The style of the proposed houses is contemporary and the provision of a wall to the front of each house gives private amenity space to the front as well as to the rear of each house. No public open space is proposed.

The access road is located between Nos. 43 and 44, the construction of which involves the demolition of the single storey garage located between the two houses, the mutual boundary wall and also the removal of a section of the stone boundary wall fronting Silchester Road.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted on the 4th October 2023 subject to 22 no. conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planner's Report on file had regard to the following planning issues:

- Residential use is permitted in principle under the A zoning objective which seeks *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*
- The site is located within 750m or 10 minutes walk from Glenageary DART station and it is Development Plan policy to encourage higher density residential development within 1km of public transport nodes such as Glenageary DART station.
- Building heights proposed are acceptable especially having regard to the screening provided by Nos. 43 and 44 from the public Realm on Silchester Road.
- The first floor front balconies and oversized windows may have overlooking potential and should be omitted from any approved scheme.
- Space standards of the proposed dwellings and private amenity spaces attached to each are in compliance with Development Plan standards set down in Chapter 12.
- There are no significant concerns with regard to separation distances or shadow cast associated with the proposed layout nor with regard to servicing the proposed development.
- The access proposed appears capable of accommodating emergency vehicles and the provision of two parking spaces per dwelling is satisfactory.
- The Planner's Report did not feel that either Appropriate Assessment or Environmental Impact Assessment was necessary in connection with the proposed development.

3.2.2. Other Technical Reports

- Transportation Planning – sought Further Information on cycle parking, EV charging points, the access road as a shared surface to DMURS standards, boundary wall treatments regarding visibility when cars are exiting onto

Silchester Road and further dimensioned drawings to demonstrate that a fire tender could access the scheme. No Further Information was sought and the issues raised were addressed by means of conditions attached to the permission.

- Drainage Planning – no objection subject to conditions.

3.2.3. Prescribed Bodies

- EHO – no objection subject to conditions.

3.2.4. Observations

- Observations were received from Colin Hardiman & Avril Roche and Una & Beverly Hanley who are the Third Party appellants in this case and whose appeals reiterate the grounds of their submissions to the Planning Authority.

4.0 Planning History

4.1. On the Appeal Site

- D14A/0803: This comprises of modifications to a development previously permitted under Reg. Ref. D07A/1241, D03A/0399 and An Bord Pleanála Ref. PL06D.206023 of 36 apartments in 3 blocks of 3 and 4 storeys. These applications relate to a site to the north of the current appeal site and which the appeal site area formed part of (portion of the rear gardens of 40 to 46 Silchester Road). works.

4.2. In the Vicinity of the Site

- D21A/0878 and ABP 312307-21: This grant of permission relates to the development of one house to the rear of 34 Silchester Road.
- D21A/0876 and ABP 312308-21: This grant of permission relates to the development of 2 no. houses to the rear of 34 Silchester Road.
- D21A/0660: This grant of permission relates to the development of one house to the rear of 35 Silchester Road.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire Rathdown County Development Plan 2022-2028 was adopted on the 9th and 10th of March 2022 and came into effect on the 21st April 2022. This is the relevant statutory plan for the area.

The site is zoned Objective A for which the objective is *“to provide residential development and improve residential amenity while protecting the existing residential amenities”*.

Development Plan policy objectives PHP3 (Planning for Sustainable Communities), PHP18 (Increasing housing supply and promotion of compact urban growth through consolidating and re-intensifying of infill/brownfield sites), PHP19 (small infill development), PHP20 (Protection of existing residential amenity), PHP35 (Healthy Placemaking/Attractive Places), PHP40 (Shared Space Layouts), E16 (Sustainable Drainage Systems (SuDs), HER13 & HER21 (Protection of Architectural Conservation Areas) and Development Standards (Sections 12.3 Neighbourhood - People, Homes and Place [12.3.7.6 Backland & 12.3.7.7 Infill, 12.4 Transport, 12.8 Open Space and Recreation (incl. Boundaries), 12.9.4 Construction Management Plan and 12.9.10.2 Street Lighting] are also relevant to the consideration of this appeal.

Section 12.3.7.6 Backland Development (Development Management Standard)

Where the Planning Authority accepts the general principle of backland residential development to the rear of smaller, more confined sites, within the existing built -up area, the following standards will apply:

- Generally, be single storey in height to avoid overlooking.
- Appropriate scale relative to the existing dwelling and of high quality of design.
- Adequate vehicular access of a lane width of 3.7 metres must be provided to the proposed dwelling (3.1 metres at pinch points) to allow easy passage of large vehicles such as fire tenders or refuse collection vehicles.
- A wider entrance may be required to a backland development to or from a narrow laneway.

- Existing dwelling and proposed dwellings shall have minimum individual private open spaces - exclusive of parking - of 48 sq.m. each for one/ two-bedroom units, or 60 sq.m. plus for three/ four or more-bedroom units.
- Proposed single storey backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling, and with a minimum rear garden depth of 7 metres.
- Proposed two storey backland dwellings shall be located not less than 22 metres from the rear façade of the existing dwelling where windows of habitable first floor rooms directly face each other.
- Proposed two-storey backland dwellings should have a minimum rear garden depth for the proposed dwelling of 11 metres.
- A relaxation in rear garden length, may be acceptable, once sufficient open space provided to serve the proposed dwelling and the applicant can demonstrate that the proposed backland dwelling will not impact negatively on adjoining residential amenity. Where there is potential to provide backland development at more than one site/property in a particular area, the Planning Authority will seek to encourage the amalgamation of adjoining sites/properties in order to provide for a more comprehensive backland development, this should be discussed at pre-planning stage. Piecemeal backland development with multiple vehicular access points will not be encouraged.

12.3.7.7 Infill (Development Management Standard)

In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. 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. This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th century suburban ‘Garden City’ planned settings and estates that do not otherwise benefit from ACA status or similar. (Refer also to Section 12.3.7.5 corner/side garden sites for development parameters, Policy Objectives HER20 and HER21 in Chapter 11).

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024).
- South Dublin Bay Special Area of Conservation (Site Code: 000210).

5.3. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

Collectively and in summary, the grounds of appeal set down in the two Third Party appeals are as follows.

- The Planning Authority should have assessed the proposed 4 no. three storey houses under the 'Backland Development Standards' (Section 12.3.7.6 of the Development Plan) criteria as three storey housing development is incompatible with these standards and accordingly the proposed scheme should have been refused.
- The second floor front mansard windows will be a source of overlooking and lead to a loss of privacy in the rear garden, the kitchen and the living areas of the house. [Inspector's Note: The balconies are at first floor level]
- The proposed development will generate excessive vehicle movements in an area directly adjoining our property and will have a negative impact on the residential amenity of the area.

- There is an inadequate level of screen planting proposed between the appeal site and adjoining properties and the 2m high boundary wall is only proposed in front of the new houses and not along the party wall of adjoining properties.
- The proposed development given its greater height than those houses on Silchester Road and the massing of the 4 no. houses will represent a visually obtrusive development.

6.2. Planning Authority Response

- The Planning Authority response states that nothing contained in the Third Party appeals would justify a change of attitude to the proposed development.

6.3. Observations

- None received.

6.4. Further Responses

- Not applicable.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Comments by the appellants that the Planning Authority have used the wrong criteria in the Development Plan to assess the proposed development are not included in my assessment below as this is not a valid planning issue.

7.2. Having regard to the above the primary planning issues for assessment are as follows:

- Principle of development.
- Design and layout.
- Traffic.
- Landscaping.
- Appropriate Assessment.

7.3. Principle of Development

Having regard to the residential zoning attached to the land, its urban location with access to services and the governments Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the proposal for residential development at the appeal site is acceptable in principle.

7.4. Design and Layout

7.4.1. The appellants express concern that overlooking and loss of privacy will occur especially from the first floor balconies which face towards the rear elevations of those houses fronting Silchester Road. The Board should note that the appellants live in Nos. 42 and 45 Silchester Road which flank Nos. 43 and 44.

7.4.2. I note that Condition 2 attached to the grant of permission addresses this issue by the omission of the first floor balconies and the reduction in size of the bedroom windows to conventionally dimensioned window sizes.

7.4.3. I would concur with the Planning Authority assessment that the measures specified in Condition 2 will satisfactorily address issues of overlooking and loss of privacy.

7.4.4. The Board should note that even in the absence of the condition omitting the balconies, the distance between the rear facades of Nos. 42 and 45 to the new dwellings is in excess of 40m. Accordingly, I have modified the Planning Authority condition to permit the large bedroom windows in the interests of the amenity of future occupiers of the dwellings. Regard must be had to the fact that these rooms are bedrooms and unlikely to be used during the daytime when the occupants of Nos. 42 and 45 would be using their rear gardens. Any overlooking that occurs would be minimal and by chance and privacy would not be breached to any significant degree.

7.5. Traffic

7.5.1. The actual issue with traffic in the view of the appellants would be the noise levels associated with the vehicles of the occupiers of the 4 no. dwellings with 8 no. parking spaces and the consequent loss of amenity.

7.5.2. The trip generation associated with 8 no. parking spaces would be in the order of approximately 3 trips per space per day. This would result in approximately 24 trips per day or 2 trips per hour during the 12 hour working day (say 08:00-20:00).

7.5.3. The level of traffic generated by the proposed development would therefore be low and consequently any impact on the residential amenity of the area would also be low. In my opinion the worries expressed by the appellants on this issue are without substance in fact.

7.6. Landscaping

7.6.1. The appellants argue that the level of screen planting along the boundary walls with the proposed development are inadequate to protect the amenity of existing residents.

7.6.2. I have examined the landscape drawings and the Arboricultural Report and while there is extensive loss of trees associated with the proposed development, there is also an extensive replanting plan.

7.6.3. Specifically, relating to the appellants argument about the lack of screen planting on the mutual boundary, I draw the Board's attention to the 'Tree Constraints Plan' drawing which clearly shows hedging running along the mutual boundary walls. This hedge is also shown in the 'Tree Protection Plan' drawing.

7.6.4. Having regard to these facts the appellants arguments on this issue are without substance. A landscaping condition is included in section 10 of this report.

7.7. AA Screening

7.7.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site being approximately 2km, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the provisions of the Dun Láoghaire Rathdown Development Plan 2022-2028, including the zoning objective for the site Objective A for which the objective is “to provide residential development and improve residential amenity while protecting the existing residential amenities,” it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to Development Plan policy, would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and not, by virtue of overlooking lead to loss of privacy or amenity in neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th August 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>Prior to commencement of development, the developer shall submit drawings for the agreement of the planning authority showing:</p> <ul style="list-style-type: none">a) The proposed first floor front balcony elements of each of the proposed dwellings are to be omitted from the proposed development.b) Access to the roof of the ground floor roof element hereby permitted shall be limited to access for maintenance purposes only. <p>Prior to commencement of development, revised drawings of the front</p>

	elevation of each of the residential units is to be provided by way of compliance for the written agreement of the Planning Authority. Reason: In the interest of safeguarding neighbouring residential amenity.
3.	Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interest of visual amenity.
4.	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. Reason: In the interests of public safety and residential amenity.
5.	(i) Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority foul and surface water drainage plans for the proposed development showing the location of all drains, manholes, Ajs, etc., located within the site boundary. The information shall include pipe sizes and gradients of pipes. (ii) The water supply and drainage infrastructure, including the disposal of surface water, shall comply with the technical requirements of the Planning Authority. (iii) There shall be complete separation of the foul and surface water drainage systems. (iv) All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from http://environment.southdublin.ie (clickpublications then specifications). Reason: In the interests of public health and in order to ensure adequate drainage provision
6.	Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water. Reason: In the interest of public health.

7.	All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site. Reason: In the interest of visual amenity.
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: (a) A plan to scale of not less than 1:500 showing - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species. (ii) Details of screen planting which shall not include cupressocyparis x leylandii. (iii) Details of roadside/street planting which shall not include prunus species. (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels. (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment. (c) A timescale for implementation. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

10.	<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 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. Reason: To ensure the satisfactory completion of the development.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bernard Dee
Planning Inspector

8th March 2024