



An
Bord
Pleanála

Inspector's Report ABP318412-23

Development

Demolition of house and associated out-buildings, construction of 7 houses, access via existing vehicular entrance.

Location

Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78 Y5C2.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD22A/0390.

Applicant(s)

Nacul Developments Limited.

Type of Application

Permission.

Planning Authority Decision

Grant permission with conditions.

Type of Appeal

Third Party

Appellant(s)

Claire Daly & Others.

Observer(s)

6 number observers.

(1) Murray Nolan & Elizabeth Cronin

(2) Paul Gogarty

(3) Barry & Karen Pringle

(4) Cara & Thomas McCabe

(5) Catherine O Donnell

(6) Thomas Ryan & Anne Ryan

Date of Site Inspection

01/04/2024.

1.0 Site Location and Description

- 1.1. The applicant site is located to the south-east of Lucan Village at an elevated location above the village. There is a viewing area (Esker Hill) in a public park to the north west of the development site looking over the village and environs. The subject land is on the east side of the Lucan-Newlands Road, which winds its way up from the village to the site location known as “Esker Hill”.
- 1.2. The lands accommodate a two-storey detached pitched-roof house and out buildings known as “Clonbrone”. The existing house is located within the interior of the site and is not visible from the Lucan-Newlands Road.
- 1.3. The site is accessed from the Lucan Newlands Road”. A detached dwelling known as “Clonard” is located to the west. The access to the development site and “Clonard” are co-located.
- 1.4. The development site is characterised by mature planting. The rear elevation and roof plane of “Clombrone” is visible through tree cover from the Lucan Road.
- 1.5. The existing house is elevated above the Lucan Road and the development site is separated from the Lucan Road by a wooded area between the Lucan Road and the development site.
- 1.6. The development site adjoins to the south and east the two-storey semi-detached streetscapes of Esker Lawns a 1960’s housing estate.
- 1.7. Two newly constructed semi-detached houses that continue the building line of the houses at no. 17 & 18 Esker Lawns to the south known as nos. 17a & 17b “Esker Lawns” are located to the immediate south west.
- 1.8. The site area is circa. 0.3 hectares (0.74 acres).

2.0 Proposed Development

- 2.1. Demolition existing two-storey detached dwelling (162 sqm.) and associated out-buildings and the construction of 7 two-storey (plus dormer level) houses on a site of circ. 0.3 hectares, comprising 3-detached 5 bedroom houses and 4 semi-detached

houses, access via existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 21 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of South Dublin County Council reflects the recommendation of the planning case officer.

Additional Information Request in the matter of the subject application

SD22A/0390:

A request for additional information was requested by the planning authority. The further information request (07/12/2022) and response (25/04/23). The additional information was not deemed to be significant and, as such, the applicant was not requested to erect a site notice or publish a newspaper notice. The further information request and response is summarised below. :

- Item 1 – revised site layout and associated drawings providing *inter alia* for re-siting House 7, accurate reflection of context including extensions to adjacent dwellings, re-design of the access junction layout and a revised landscape plan.

Response to Item 1:

House 7 as submitted to the planning authority at a distance from the neighbouring houses to the east in Esker Lawns between 16.6m-22.7m. The revised site layout plan prepared by Crean Salley Architects (CSA) (Drg. 85675-RFI-004) provides an increased separation distance of 20.1m-24.2m. The revision provides for the set back of the gable of House 7 from the shared property boundary by migrating the streetscape of houses toward the south-west. The revision would provide a further 2m separation distance from the rear of its nearest neighbour in Esker Lawns. This

revision was acceptable to the planning authority subject to the imposition of a condition restricting exempted development rights for any future extension of the proposed dwellings.

In the matter of the design of the proposed vehicular access junction, the applicant provided revised drawings demonstrating that the proposed access junction would not have an adverse impact on the proposed Grand Canal to Lucan Urban Greenway scheme. The Roads

In the matter of landscape planning the applicant submitted drawing 1576A “Landscape Plan” prepared by Ronan Diamada + Associates (RMDA) landscape Architects. The planning authority noted the applicant proposed the addition of 66 trees to replace the 21 trees to be removed, which would quantitatively address the impact of the proposed development on the arboreal footprint. The public Realm section *inter alia* expressed concern regarding street trees and clarification of additional information was requested.

- Item 2 – revised layout of not less than 1:200 scale showing *inter alia* access junction layout in relation to the proposed Grand Canal to Lucan Urban Greenway scheme, speed limit sign etc and a revised Road Safety Audit.

Response to Item 2:

The planning authority was satisfied with the applicant response in the matter of the design of the access junction, road safety signage and markings and the removal / relocation of the telecommunications box

A revised road safety audit was not required following liaison with the Roads Department of the planning authority.

- Item 3 – provide a landscape visual impact assessment and provide contiguous elevations of the proposed development to include adjacent dwellings.

Response to Item 3:

The applicant submitted a Townscape and Visual Impact Assessment prepared by Macro Works, which concluded the proposed development would not result in any

significant townscape or visual impacts. The planning authority considered that the findings of the visual impact assessment were generally acceptable.

In the matter of the height of the proposal with reference to context, the applicant provided a site elevation drawing (Drg. 85675-RFI-030) prepared by Crean Sally Architect, which demonstrates that the proposed dwelling sit approximately 1.2m above the existing ridge height of the houses on Esker Lawns to the south and east. The planning authority considered that the height of the proposed development would not have a significant impact on the daylight and sunlight amenity of the adjacent dwellings.

- Item 4 – revised surface water attenuation (SUDS) proposals.

Response to Item 4:

The applicant submitted attenuation details (drg. No. 5008) prepared by Downes Associates Consulting Structural & Civil Engineers, which demonstrate the provision of an arched type attenuation system. The Drainage and Water Services Department required clarification of additional information *inter alia* in the matter of surface water run-off rate / storm water and the appropriate storage capacity.

- Item 5 – Provide a green infrastructure plan *inter alia* to protect or restore existing on-site GI assets.

Response to Item 5:

The applicant submitted a Green Infrastructure Plan prepared by RMDA Landscape Architects and Consultants and a green factor worksheet. The Parks and Public Realm Department subsequent to review of the submitted additional information response recommended refusal. The Planning case officer considered that the applicant should be afforded one final opportunity to meet the requirements of Parks and Public Realm Department and recommended the submission of a clarification of additional information.

Clarification of additional information was requested (22/05/2023) and a response was received (13/09/2023) to the satisfaction of the planning authority *inter alia* in the matters of green infrastructure, SUDs measures, planting plan and open space.

The submission include a revised Landscape Plan prepared by Gannon & Associates Landscape Architects (Drg. Sheet 23178 Revision B August 2023) and a 'Lucan Green Infrastructure Report' dated July 2023.

The relevant sections of the planning authority reviewed the clarification of additional information response and in general deemed the revisions improved the scheme in terms of landscape, GI, SUDS and open space. The Parks and Public Realm Department recommended a grant of permission subject to specific conditions.

3.2.2. Other Technical Reports

- The planning authority Roads Department initially recommended (08/11/2022) a request for additional information in the matter of the proposed access junction and in the matter of a Road Safety Audit, which should consider the Grand Canal to Lucan Greenway.

The Roads Department have no objection subject to condition following the submission of the additional information response (25/04/23).

- The planning authority water services has no objection subject to condition.
- The planning authority Parks and Public Realm Department initially recommended (19/05/2023) refusal of planning permission considering this proposal to be over development and unacceptable in terms of green infrastructure, open space provision, green space factor, street tree provision and SUDS.

The Parks and Public Realm Department recommend (03/10/2023) a grant subject to specific conditions following the submission of a clarification of additional information response, which amended the landscape scheme and is acceptable in principle.

- The Conservation Officer recommended additional information in the matter of the architectural and historical significance of the existing twentieth-century house on site noting development plan policy objectives for the retention and adaptation of the existing building stock. The planning case officer considered that the principle of demolition had already been conceded and that the proposal represented a more efficient use of the site in terms of the delivery of dwellings.

- Environmental Health the proposal is acceptable subject to condition.

4.0 Planning History

The following planning history is relevant:

Planning permission under register ref: SD21A/0026 was refused for the demolition of existing detached dwelling house and the construction of 8 2-storey (plus dormer level) 5-bedroom detached houses on a site area of 0.3 hectares. The 8 reasons for refusal included the following:

Reason 1:

The proposed new dwellings, and in particular houses 7 and 8, by reason of their excessive height and the proximity to neighbouring residential properties and their private amenity space, would appear overbearing, result in a significant and material loss of light and overshadowing, and create an unacceptable sense of enclosure. In addition to this, the proposal would also result in a poor quality and quantity accommodation for prospective residents, by means of the cramped layout, poor open space and private amenity space, poor outlook, and unacceptable sense of enclosure. Thus the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016-2022 and the proper planning and sustainable development of the area.

Reason 2:

Given the topography of the site, the proposed siting of the dwellings in a visually prominent location adjacent to the area of open space on top of the hill overlooking the Lucan Road and the lack of information submitted in relation to the site levels, the planning authority is not satisfied on the basis of the information submitted that the proposed development would have an acceptable visual impact on the site and surrounding area. In addition to this the proposal as designed would lead to a cramped and poor layout in the context of the site and surrounding area. The proposal is therefore considered to be contrary to policies H11 and H16 of the South

Dublin County Development Plan 2016-2022, and the proper planning and sustainable development of the area.

Reason 3 is summarised below:

The lack of a road safety audit as well as information regarding the proposed vehicular access for the site including the ability of vehicles, emergency vehicles, and refuse vehicles to safely manoeuvre within and access and egress the site.

Reason 4 is summarised below:

The lack of information submitted in relation to water, foul water and surface water with the application.

Reason 5 is summarised below:

The planning authority was not satisfied with the survey information submitted in relation to trees, hedges and vegetation within the site, including the impact on a Category 1 tree.

Reason 6 is summarised below:

The planning authority was not satisfied with the information submitted in relation to ecology and biodiversity and the potential for the site and surrounding area to support wildlife.

Reason 7 is summarised below:

Matters concerning archaeology and geology and the potential for the site and surrounding area to support archaeological heritage and geology.

Reason 8 is summarised below:

The proposed development would set an undesirable precedent for other similar development, which would in themselves and cumulatively be harmful to the residential amenities of the area.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2022-2028. The relevant policies and objectives in the development plan relate to the functional area of South Dublin County Council (SDCC) and are set-out below:

- Zoning

The relevant land-use zoning objective is “RES” (Map 1): To protect and/or improve residential amenity.’

Specific Local Objective (NC8N15 / SLO3) to the north west of the site to protect views over Lucan Village and the River Liffey to the northwest.

- Urban Consolidation

Chapter 2 (Core Strategy & settlement Strategy). Section 2.2 is relevant and states:

The Core Strategy is made up of the settlement hierarchy and growth strategy for South Dublin County and is an essential part of the Plan demonstrating that the quantum and location of development in the County is in line with National and Regional planning policy.

The core strategy is depicted diagrammatically in Figure 10 (Core Strategy Map) would indicate that the development site is located within the settlement designation of ‘Dublin City and Suburbs’. The core strategy defines Lucan as an existing urban centre within Dublin City and Suburbs.

Policy C54 (Active Land Management) Objective 2 is relevant and states:

To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.

Policy CS6 (Settlement Strategy – Strategic Planning Principles) is relevant and states:

To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

Policy CS7: (Consolidation areas within the Dublin City and Suburbs settlement), which promotes the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary - Objective 3 states:

To promote and support the development of undeveloped infill and brownfield zoned lands and to promote pre-application consultation in accordance with Section 247 of the Planning and Development Act, 2000 (as amended) (consistent with RPO 4.3).

- Infill Development

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation) provides a list of criteria that development on infill sites should satisfy. They include *inter alia* site analysis, the application of the *Sustainable Urban Design Standards for New Apartments, 2000*, guidance in regard to retention of site features, building height, the protection of residential amenity and ensuring that residential amenity is not adversely impacted as a result of the proposed development.

It is noted that reduced car parking standards may be considered for infill development. Car parking will be examined in the context of public transport provision and the proximity of services and facilities such as shops.

- Residential Development

Chapter 12 (Implementation and Monitoring), Section 12.6 (Housing – Residential Development) is relevant. In the matter of apartment development, all apartments shall comply with the Specific Planning Policy Requirements (SPRRs), the standards

set out under Appendix 1, and general contents of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, DECLG (2020) (Apartment Guidelines).

- Green Infrastructure

Chapter 4 (Green Infrastructure GI) Section 4.1 (Methodology) is relevant. Policy GI1 Objective 4 states:

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

And

Policy G14 (Sustainable Drainage Systems), which states:

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

- Public Open space

Chapter 5 (Community Infrastructure & Open space (COS), Section 8.7.4 (Delivery of Public Open space and Contributions in Lieu) Policy CO55 Objective 4 *inter alia* states:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2.

Table 8.2 (Public Open Space Standards)

Land Use	Public Open Space Standards (minimum)
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

The subject development is within a mixed use zone.

- Vehicular Access, Car and Bicycle Parking

Chapter 7 (Sustainable Movement) is relevant. Section 7.2 (Overreaching Policies and Objectives) Policy SM1- Objective 1 states:

To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the County Development Plan, in line with the County mode share targets of 15% Walk; 10% Cycle; 20% Bus; 5% Rail; and 50% Private (Car / Van / HGV / Motorcycle).

Section 7.6 (Public Transport) Policy SM3- Objective 3 states:

To ensure that future development is planned in such a manner as to facilitate a significant shift to public transport use through pursuing compact growth policies, consolidating development around existing and planned public transport routes and interchanges, and maximising access to existing and planned public transport services throughout the network.

Chapter 12 (Implementation and Monitoring), Section 12.7 (Sustainable Movement) 12.7.4 (car parking standards) and Bicycle Parking (12.7.1) are relevant.

The following national and regional planning policy documents are relevant in the context of sustainable residential land-use and the strategic policy objective to achieve compact growth:

- The National Planning Framework (NPF) (Project Ireland 2040) (Government of Ireland 2018);
- The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), (June 2019);

- The Department of Housing, Local Government and Heritage ‘The Sustainable Residential Development and Compact Growth Guidelines for Planning Authorities’, (15 January, 2024).

5.2. **EIA Screening**

- 5.3. Having regard to the nature and scale of the proposed development for seven infill houses, located within a built-up urban area, and the criteria set out in Schedule 7 of the Regulations, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development.
- 5.4. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are summarised below:

- The scale of this development proposal and the previous development proposal (Ref SD21A/0026) is too dense for this small (0.3 hectares) and irregular shaped site. The board is referred to the many objections to this application submitted to the planning authority. This appeal is an amalgamation of the key points of objection incorporating an assessment of the applicant’s additional information response;

Previous Refusal

- The development proposal fails to address the reasons for refusal of the previous development proposal in 2021. While the current development proposal contains a small number of marginal adjustments in respect of overall site layout, the very legitimate issues for neighbouring residents remain;

Guidelines on Sustainable Development in Urban Areas

- The proposal fails to meet the requirements of the Guidelines on Sustainable Residential Development in Urban Areas to ensure the design approach should be based on a recognition of the need to protect the amenities and privacy of adjoining neighbours and the general character of the area. The location of the proposed dwellings with minimal setback means that the amenity and quality of life of existing residents of Esker Lawns will be substantially impacted;

Infill development and the pattern of development to date

- The Lucan-Newlands Road is characterised by single dwelling units. Examining the pattern of existing developments in the area, the development site is abutted to the west by lands accommodating single units. Multiple applications for the development including for 8 units and 4 units at “Clonard” to the west were previously refused.
- The precedent in redevelopment in the area to date is the addition of no more than one additional dwelling beside an existing house. The most recent development is two new houses in Esker Lawns (omitted in the submitted drawings). Accordingly, redevelopment at “Clonbrone” should not facilitate a housing estate rather 2-3 units should be permitted;

Daylight and Sunlight loss

- The BRE Guidelines require that when designing new development it is important to safeguard the daylight and sunlight to nearby buildings and that it is good practice to check the sun lighting of existing gardens. The developers Sunlight, Daylight and shadow Assessment is not accurate in regard to neighbouring gardens and extensions.
- Furthermore, there appears to be an over reliance on annual probable sunlight hours (APSH). The methodology albeit best practice but has its limitations noting that numerical values are purely advisory. The appellant argues that the proposed development will take away a fair share of the light for different neighbouring dwellings. It is claimed that for significant parts of the year the light loss is totally oppressive.

- The developers Sunlight, Daylight and shadow Assessment ignores that the fact that the rear of the Esker Lawns houses facing the site are largely north-west facing or west facing. This would result in negative impacts in terms of natural lighting during the
- Sunlight and daylight enjoyed by the existing houses in Esker Lawns to the east (nos. 31-32) would be impacted significantly by the location of House 7. Furthermore, the gable and roof line of House 7 has a localised overshadowing impact on the gardens of nos. 29-32 Esker Lawns. It also impacts on no. 26 Esker Lawns.
- The other proposed houses also have an impact on natural light enjoyed by the existing houses in Esker Lawns. The only way to mitigate the sunlight and natural light impact is to reposition the proposed streetscape to the west / north-west side of the site.

Building Height

- The proposed buildings with three habitable floors by virtue of their height and proximity impose on the adjacent existing 50 year old houses in Esker Lawns. The proposed units should not exceed the ridge height of the existing two-storey houses abutting to the south and east;

Remove House 7

- House 7 is significantly closer to no. 31 Esker Lawns than the submitted drawings suggest. The previous application (Ref SD21A/0026) was refused on a number of grounds including reason 1, which deemed House 7 & 8 to be overbearing by reason on their excessive height and proximity to neighbouring dwellings and their private amenity space resulting in a significant and material loss of light and overshadowing.
- House 7 has been pulled back from the boundary as part of an additional information revision. The appellant considers that the 2m setback of House 7 and a compression of the streetscape westwards represents significant additional information and that third parties should have made comment.
- House 7 notwithstanding the setback revision remains too close to the existing houses in the context of sustainable development and will have a

significant impact on neighbouring properties in terms of loss of direct light, loss of natural light, overbearing proximity and loss of amenity. House 7 should be removed from the development;

Houses 1-6

- Houses 1-6 present too close to the existing houses in Esker Lawns to the south. The proposed gardens are significantly shorter than the Esker lawns gardens. The proposal represents overdevelopment of the site. The number of houses needs to be significantly reduced in number in combination with the removal of House 7;

Remove House 1

- House 1 represents overdevelopment and adds to the congestion at the entrance to the development. The removal of House 1 and several other properties would make the development sustainable within the context of a constrained development site;

Potential new application and significantly modified set layout

- A smaller development with driveways placed to the side of the reduced number of units and/or place limited parallel parking along the footpaths to facilitate EV charging. Additional vehicular parking can be placed primarily on the site of House 7 and House 1. The changes would likely not be possible by way of condition and would require a new planning application, which the Board may reference if the current application is rejected;

Traffic Implications and Road Safety

- One of the reasons for the refusal of the previous development proposal (SD21A/0026) was *inter alia* on the grounds of the lack of information submitted in relation to the vehicular access and it was considered that the applicant had not demonstrated that the proposal did not constitute a traffic hazard. The entrance to the subject development is still on a blind bend and is still the same size as when permission was refused in 2021;
- There is a deficient proposed parking provision for 5-bedroom houses in the context of the properties being rented. Additional parking spaces will be

required and this can be achieved by a revised site layout plan, which would *inter alia* provide for the removal of House 7 and house 1;

- There is a requirement to assess the vehicular entrance to the development in the context of the construction of two new houses adjacent to the entrance in Esker Lawns (SD17A/0241). The entrance/ exit appears more manageable than it actually is with 17a and 17b Esker Lawns excluded from the submitted plans;
- The planning authority are planning to redesign the park beside “Clonbrone” as part of the plan for a new greenway. Functional visibility to the vehicular access will remain poor notwithstanding proposed traffic management measures. Traffic hazard will be exacerbated by developments in the area, including the opening of a new graveyard, increasing pedestrian/ cycle / vehicle movements on Esker Hill.
- The appellant highlights deficiencies in the submitted drawings in relation to the access junction. The developer does not demonstrate how a significant increase in localised traffic will be successfully and safely integrated with reference to the access junction given that no road audit has been required. A smaller development would minimise disruption and reduce road safety risks;
- The narrow access will cause challenges for waste collection and emergency vehicles;
- There are concerns in relation to construction traffic to the site and the interaction with other road users;

Green Infrastructure & Biodiversity Concerns

- There is an abundance of wildlife living on the site that will be negatively impacted by the development. The development proposal will virtually destroy an entire established ecosystem. The promised new planting will be difficult to enforce by the planning authority;
- An updated tree survey should have been requested as part of significant additional information rather than the subject of condition (Condition 17 – trees to be retained and protected). The green infrastructure report identifies

only two trees for retention and designates the remainder as poor quality. How can the existing trees on site be successfully regulated when there is no benchmark of the existing trees on site. Trees have been cut down to date;

- Tree planting to the rear of the proposed houses on the property boundary with existing houses on Esker Lawns should be reconsidered. The proposed trees may enhance privacy but will also overshadow. Planting should not exceed the height of the boundary wall. The solution in terms of biodiversity and the pocket forest principle would be to allow for a natural Irish hedgerow growth. This could be facilitated by further set backing the proposed houses from the property boundary with Esker Lawns.

Additional Information Response

- The additional information response to the request by the planning authority is significant and should have warranted residents being able to make further submission. The appellant asks the Board to refuse permission on the grounds this ground alone if legally possible. It is claimed the developer should resubmit a revised planning application for the scrutiny of third parties, which would integrate additional information response and the requirements of the conditions attached to the planning authority decision to grant permission.

6.2. Applicant Response

The applicant response, prepared by Armstrong Fenton Associates Planning Consultants on behalf of the applicant, is summarised below:

Infill development

- The applicant will address the appellants grounds of appeal while providing context for the information of the Board. The subject site comprises and infill residential development of less than an acre located in a long established suburban area of west Dublin. The subject site is zoned residential. All surrounding lands are zoned residential or open space;
- The surrounding context is largely suburban with a detached dwelling known as "Clonard" located to the west. To the east and south are two storey semi-

detached properties known as “Esker Lawns”, which have rear gardens bounding the development site. To the north is a third-party owned wooded area, which sits at an elevated position above the Lucan Road;

Previous refusal

- A decision to refuse permission issued on the 6th April 2021 to refuse permission for the demolition of the existing house on site and the construction of 8 no. 2-storey plus dormer level houses for 8 reasons. The subject current development for 7 two-storey plus dormer level detached and semi-detached houses would address the reasons for the previous refusal;

Compact Growth

- The site is extensive and has the capacity to absorb the proposed development. The development plan encourages infill development and has a suite of policy objectives to support compact growth. Guidance is also provided at a strategic level by the National Planning Framework (NPF), which has compact growth as the number one strategic objective. The NPF sets a clear development outcome to grow existing urban areas creating a priority to build on brownfield / infill sites before development of green fields;
- The subject site can be classified as infill site. It is zoned for residential use. The existing single dwelling on site does not represent an efficient use of serviced zoned land. The proposed development of 7 houses is aligned with compact growth objectives and is considered to be acceptable given the locational context and the land use zoning of the site;
- The planning authority acknowledged that the subject site located just outside a village centre and adjacent to a residential suburban area can generally be categorised as “inner suburban / infill”. The “Sustainable Residential Development in Urban Areas” guidelines advocate for intensification of sites such as the subject development site. The proposal is for 7 residential units on 0.3 hectares representing a site density of 23 units per hectare, which is considered appropriate given the proposed site layout and the relevant guidance on density;

- Furthermore, the Department of Housing, Local Government and Heritage (DoHLGH) issued a Circular Letter in April 2021 stating that in relation to residential densities that towns and their context are clearly not all the same and that tailored approaches to residential development including flexible application of density is appropriate;

Site layout, scale and density

- The appellants consider the proposal to be an over development and consider that 2-3 houses should be permitted. However, there is no planning policy to allow for a reduced density such as proposed by the appellants. Regard has also been given to the recently published Draft Sustainable and Compact Settlement Guidelines for Planning Authorities (2023). Section 3 of the Draft Guidelines sets out policy and guidance in relation to growth priorities for settlements at each tier in the national settlement hierarchy and in relation to residential density;
- Section 5.9 of the Sustainable Residential Development in Urban Areas details appropriate densities for a variety of site types including “inner suburban / infill “ sites. The guidelines *inter alia* support a design approach based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area. The proposal to deliver 7 houses is considered to be an appropriate density given the infill nature of the site and the prevailing pattern of development in the environs;
- The layout of the development is respectful in terms of the receiving environment, as the proposed houses essentially follow the line of existing housing to the south. There is an adequate setback from neighbouring properties to the south with no houses proposed to back onto along the western, eastern or northern boundaries of the site. The planning authority has also attached Condition 2, which restricts exempted development rights for any future modifications;
- Section 12.6.8 of the county development plan provides criteria for the development of infill sites. It is considered that the proposed site layout plan satisfies the criteria. There will be no negative impacts on adjoining residential amenities given the scale, setback and adequate separation distance (22m) of

the proposed development from existing houses. This is confirmed by the submitted sunlight, daylight & shadow assessment prepared by Chris Shackleton Consulting (CSC). The planning authority assessment supports this claim;

- The site layout, separation distances (22m) and the design of the houses will ensure that no overlooking and overshadowing of neighbouring properties will occur. This is confirmed by the submitted sunlight, daylight & shadow assessment. The planning authority also considered in their assessment of the planning application that owing to the orientation of the dwellings in Esker Lawns to the south and east of the proposed dwelling that there would not be a significant impact on the daylight and sunlight of the adjacent dwellings;

On-site accommodation

- The proposed houses will provide a high level of residential accommodation on site. All of the proposed houses have the benefit of dormer level accommodation comprising 2 bedrooms, a bathroom and additional storage. The bedroom dormer windows are to the front ensuring that the neighbouring properties at Esker Lawns are not overlooked from roof level;

Height

- The highest point of the proposed houses to ridge height is 9.8m (55.80m OD). The existing house at "Clonbrone" is 8.87m (54.85m OD). The proposed ridge height is less than a metre above houses nos. 17 & 18 Esker Lawns and is 801m lower than houses nos. 19 & 20 Esker Lawns. The ridge height of houses nos. 20 to 31 Esker Lawns are visually consistent. Therefore, the proposed development is not too high in comparison with neighbouring dwellings;

Rationale for House 7

- The suggestion that House 7 is omitted as requested by the appellants is unfounded. House no. 7 is 33m away from houses nos. 25 & 26 Esker Lawns to the south. The eastern gable of House 7 is over 20m from the rear of house nos. 29 & 30 Esker Lawns and over 24m from the rear of no. 31 Esker Lawns. The gable of House 7 has no windows in the gable above ground floor level;

Visual impact of the development

- The planning assessment considered visual impact and required the submission of a landscape visual impact assessment by way of additional information. The Townscape and Visual Impact Assessment prepared by Macro Works concluded that the proposed development will not result in any significant townscape or visual impacts. The proposal is considered to be an appropriate scale and design for the site. The proposal does not impact the Specific Local Objective (SLO) for the protection of views on the site to the west. The planning authority concurred with this assessment;
- The development site abuts privately owned lands to the north, which are lands zoned for the purposes of open space. These lands are planted and will screen the development from the north.

Vehicular access, road safety and parking

- In the matter of the vehicular access, the proposed development is minor in scale and will generate modest car movements. There are two car parking spaces per dwelling proposed aligned with the maximum development plan standard (Table 12.26) and therefore will not result in excessive car parking outside the site. Bicycle parking will be located within the curtilage of the proposed houses. The planning documentation includes a swept analysis for fire tender and refuse access. A road safety audit was submitted to the planning authority and was assessed sufficient;
- Additional information was requested in the matter of the proposed Grand Canal to Lucan Urban Greenway scheme and the applicant response shows that the development will have no impact on the future greenway (Downes & Associates Drg. Nos.5006, 5007 & 5009);
- Additional information was requested in the matter of potential traffic hazard and the applicant response illustrates the location of the road safety sign and markings for the development (Downes & Associates Drg. Nos.5001 & 5007);

Ecological assessment

- An Appropriate Assessment Screening Report and Ecological Impact Assessment (including Bat Survey) have been included as part of the

planning application. The planning authority has attached Condition 4, which provides that the mitigation measures proposed in the ecological assessment, appropriate assessment and archaeological assessment shall be implemented in full by the developer;

Landscape plan

- The application includes an Arboricultural Assessment and the applicant confirms no trees have been removed from the site. Additional information and clarification of additional information was requested in matter of green infrastructure, tree protection and biodiversity concerns and the applicant responded with a revised and improved landscaping plan prepared by Gannon & Associates Landscape architects, which elevates the green space factor score (see clarification of additional information response). The planning authority has conditioned the development accordingly;

6.3. Planning Authority Response

The planning authority confirms its decision. The issues raised in the appeal have been covered in the Chief Executive Order.

6.4. Observations

There are 6 number observations, which are summarised below:

(1) Murray Nolan & Elizabeth Cronin, 31 Esker Lawns, Lucan

- The observation supports the appeal lodged by neighbours and the points made in the appeal statement. The observers also wish to make the following observations in particular in regard to House 7;
- House no. 7 is very close to the observers home at no. 31 Esker Lawns, which causes concern in the matter of privacy and the potential for overshadowing;
- The height of the proposed houses exceeds the surrounding residences creating an imbalanced and incongruent streetscape, which may set a precedent for developments that deviate from the established character of the

area. The height of approved houses should be in keeping with the height of the houses in Esker Lawns citing Section 11.2.7 of the South Dublin County Development Plan 2016-2022;

- The height and proximity of House 7 will dominate the view from the rear of the observers property, which will alter the character of their surroundings;
- The overshadowing impact of House 7 on their property is undeniable and significant. House 7 casts a shadow on the extension and garden of the observer's property in the afternoon in particular from March to September. The observer provides examples within the documentation. Furthermore, the almost 10m gable wall of House 7 to the south west would be visually obtrusive and overbearing;
- The sunlight, shadow, daylight reports submitted do not take into account the true position and layout of the homes to the east of the proposed development and hence cannot be relied upon as an accurate report.
- The approval of the subject development would set a precedent for over development in the neighbourhood compromising the over-all character of the area.

(2) Paul Gogarty, Councillor

- The observation supports the third party appeal made by Claire Daly and others. He strongly objects to the subject application on the grounds that it is not in the interests of the proper planning and development of the are and does not protect and improve residential amenities. The appeal statement summarises some of the key points made in the appeal submission;
- The development would have a serious negative impact on existing residential properties and prospective residents notwithstanding amendments made by additional information and conditions imposed by the CEO of the planning authority;
- The proposed development will overshadow properties in Esker Lawns with those facing west being particularly effected by the loss of direct sunlight. The developer's Sunlight, Daylight and shadow Assessment needs to be scrutinized. The proposal for most of the year takes way more than its fair

share of light from neighbouring dwellings and for significant parts of the year the loss of light would be oppressive. Diagrams attached to the observation are attached to the observation;

- The BRE updated 2022 report does not take into consideration that this is a guideline. Different criteria may be used based on the requirement for daylight in an area viewed against other site constraints. Furthermore, Section 3.2.12 of the BRE guidelines state that it is good practice to check the sun lighting of existing buildings, which would have made significant overshadowing of gardens verses the existing situation transparent including from the gable wall and roof line on houses nos. 29-33;
- The planning assessment ignores the fact that the Esker Lawns houses face the development site are largely north-west or west facing. The impact on the houses during the last part of the day is a significant issue at specific times of the year. It is claimed there would be significant overshadowing impacts at various times of the year (including 21st March and the autumn equivalent) at least one hour, and possibly two hours, before sunset;
- The observation cites Section 3.2.1 of the development plan, which requires the safeguard of daylight to nearby buildings in designing new buildings and extensions. The proposed development is not hugely different to a previous submission that was refused without additional information requests largely on the loss of visual amenity and overshadowing. The additional information amendments do not mitigate overshadowing concerns;
- The only way to mitigate the sunlight effect would be to place the houses on the north side of the site or to reduce the number of houses. However, the level of amendment that would result cannot be dealt with by way of condition and this development should be refused;
- The minimal garden space and distance to boundary creates an oppressive feel and would be overbearing. The existing receiving wooded area has not changed significantly since Esker Lawns was built in the late 1960's. The amenity and quality of life of existing residents of Esker Lawns will be substantially impacted;

- The development site to the north and west abuts lands with single residential units. There are single residential units along Lucan-Newlands Road. The proposed development would not be keeping with the pattern and scale of development in the vicinity. Multiple applications at 'Clonard' adjoining for 8 units were previously rejected, as was an application for 4 units. A replacement house was approved. The development of 'Clonbrone' should follow the precedent for the development of small land plots prohibiting a housing estate;
- The proposed vehicular access is deficient in terms of sight distance. Intensifying development at this location will make it more dangerous for pedestrians, cyclists and other traffic. Furthermore, albeit traffic for residents with families with families is considered adequate, there is insufficient visitor parking for tradespeople and other potential residents (tenants) and visitors. The development will cause illegal parking;
- The technical reports from various sections of the planning authority indicate that there has been no meaningful and demonstratable interaction or studies carried out regarding the substantial impact of the new cycleway route and the complex issues surrounding the exiting of traffic directly before an interchange and turning point;
- The development plan seeks to retain houses that are not protected structures. The merits of the existing house within its setting warrant its retention and retrofit. An additional large bungalow could be accommodated in the grounds or instead insert 3–4 medium sized single-storey units.

(3) Barry & Karen Pringle, 23 Esker Lawns, Lucan

- The observers respectfully request the Board to acknowledge that the developer has provided insufficient evidence to meet the additional information required for a grant of planning permission further to the objections to the original application by the observers and others.
- There is no objection in principle to the development of the subject lands, which is welcomed. The development plan provides for appropriate urban consolidation. However, the proposal lacks regard to the light and privacy of adjoining buildings in terms of its design and integration.

- It is claimed the proposal in terms its scale, bulk, height and close proximity to shared boundaries would have an adverse impact on the amenities of existing housing and the character of the area. This is evidenced in terms of the proposed modest rear garden depths (circa. 8m);
- In satisfying Section 11.3.1 Residential (v) of the development plan in the matter of privacy, the developer relies on the large rear gardens of Esker Lawns to achieve good separation distances (22m). This reliance would reduce the quality of the proposed development, reduce the quality and usability of the observers garden and set a poor precedent;
- Furthermore, due to the poor site layout, there are serious concerns in regard to overshadowing of their property and neighbouring properties. It is claimed the shadow analysis is incomplete and fails to provide a comprehensive overview of the actual impact;
- The proximity and height (2m in excess of the height at Esker Lawns) of the proposal will result in negative visual amenity, as the proposed dwellings will read as oppressive;
- The observers note that their original objections, including the refusal of a previous development on site (SD21A/0026), remain relevant as the subject development has not addressed the fundamental grounds of refusal. The reduction of 1 single house on site does not alter the fact that the proposal would set an undesirable precedent for the area;
- The excessive height, proximity, sense of enclosure has not been addressed in the new application. The proposal contravenes policies H1 and H2. Traffic and safety remain a concern. Biodiversity issues have not been adequately addressed. Technical reports prepared for the applicant “Nacul Developments” are not objective. The new application proposal remains contrary to the South Dublin County Development Plan 2016-2022;
- The observers support the observations made in respect of the negative impact on houses 1-6. Loss of daylight and sunlight. Furthermore reference is made to a planning authority objection to a simple house extension received by the observers;

- The observation notes that the applicant has submitted a bat survey. Section 3.2 of the survey highlights that some of the trees on the site are considered to be of high bat potential. It is acknowledged that there are a number of trees on site that are affected by bats mostly in the south east corner, However, there are also affected trees scattered across the site. The report recommends that the trees with bat potential on site should be retained. The observers have concern that the report does not provide sufficient mitigation measures against the impact of the development on bats;
- The position of the narrow single exit on the corner for multiple vehicles is in an extremely dangerous location crossing a busy narrow footpath and being positioned at a 'blind spot'.

(4) Cara & Thomas McCabe, 26 Esker Lawns, Lucan

- There are concerns in the construction of a multi-unit development at the top of a sharp bend in the road. Furthermore, the development gives rise to traffic and road safety issues in the matter of adequate on-site car parking provision for residents and visitors, which will cause over flow into Esker Lawns;
- Esker Lawns has a graveyard located at the end of the road. This has led to additional traffic. An application for a crematorium will intensify traffic movements in the vicinity of the development site and cause further disruption to a quite residential estate;
- Additional information was requested by the planning authority. The residents are of the opinion some of this information was significant. They should have been given the opportunity to make additional submissions;
- The site is too small for a development of seven houses and as a result of its in appropriate scale would cause overshadowing and loss of privacy to the houses in Esker Lawns. The observers house is not overlooked at present and the development will overlook devaluing their property.
- There will be significant daylight and sunlight issues arising from the development. The assessment report did not consider the impact on the overshadowing of extensions to the rear of the houses in Esker Lawns;

- The merit of the existing house on site requires assessment in terms of historical relevance, architect design and bespoke character. The setting of the house supports wildlife and biodiversity. Development is extremely harmful to the habitats on site. The existing building is a local landmark and could be renovated. The existing house is habitable.
- The retention of the existing house and the addition of one or two houses should be considered. Alternatively, two or three houses of a similar size / scope to the existing houses in Esker Lawns may be appropriate for consideration on site.

(5) Catherine O Donnell, Maranatha, Esker Hill, Lucan

- The submission requests the Board to overturn the decision of the planning authority and to refuse permission for the subject development, which is not in keeping with the good planning and sustainable development of the area. The observation submission is illustrated with photographs;
- The planning authority previously refused planning permission for 8 houses on the subject site at “Clonbrone” (SD21A/0026). One of the reasons for refusal was having regard to the lack of information in relation to the proposed vehicular access to the site. The entrance to the site is still on a blind bend and is still the same size as when permission was refused in 2021 *inter alia* on the grounds of obscured sightlines.
- There are three properties with entrances at this bend namely “Canonbrook House”, “Clonard” and “Clonbrone”. The entrance into “Clonbrone” is narrow and there is a necessity for drivers entering the access / laneway to swing out into the road. There is no potential for this entrance to be enlarged, as the back gardens of two new properties adjoin the “Clonbrone” property at the entrance;
- The proposal would constitute a traffic hazard and endanger public safety. There are plans underway for a complete change to the layout of Esker Hill / Lucan Newlands Road, which will narrow the vehicular carriageway and the creation of a shared pedestrian and cycle lane passing the entrance to the development site. Therefore, drivers exiting the development will not be able to realise care for other road users given limited visibility ;

- South Dublin County Council are redesigning the park beside the development site to create a zig-zag slope to Lucan village for cyclists and other wheeled vehicles apart from cars. The design of the park and change to traffic management of Esker Hill is based on 3 houses and does not take into account an additional new development of 7 houses;
- The graveyard at the end of the road had caused increased vehicular and pedestrian traffic. An application for planning permission for a crematorium at the new graveyard (SD23A/0292). The development will increase funeral traffic using Esker Hill;
- Emergency services will have to queue at the development site entrance waiting for clearance due to the proposed narrow entrance;
- The developer continuously provided incorrect information on plans submitted to the planning authority, which ignored the fact that planning permission for 2 houses (17a & 17b Esker Lawns) adjoining the site was approved in 2017 (SD17A/0241). The houses are complete and are for sale. A site layout showing the houses would show how inadequate is the access and egress to the proposed development;
- Transport Infrastructure Ireland (TII) specifically requests that the planning authority should ensure that traffic hazards for road users are not created and thereby maintain the safety of the network of national roads (copy of TII submission attached). The approval of 7 houses with access / egress on a bend does not align with the TII request;
- House 7 even allowing for a 2m change is still closer to Esker Lawns than originally indicated on the plans submitted to the planning authority;
- The re-location of House 7 represents significant additional information, which requires re-advertising in accordance with Article 35(1)(a) and (b) of the Planning and development Act 2021. The planning permission should therefore be revoked;
- The detailed tree protection plan sought by the planning authority under Condition 17 should have been sought as additional information and objectors should have had an opportunity to review the plan, as the tree plan may have

an effect on nearby properties. I submit that failure to comply with these issues in accordance with the requirements of planning law would provide grounds for a successful judicial review;

- The proposal is an unsympathetic design providing for 3-storey homes to be built close to the boundary with 2-storey properties in Esker Lawns causing existing homes to suffer a sense of encroachment, loss of privacy and overshadowing.

(6) Thomas Ryan & Anne Ryan, 20 Esker Lawns, Lucan

- The height of the existing house on site is 8750mm. The height of the proposed development (9800mm) , comprising 2 storey plus dormer, relative to existing adjacent houses in Esker Lawns will dwarf the existing Esker Lawns houses in height and will be 2234mm higher at the highest roof point than the new development of two houses beside 17 Esker Lawns;
- The effective proposed 3-storey houses will impact adversely on the observers house due to height, consequent overshadowing, light reduction and may result in significant property devaluation;
- The demolition of the existing large old stately house on site appears inappropriate as it is in a reasonable condition and can be renovated;
- The proposed rear boundary wall (2000mm) will be insufficient in height to block the view of the rear ground-floor extension of the proposed dwellings (2400mm) and the main rear elevation (4000-4500mm) from the existing houses on Esker Lawns immediately across the shared boundary;
- The new development will result in loss of visual amenity and privacy enjoyed by the existing residents in Esker Lawns and does not achieve a balance between new development and the protection of existing amenities. No measurements are provided throughout the planning application for garden lengths from the end of the proposed new dwelling houses to the boundary wall of the existing Esker Lawns houses.
- The measured distance from the observers house to House 1 is given as 30120mm, which is not a true representation as it does not include the extension to House 1. A 3-storey structure 9800mm in height built 6626mm

away from the boundary wall must constitute overlooking, overshadowing and loss of light;

- The additional vehicle moments to be accommodated by the T-junction on Esker Hill and congestion / parking issues are of concern;
- The development site has been a wildlife sanctuary for decades. The proposal will result in destruction of habitat;
- In the matter of the applicant response, prepared by Armstrong Fenton, the observations are made in regard to the response to the reasons 1, 2, 5 & 6 of the refusal of permission under the previous planning application.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, applicant response, observations and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The development site is currently occupied by a single detached dwelling known as “Clonbrone” and out buildings. The applicant proposes to demolish the existing structures on site and to construct a street-scape of detached and semi-detached houses, comprising 7 number 5-bedroom units. The built footprint would be located to the south of the site aligned with an access road from the Lucan-Newlands Road into the interior of the development site.
- 7.3. The existing vehicular entrance into “Clonbrone” would facilitate access and egress to the site from Lucan-Newlands Road. A communal open space would be provided in the interior of the site, which would visually integrate with a wooded area (not in the ownership of the applicant) to the north elevated above the Lucan Road between the Lucan Road and the development site.
- 7.4. The planning authority granted planning permission subject to 21 conditions following an additional information request and a clarification of additional information request (see above in Section 3.2 of this report). The appellant claims that the scale of the subject development proposal and the previous development proposal (Ref SD21A/0026) is too dense for this small (0.3 hectares) and irregular shaped site and will have a significant adverse impact on existing residential

properties in particular the houses located to the east and south of the development site at Esker Lawns.

7.5. The appellant considers that the previous reasons for refusal have not been addressed and that the omission of one house as part of the subject development proposal is not a significant mitigation. Furthermore, the appellant claims that the proposal is out of character with the pattern of development in the area, which is characterised by single dwelling houses to the west of the site and along the Lucan-Newlands Road. The appellant argues that a small redevelopment comprising a reduced number houses would be more appropriate given the constraints of the site including deficient vehicular access.

7.6. The relevant planning matters arising are interrogated in my assessment under the following headings:

- Zoning
- Compact growth achieving urban consolidation
- The Sustainable Residential Development and Compact settlement guidelines (January 2024)
- Residential density
- Retention of the existing dwelling
- Infill development
- Housing standards, open space and building design
- Potential impact on existing residential amenity
- Green infrastructure / trees / ecological assessment
- Visual Impacts
- Vehicular access, car parking & bicycle parking
- Other Matters

7.7. Zoning

The site is zoned “RES” in the South Dublin Development Plan 2022-2028 to protect and improve residential amenities. The subject lands are located within an

established urban area where piped services are available. The development site is within 1km (800m) of Lucan Village. I consider the subject site an appropriate location for infill residential development.

7.8. Compact growth achieving urban consolidation

The National Planning Framework (NPF 2018) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA) (2019) encourage and supports the densification of existing urban / suburban areas and promotes the use of performance based criteria in the assessment of developments to achieve well designed and high quality outcomes.

- 7.9. South Dublin County Settlement Strategy is guided by the policy framework set out at national and regional levels. It seeks the consolidation of the existing urban footprint including the settlement designation 'Dublin City and Suburbs'. Policy CS6 (Settlement Strategy – Strategic Planning Principles) is relevant and states:

To promote compact growth and to support high quality infill development in existing urban built-up areas by achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs (consistent with NSO 1, RSO 2, NPO 3b and RPO 3.2).

The South Dublin core strategy is depicted diagrammatically in Chapter 2, Figure 10 (Core Strategy Map) of the South Dublin County Development Plan 2022-2028 and indicates that the development site is located within the designation settlement of 'Dublin City and Suburbs'.

- 7.10. The subject site is 0.3 hectares and accommodates a single dwelling house. The densification of urban lands in particular under-utilised sites accessible to commercial centres by walking, cycling and public transport is strongly promoted. Lucan Village is designated an existing urban centre in the South Dublin County Council core strategy. Policy CS7 promotes the consolidation and sustainable intensification of development within the 'Dublin City and Suburbs' settlement boundary. Policy CS7 Objective 3 promotes and supports *inter alia* the development of undeveloped infill and brownfield zoned lands.
- 7.11. Section 2.7.1 (Dublin City & Suburbs) of the South Dublin County Development Plan 2022-2028 states that the 'Dublin City & Suburbs' designation is the only nationally

and regionally defined settlement within South Dublin County. The settlement 'Dublin City and Suburbs' is targeted to accommodate more than 92% of South Dublin population growth to 2028. The development plan acknowledges that the characteristics of the neighbourhoods within this settlement are unique and provide individual strengths and opportunities which development plan policy must protect and enhance in order to contribute towards the creation of great places in which to live, work, socialise and invest.

7.12. Tallaght, Clondalkin and Lucan form the larger centres within the designation 'Dublin City & Suburbs' within South Dublin County. A key component of the development plan is to support the consolidation of these key urban areas, which are critical for the delivery of services, retail and economic activity interconnected with existing and planned transportation. The proposed development would provide 6 additional residential units within the existing built-up area of 'Dublin City and Suburbs'. It is considered that the proposed development is acceptable in principle subject to the assessment of its merits to enhance and integrate within the receiving environment including the protection of existing amenities. These matters are interrogated in my assessment below.

7.13. The Sustainable Residential Development and Compact Settlement Guidelines

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) set national planning policy and guidance in relation to the planning and development *inter alia* for urban settlements with a focus on sustainable residential development and the creation of compact settlement. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance that include development standards for housing. Chapter 5 (Development Standards for Housing) provides *inter alia* guidance for separation distance, private open space, public open space, car parking, bicycle parking and storage and daylight standards. The following assessment *inter alia* is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.

7.14. Residential density

7.15. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), Section 3.3.1 (Cities and Metropolitan (MASP)

Areas) *inter alia* state that the NPF sets ambitious growth targets for cities and metropolitan areas to 2040. The strategy for all cities is to support consolidation and intensification within and close to the existing built-up footprint of the city and suburbs. The subject development site is located within the South Dublin County Council core strategy designation 'Dublin City and Suburbs'. Density ranges for the city of Dublin and Cork are set out in Table 3.1 (Areas and Density Ranges Dublin & Cork city and suburbs) of the Guidelines.

- 7.16. The development site is located approximately 1 km (approximately 800m) from Lucan Village (5 minute walk). The site is in walking distance of high frequency public transport (QBC – C spine introduced as Phase 2 of “BusConnects Network” serviced by C3 & C4 and other routes) and is accessible by walking and cycling to nearby social and commercial services including a range of schools. It is considered that the development site is in an established inner suburban location with good accessibility to services and public transport.
- 7.17. I consider that the subject development site would fall within the definition of “City-Suburban / Urban Extension” as provided for in Table 3.1 (Areas and Density Ranges Dublin & Cork city and suburbs) of the Guidelines. The definition covers lower density car-orientated suburban areas constructed at the city edge in the latter half of the twentieth century (Esker Lawns adjoining the development site was constructed circa. 1967) .
- 7.18. It is the policy and objective of the Guidelines that residential densities in the range 40dph to 80dph (net) shall generally be applied at such suburban locations in Cork and Dublin. It is noted that the Guidelines provide that while densities within the ranges set out will be acceptable, planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area.
- 7.19. The applicant has proposes a site density equivalent to 23 units per hectare. It is accepted that site configuration and other site constraints including the proximity of existing dwellings must be considered in defining an appropriate site density. I consider that the site density proposed is acceptable in principle.
- 7.20. Retention of existing dwelling

- 7.21. The development site is currently occupied by a single detached dwelling known as “Clonbrone”. A number of observers have argued that the existing house is of architectural merit and that it should be retained and refurbished. The applicant states in the letter of application to the planning authority that demolition of “Clonbrone” is motivated to redevelop the site for housing in a manner that will increase the housing provision in the locality.
- 7.22. The Conservation Officer recommended additional information in the matter of the architectural and historical significance of the existing twentieth-century house on site noting development plan policy objectives for the retention and adaptation of the existing building stock.
- 7.23. The applicant claims the development proposal will provide a more efficient and sustainable use of zoned and serviced land. Furthermore, the existing dwelling is considered to be of little architectural significance and it is not a protected structure or is it listed on the NIAH inventory. The planning case officer considered that the principle of demolition had already been conceded in the context of a the preceding application and that the proposal represented a more efficient use of the site in terms of the delivery of dwellings.
- 7.24. I consider on balance *inter alia* acknowledging the urban consolidation objectives of the development plan, the density requirements of national guidelines and, the relevant policies of the development plan supporting climate action, retention and adaption of the building stock, that the demolition of the existing structures on site is acceptable in principle, in the instance of the proposed development, given that the applicant proposes to replace the existing dwelling and to provide 6 additional dwellings.
- 7.25. Infill development
- 7.26. The appellant states that the Lucan-Newlands Road is characterised by single dwelling units to the west and along the road. The precedent in redevelopment in the area to date is the addition of no more than one additional dwelling beside an existing house. I consider that the pattern of development in the area is characterised by substantial detached dwelling houses on large plots and by estate housing tightly configured and arranged around access roads and cul-de-sacs. The

estate typology is evidenced immediately to the east and south of the development site at Esker Lawns.

7.27. In the matter of infill development the South Dublin County Development Plan 2022-2028 provides a policy framework supporting urban consolidation. Furthermore, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), *inter alia* recognise the need for change and state that the continued application of housing standards conceived in the twentieth-century is inhibiting innovation in housing delivery in particular the inclusion of suburban housing standards. The Guidelines recommend a graduated and flexible approach to the application of residential development standards across all housing types in order to enable innovation.

7.28. Section 12.6.8 (Residential Consolidation) of the South Dublin County Development Plan 2022-2028 *inter alia* provides criteria for the assessment of infill development. They include *inter alia* the requirement for site analysis retention of site features, building height, the assessment of residential amenity and the protection of existing residential amenity. These matters *inter alia* are interrogated in my assessment below.

7.29. Housing standards, open space and building design

The proposed development comprises 7 number 5-bedroom detached and semi-detached houses. The ground floor would provide for reception, kitchen and ancillary accommodation. The first floor would provide for three bedrooms and bathroom accommodation with the master bedroom suite located to the front of the house facing north. The second floor would provide an additional two bedrooms facing north and bathroom accommodation.

The planning case officer states that the proposed dwelling units would exceed minimum internal standards for five bedroom houses and the proposed rear gardens albethey shallow would exceed the minimum requirements for private amenity space. I concur with the planning case officer. I note that the rear garden would have a south aspect. It is considered that the proposal would provide an acceptable level of residential accommodation and amenity on site.

In the matter of elevation design and material finish, the proposed houses would exhibit an appropriate contemporary design approach comprising a self-colour

render finish with selected brick detailing, timber double-glazed windows with zinc detailing to front elevation fenestration including cladding of the proposed roof level dormers and a zinc canopy to the ground floor bay window and, selected roof tiles. The agreement of the proposed selected material finishes can be dealt with by way of condition if a positive recommendation is recorded.

7.30. Potential impact on existing residential amenities

The substantive matters in the appeal statement and in the observations of third-parties relate to the impact of the proposed development on neighbouring residential properties in particular the houses located to the south and east of the development site at Esker Lawns.

The development site has an open and sylvan character. The existing dwelling house at “Clonbrone” is positioned to the north east of the site and is located away from the main entrance and shared property boundaries. The existing house is screened from the Lucan Road by planting to the north west in an area designated as open space (outside the development site boundary and in third party ownership) and planting to the south west between the existing house and the entrance from the Lucan-Newlands Road.

Houses at Esker Lawns to the south and east

Separation Distance

7.31. The housing estate at Esker Lawns was developed in the 1960s. The houses to the south (Houses 17-28) and east (Houses 29-32) of the development site located within the Esker Lawns development have to date enjoyed the open and mature planted aspect of the grounds of “Clonbrone” to the north and west, respectively.

7.32. The proposed development of a streetscape of detached and semi-detached houses to the north and west would significantly change the physical relationship between the development site and the existing houses at Esker Lawns located along the shared property boundary to the south and east. For example, the rear elevation of the subject houses will be visible from the existing houses on Esker Lawns immediately across the shared property boundary (2m high). However, I do not consider that any significant negative impact will result given the generous separation distances proposed between the existing houses and the proposed new streetscape to the north and west.

- 7.33. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024), Chapter 5 (Development Standards for Housing) provides *inter alia* for separation distances that would be less than the 22m development plan standard between opposing first floor windows where privacy and amenity issues are carefully consider. SPPR1 of the Guidelines requires that statutory development plans should not include an objective in respect of separation distances that exceeds 16m between opposing windows serving habitable rooms *inter alia* at the rear or side of houses.
- 7.34. The separation distance between the proposed streetscape of detached and semi-detached houses to the north and the existing house in Esker Lawns to the south would be between 28m-33m. I consider that in the instance of the subject development the proposed site layout plan has on balance successfully considered privacy and amenity issues in the mater of separation distance where all separation distances exceed development plan standards and significantly exceed the recommended minimum 16m standard provided by the Sustainable Residential Development and Compact Settlements Guidelines.

Height, overbearing and privacy

- 7.35. The height of the proposed streetscape would be approximately 1.2m above the ridge height of the neighbouring houses on Esker Lawns and would be acceptable in principle. The footprint of the individual houses would measure approximately 10m x 7m at first floor level. It is noted that the rear gardens of the proposed houses would be relatively modest in length. A number of observers have noted that the length of the proposed rear gardens of the new dwellings are not shown on the submitted drawings.
- 7.36. I have taken measurements from the Landscape Plan submitted by way of clarification of additional information (Drg. Sheet 23178 Rev B - August 2023) prepared by Gannon & Associates Landscape Architects, which is at a scale of 1:250. The average separation distance between the main rear elevation of the new dwellings and the shared property boundary to the south is approximately 10m; House 1 has a reduced separation distance of approximately 9m. It is noted that the rear ground floor of proposed Houses 2-7 would in part extend beyond the main

elevation by approximately 2m elongating the internal kitchen / dining space into the garden area (2025mm).

- 7.37. The applicant proposes to introduce a line of pleached oak trees (ilex) along the property boundary to act as a green corridor and to provide screening between the rear gardens of the houses on Esker Lawns to the south and east and the gardens of the proposed dwellings. It is considered that the screening provided by the pleached oak trees will in part mitigate the visual impact of the proposed development to the north and west when viewed from the rear gardens of the houses on Esker Lawns.

Overshadowing

- 7.38. The planning authority in their assessment did not consider that the proposal presented concern in relation to sunlight and daylight of existing neighbouring dwellings. It is considered owing to the orientation of the dwellings in Esker Lawns located to the south (nos. 17-28 Esker Lawns) and east of the proposed development that there would be no significant impact on the daylight and sunlight to the adjacent dwellings. I would concur with the planning case officer assessment.
- 7.39. The gardens of the subject houses to the south have a north orientation and the sunlight from the south is above the ridge height of the existing houses. The houses to the east have south-west orientated rear gardens (nos. 29-31 Esker Lawns). The submitted Sunlight, Daylight & Shadow Assessment, prepared by Chris Shackleton Consulting (CSC), demonstrates that the daylight and sunlight impact on the existing houses to the south and east would be minimal.
- 7.40. The appellant claims that most of the houses in Esker Lawns are north-west or west facing and that would result in negative impacts in terms of natural lighting during the last part of the day and is a significant issue at specific times of the year. The appellant claims that the Sunlight, Daylight and Shadow Assessment ignores that fact. Furthermore that the annual probable sunlight hours (APSH) does not relate the impact at certain times of the day during the year when natural light is curtailed as it is a whole year measure (March 21st benchmark). The appellant also highlights the potential overshadowing of the rear amenity space and extensions to the rear of houses on Esker Lawns.
- 7.41. I do not consider that the marginal loss of daylight / sunlight that may result is a significant negative impact noting the generous rear amenity space of the existing

houses, the proposed separation distance in excess of standards between the rear of the proposed streetscape and the existing houses on Esker Lawns and the conclusion of the CSC Report that neighbouring properties will generally not be affected by the proposed development based on best practice guidelines.

Proposed House 7

- 7.42. In the matter of the east gable of House 7 and the potential negative impact on nos. 29-31 Esker Lawns, I consider there may be a depreciation in the west light at certain times of the year given the location of the proposed streetscape to the west of the existing houses. However sunlight and daylight would not be impacted significantly given the east-west orientation of the housing plots in Esker Lawns to the east of the development site. The proposed significant separation distance between the existing houses and the proposed House 7, which has been increased by additional 2m by way of additional information response.
- 7.43. In the matter of the overbearing impacts highlighted by observers in regard to House 7, the appellant claims that the house should be removed from the development. I consider that the justification for the removal of House 7 is not evidenced. I note that the site density is significantly lower than the recommended density range provided by the Sustainable Residential Development and Compact Settlements Guidelines (January 2024). I consider that House 7 subject to additional information response is appropriately located.

Proposed House 1

- 7.44. In the matter of the siting of House 1, the appellant states that it would represent overdevelopment and that it would add to congestion at the entrance to the development. House 1 a detached dwelling is setback from the entrance to the development a setback measured at approximately 24m from the development entrance. It is acknowledged that House 1 is closer to the shared property boundary to the south (9m). However, the back to back distance between House 1 and the existing houses in Esker Lawn exceeds the back to back separation distance standard, as it is 24m from the nearest dwellings in Esker Lawns (nos. 16 & 17). I do not consider that the removal of House 1 is warranted. I further consider that House 1 is appropriately positioned bookending the streetscape to the south west.

“Clonard”

- 7.45. The proposed development will also change the physical relationship with the adjoining detached property to the west at “Clonard”. I do not consider that the proposed development would have an adverse negative impact on “Clonard” given the site layout, which locates the access road to the development along the shared property boundary, the orientation of the new streetscape (the front elevation windows of House 1 would not directly oppose the side elevation windows of “Clonard”) and the separation distances between the proposed streetscape of detached and semi-detached house and “Clonard”.

New houses at 17a and 17b Esker Lawns

- 7.46. I note the location and completion of Nos. 17a and 17b Esker Lawns on the day of my site visit. The appellant states that the subject houses are excluded from the submitted plans. I consider that the proposed development would not have an adverse negative impact on the visual and residential amenities of Nos. 17a and 17b Esker Lawns, given their location to the south of the proposed access road and dedicated proposed parking area with planting to the rear of the shared property boundary.

7.47. Green infrastructure / trees / ecological assessment

The appellant claims that an abundance of wildlife living on the site that will be negatively impacted by the development. The new planting proposed cannot be regulated by the planning authority. Furthermore, the green infrastructure report identifies only two trees for retention and designates the remainder as poor quality. Policy GI1 Objective 4 of the South Dublin County Development plan 2022-2028 states:

To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

- 7.48. The applicant was asked to provide a green infrastructure plan, which was further revised by way of a clarification of additional information request. The applicant responded with a revised and improved landscaping plan prepared by Gannon & Associates Landscape Architects (Drg. Sheet 23178 Revision B - August 2023) and the 'Lucan Green Infrastructure Report' (dated July 2023), which elevates the green space factor score to pass.
- 7.49. The planning authority Parks and Public Realm Department reviewed the submission following the clarification of additional information request. They deemed that the revisions had improved the scheme in terms of landscape proposals, GI, SUDS and open space provision. The Parks and Public Realm Department recommend the attachment of conditions in the matter of tree survey, tree protection and green infrastructure.
- 7.50. The appellant asks how the existing trees on site can be successfully regulated when there is no acceptable benchmark of tree quality and protection, given that the requirement for a tree survey is a condition of the planning authority decision to grant permission. I note that the application includes an Arboricultural Assessment dated 19th July, 2022. The assessment provides an analysis of the existing grounds of "Clonbrone" (and the woodland belt to the north outside the site boundary) and a condition tree assessment with categorisation of the existing trees on site (updated 16th February, 2022).
- 7.51. In the matter of the submitted ecological reporting carried out by Enviroguide Consulting, the planning case officer considered that the Ecological Impact Assessment recommended appropriate mitigation measures. I would concur with the planning case officer. This can be dealt with by way of condition.
- 7.52. Visual Impacts
- 7.53. The South Dublin Development Plan 2022-2028 contains a Specific Local Objective (NC8N15 / SLO3) to the north west of the site to protect views over Lucan Village and the River Liffey to the northwest. I consider that the proposed development would have no impact on the panoramic view of Lucan village and environs as viewed from Esker Hill.
- 7.54. The applicant response states that the Townscape and Visual Impact Assessment prepared by Macro Works concluded that the proposed development will not result in

any significant townscape or visual impacts. I consider that the screening and elevation provided by the wooded area to the north of the development site between the Lucan Road and the proposed development would minimise the visual impact of the development as viewed from the Lucan Road. The photomontages provided by the applicant from designated observation points clearly shown that there would be no significant negative visual impacts (Clonbrone, Lucan, verified views, May 2022).

7.55. Vehicular access, car parking & bicycle parking

The appellant and observers claim that the access to the development would be deficient by reason of its location on a bend on the Lucan-Newlands Road, the narrow access width, the intensification of use of the road network in the area, including arising from the redesign of the public park to the west of the development site and the link with the Grand Canal to Lucan Urban “Greenway”, and notwithstanding the clarification provided by additional information. The applicant claims that the proposed development is minor in scale and will generate modest car movements.

The Roads Department of the planning authority have no objection subject to condition following the submission of the additional information response (25/04/23). The planning case officer states that the applicant has liaised directly with the Roads Department in regard to the design of the vehicular access junction. The Roads Department confirm that the vehicular access junction is acceptable and that a revised road safety audit is not required given that the entrance junction design is not being altered. Furthermore, the Roads Department of the planning authority are satisfied that the proposed entrance layout will not have a negative impact on the proposed Grand Canal to Lucan Greenway and with the applicant’s revised proposals for the relocated signage and utilities. The recommendations of the Roads Department can be dealt with by way of condition.

Parking

- 7.56. The appellant claims the parking provision proposed is deficient for 5-bedroom houses and that there will be overflow onto the neighbouring road network. Chapter 7 (Sustainable Movement) Section 7.10 (car parking) of the South Dublin Development Plan 2022-2028 clarifies that the planning authority applies maximum

standards for a range of land use types with the level of parking provision applied being based on the level of public transport accessibility.

- 7.57. The applicant proposes 2 car parking spaces per dwelling. I note the proximity of a high frequency bus service. However, I consider that the location of the proposal is on the threshold of Zone 1 and Zone 2, as provided for in Table 12.26 (Residential Car Parking) of the development plan. Table 12.26 requires 2 spaces per dwelling (3 Bed+) within Zone 1.
- 7.58. I consider that the proposed car parking provision is in accordance with development plan guidance and is acceptable in principle. I note bicycle parking will be located within the curtilage of the individual houses.

7.59. Other Matters

The appellant and a number of observers highlight that the additional information submitted by the applicant is significant additional information and as such third parties should have had an opportunity to review and make comment. I note that the planning case officer considered the additional information response and did not consider that it represented significant additional information.

I further note that the comprehensive submissions made by the appellant and the 6 observers include commentary on the additional information response submitted by the applicant.

- 7.60. I consider that the numbering of the proposed streetscape of detached and semi-detached houses is an appropriate consideration. This can be dealt with by way of condition.
- 7.61. The Environmental Health officer considers the proposal is acceptable subject to condition regulating construction noise, hours of operation and site regulation generally. This can be dealt with by way of condition.
- 7.62. Finally, in the matter of archaeology the Department of Housing, Local Government & Heritage have no objection to the proposal following review of the submitted Archeologically and Geological Heritage Impact Assessment, prepared by Archaeology Plan Heritage Solutions, subject to condition. The Department note that a French Buhr segmented Milestone occupies the garden space immediately north west of the existing dwelling house re-created as a garden ornament and should be

protected. The recommendation of the Department can be dealt with by way of condition.

7.63. Conclusion

In conclusion, I would concur with the planning case officer that having regard to the planning policy framework of the development plan and the overall design of the proposed development, it is considered that, subject to conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. Furthermore, I conclude that the proposed development would by reason of its contribution to urban consolidation and efficient use of underutilised serviced land within an established inner suburban location successfully implements the objectives of the Sustainable Residential Development and Compact Settlement Guidelines (January 2024).

7.64. **Appropriate Assessment Screening**

The proposed development comprises an 7 infill houses in an established suburban location.

Having regard to the nature and scale of the proposed development it is possible to screen out the requirement for the submission of an NIS.

8.0 **Recommendation**

- 8.1. I recommend a grant of planning permission having regard to the reasons and considerations below.

9.0 **Reasons and Considerations**

Having regard to the decision of the planning authority, the grounds of appeal, the observations of third parties, the central and accessible location of the development site adjacent to Lucan Village, the residential zoning objective, the policy framework provided by the South Dublin County Development Plan 2022-2028 including objectives for infill development and for the consolidation of the main urban areas of Tallaght, Clondalkin and Lucan, it is considered that the proposed development, subject to condition, would provide a reasonable level of accommodation on site,

would not have an adverse impact on existing residential amenities, would apply the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024) and, as such, would be consistent 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, as amended by the further plans and particulars submitted on the 25 day of April 2023 on the 13 day of September, 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 developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<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 the interests of residential amenity.</p>

5.	<p>The developer shall adhere to the recommendations of the Roads Department of the planning authority.</p> <p>Reason: In the interest of road safety and in the interests of orderly development.</p>
6.	<p>The mitigation measures and commitments identified in the Ecological & Bat Assessment Report, shall be implemented in full by the developer, except as otherwise may be required in order to comply with the other conditions.</p> <p>Reason: in the interests of protection of the environment.</p>
7.	<p>The following recommendation of the Department of Housing, Local Government & Heritage shall be adhered to:</p> <p>A conservation Management Plan for the mill stone / sundial shall be prepared, following consultation with the Department, including the long-term maintenance and management of the millstone and the installation of interpretive signage, and submitted to the planning authority for their written agreement prior to the commencement of development.</p> <p>Reason: To ensure the continued preservation of places, caves, sites, features, or other objects of archaeological interest.</p>
8.	<p>Landscaping of the site shall be carried out in accordance with a landscaping scheme submitted by way of clarification of additional information comprising the revised landscaping plan prepared by Gannon & Associates Landscape Architects (Drg. Sheet 23178 Revision B - August 2023) and the 'Lucan Green Infrastructure Report' (dated July 2023).</p> <p>Reason: In the interest of the environment and the visual amenities of the area.</p>
9.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be</p>

	<p>based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
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>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
14.	<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>
15.	<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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>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 the Board 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 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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“I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.”

Anthony Abbott King
Planning Inspector

02 April 2024