



An  
Bord  
Pleanála

## Inspector's Report ABP 318856-24

<b>Development</b>	Demolish existing detached garage and erect 2 houses with associated site development and ancillary works in the rear garden.
<b>Location</b>	Stanmor, Stillorgan Road, Dublin 18, D18 T9N4.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown Co. Council
<b>Planning Authority Reg. Ref.</b>	D23A/0673
<b>Applicant(s)</b>	Michael Leahy and John Leahy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Leahy and John Leahy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9/3/2024
<b>Inspector</b>	Rosemarie McLaughlin

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## **1.0 Site Location and Description**

- 1.1. The appeal site consists of a broadly L shaped site, located to the side and rear of a large detached and extended, early to mid 20<sup>th</sup> century, two storey dwelling (Stanmor). Access to the site is from the north side of the N11 Stillorgan Road, a dual carriageway, c 215 m west of Kill Lane in an area where the 60km/ph speed limit applies. Mature landscaped gardens exist to the front and rear. The access to Stanmor is located on the eastern side of the front boundary and a garage is located on the eastern boundary of the site which is currently used for accommodation by one of the applicants owing to its level access. Between the garage and the house is a small, covered garage area with doors on the north and south allowing through access to the rear garden. An area for parking is located to the front of Stanmor.
- 1.2. The pattern of development in the vicinity of the appeal site fronting this section of the Stillorgan Road is that of large distinctive detached houses on large plots. To the north of the appeal site is a housing estate, Foxrock Park, accessed from Kill Lane where the gable and rear garden of No. 62 Foxrock Park abuts the northern boundary of the appeal site. Opposite the appeal site on the south side of the N11 to the southeast is the junction into Loreto College and a housing estate.

## **2.0 Proposed Development**

- 2.1. This is an application as stated in the public notices to demolish the existing detached garage and to erect 2 no. semi-detached two storey dwelling houses, both dwellings 102.4sqm with a roof height not exceeding 6.25m with associate site development and ancillary works in the rear garden of Stanmor, Stillorgan Road, Dublin 18. A right of way over the existing access to serve both Stanmore and the new houses is proposed.
- 2.2. The design of the proposed development is modern pair of 2 bedroom, semi detached houses located c11 m from the northern boundary. No windows are proposed on the northern first floor. The main private open spaces for each house are designed to the sides. A turning area and parking for two cars is illustrated in front of the houses.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for one reason.

1. The proposed development seeks to intensify the use of the existing access onto the N11 which serves Stanmore. It is considered that the additional traffic movements generated by the proposed development onto the heavily trafficked Bray Road (N11), which provides an important part of the link road between the City Centre and the southern parts of Dublin/Greater Dublin Area, would; (a) would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the National road. (b) By itself, or by the precedent that a grant of permission for the proposed development would set for other similar developments would adversely affect the use of a National Primary Road (N11) by traffic with consequent implications for public safety and the carrying capacity of the National road. Therefore, the proposed development would be seriously injurious to free flow of traffic and public safety along the N11 and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning report assessed the development as compatible with the Quality Housing for Sustainable Communities standards 2007, and that no direct overlooking of the main house will occur. The landscaping plan is considered acceptable. The development is considered to generally accord with the provisions of the County Development Plan (CDP) in relation to backland development and there is no adverse visual impact. The assessment refers to the transportation planning report and the report concludes that having regard to the proposed access arrangement, particularly the intensification of the use of the existing access onto the N11 that permission should be refused.

3.2.2. Pre-planning report Ref. 141-23

3.2.3. A pre planning report (10/10/2023) considered the principle of development acceptable and to satisfy the objectives and policies of the CDP. The applicant was advised to submit a rationale for the lower density of the site relative to the CPD policy. In relation to the proposal to intensify the use of the existing access, the PA refrained from making any comment in respect of the proposed access route.

3.2.4. Other Technical Reports

**Transportation planning 5/12/23:** Section 5.8.2 of the CDP is referred to and it is considered that additional traffic movements would result in an intensification of use onto the National Primary Route N11 and would adversely affect the free flow of traffic and safety of road users and pedestrians and would create a traffic hazard. Permission is recommended to be refused for the reasons stated above.

**Drainage report 24/11/2003:** No objection subject to conditions.

## 4.0 Planning History

4.1. There is no planning history on the application site.

4.2. PL06D.228849 (D08A/0085): Permission was refused for two reasons (11/11/2008) on the adjacent site to the east for 3 No. dormer houses to the rear of the existing dwelling for 2 reasons, relating to traffic hazard and backland development.

## 5.0 Policy and Context

### 5.1. National and Regional policy

- Project Ireland 2040: National Planning Framework, 2018 (NPF)
- Regional Spatial and Economic Strategy for the Easter Region, 2019 (RSES)
- Design Manual for Urban Roads and Streets, 2019 (DMURS)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (SRDCSG)
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007 (QHSC)

- Spatial Planning and National Roads Guidelines for Planning Authorities 2012

## 5.2. Development Plan

The Dun Laoghaire County Development Plan 2022-2028 (CDP) applies.

The site is zoned, Objective A 'To provide residential development and improve residential amenity while protecting the existing residential amenities.

**Section 5.8.2 Policy Objective T24:** Motorway and National Routes: It is a Policy Objective to promote, facilitate and cooperate with relevant transport bodies, authorities and agencies to secure improvements to the County's Motorway and National road network to provide, protect and maintain for the safe and efficient movement of people and goods both within and through Dún Laoghaire-Rathdown.

**Section 5.8** The Council will facilitate the protection of all National routes and associated junctions in accordance with TII's Policy and the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012).

**Section 12.3.7** Additional Accommodation in Existing Built-Up Areas

**Section 12.3.7.6** Backland Development

**Section 12.3.7.7** Infill Development

**Section 12.4.8** Vehicular Entrances and Hardstanding Areas

**Section 12.4.5.2** Application of Standards

**Section 12.4.5.6** Residential Parking

**Policy Objective PHP18 Residential Density:** It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites....

**Policy Objective PHP19 Existing Housing Stock – Adaptation:** It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development ...

### **5.3. Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

### **5.4. EIA Screening**

5.5. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The owner of Stanmor is the parent of the two applicants. One of the applicants is blind and is currently residing in part of the converted garage. Living in the proposed development would provide independence in a familiar area. The other applicant suffers from a spinal disability and needs to live independently in the local area. The applicants would welcome a condition to restrict the sale of the properties for a period of 5 - 7 years.
- It is proposed to demolish the existing detached garage and provide a laneway of 4m to allow emergency access to the rear of the site. An increase in the number of cars is unlikely due to the easy access to quality public transport.
- The Bray - City core bus corridor general arrangement is under review and the Bus Connect scheme will amend the junction layout outside Stanmor moving the traffic light signal towards the city.
- The appeal is accompanied by a report from chartered consulting engineers which state the current property has parking for four cars and upon occupation, there would be no increase in the number of as two cars will serve the main dwelling and one car will serve as each of the proposed

houses. Allowing 2 trips per day per car, the total number of vehicles is estimated to be 8 outward and eight inward trips. The number of trips using access onto the Bray Road is negligible compared to the traffic volumes on the dual carriage way as 16 trips makes up 0.03% of the vehicle movements.

- The site is located close to existing bus stops (100-300 metres) and the bus service will be enhanced with the Bus Connect scheme improvements to cycle and pedestrian facilities. It is anticipated residents of the development will have reduced dependence on private motor vehicles.
- The existing access to be retained exceeds the minimum requirements in the development plans. The footpath width at 2.4 m wide is more than 1.8 m in the Design Manual for Urban Roads. On the basis that there would not be an increase in traffic, it is considered there would be no diminution of safety nor would the development have an injurious impact to free flow of other road users.
- Supporting documents in relation to the circumstances and needs of the applicants are provided.
- There were no objections to the proposed development.

## **6.2. Planning Authority Response**

- The Board is referred to the PA report.
- It is considered that there are no issues raised in the appeal that would change the attitude of the PA.

## **6.3. Observations**

- None

## **7.0 Assessment**

7.1. I have read all the documentation attached to this file and have visited the site. I consider the primary issues in this appeal to relate to the following:

- Principal of development and relevant residential development planning policies



- Traffic

7.2. Principal of development and relevant residential development planning policies

- 7.2.1. The site is zoned 'Objective A' which seeks to 'to provide residential development and improve residential amenity while protecting the existing residential amenities' and therefore I consider residential development to be in accordance with the zoning objective for the site subject to the relevant criteria.
- 7.2.2. Section 12.3.7, additional accommodation in existing built-up areas, of the CDP provides a generally favourable policy towards the development of additional residential units, subject to compliance with normal planning criteria and this is consistent with the NPF, RSES, and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 (SRDCSG), all which promote increased density on serviced sites within urban areas and close to public transport.
- 7.2.3. Having regard to the specific residential standards in the CDP, I do not consider that the proposed modern houses, raise any significant planning issues in relation to overlooking, overshadowing or overbearance. This was also the view of the PA and I concur that the proposal is generally in compliance with CDP standards and national policy in regard to the residential element of the proposal. Given the quantum of land available, I would have reservations about the proposed parking location particularly the proximity of same to the house on the east. I also consider the lack of any privacy strip to the front of the proposed houses as a minor design issue but consider those details could be dealt with by way of conditions.
- 7.2.4. The main issue in the appeal and reason refusal relates to the location of the site fronting the N11 as discussed below.

7.3. Traffic

- 7.3.1. There are 9 detached houses on the north side of the N11 in the vicinity of the appeal site with individual access points to the N11, with the appeal site sitting centrally among the 5 largest sites of a similar scale. None of these properties have been subdivided to facilitate additional traffic movements directly onto the N11 and the higher density housing is located to the north, accessed off other roads.

- 7.3.2. The reason for refusal relates to additional traffic onto the national road. The CDP Objective T24 and Section 5.8 aim for the protection of all National routes and associated junctions, to protect and maintain for the safe and efficient movement of people and goods. The NPF National Strategic Outcome 2 includes in relation to Inter-Urban Roads, maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements. The Spatial Planning and National Roads Guidelines for Planning Authorities (2012) in section 2 provides CDPs must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies.
- 7.3.3. The appellants' case is that the proposed houses are for family members who have genuine medical needs to live independently in this area and they would accept a restriction on selling the houses for 5 to 7 years. The case is also made in the submitted engineering report that the existing 4 cars on site would be redistributed within the site and therefore no additional traffic movement will occur, in an area well served by public transport. While I accept the genuine bona fides of the applicants (and note their supporting documentation), and accept the area is well served by frequent buses, a planning assessment has to take a longer term view of the traffic implications of the proposed additional housing. I note from the appeal submission that the properties could be transferred within a 5-7 year timeframe and even if a longer period occurred, I believe that in the future the houses would attract additional cars to the site and that there is ample space for them to park. Similarly, as there are up to 4 cars currently associated with Stanmor, it is quite likely that 4 cars could be associated with that large house in the future, in addition to cars associated with new dwellings. Accordingly, I concur with the Road Department that their policy to protect the National Road is correct in this case, and the proposed development would create additional traffic movements onto the busy N11 dual carriageway where the 60km/ph speed limit applies, creating a traffic hazard and adversely impacting the carrying capacity of the National Route.
- 7.3.4. I also consider that while each application is assessed on its specific circumstances, that allowing additional houses to the rear of this site would set a precedent for

further applications along this dual carriageway stretch of the N11 which would be unacceptable in terms of protecting the National Route.

- 7.3.5. It may be noted that having regard to SPPR3 in the recent SCSGPA 2023, that residential parking can be eliminated in certain circumstances. This was not referred to in the pre planning application meeting, which predated the latest guidance. I also consider that owing to the size of the house and garage on a large plot, there is potential for other arrangements to be considered having regard to the needs of the family. While the increased residential density of the proposed development is acceptable in principle, an intensification of traffic is not acceptable as such would create a traffic hazard and adversely impact the carrying capacity of the National Route.

#### **7.4. Appropriate Assessment Screening**

- 7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of the receiving environment as a built up urban area and the distance from any European site, it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

### **8.0 Recommendation**

- 8.1. I recommend that permission be refused.

### **9.0 Reasons and Considerations**

It is considered that the proposed development would generate additional traffic turning movements from an existing access onto the heavily trafficked National Route (N11). The proposed development would contravene Section 5.8.2, Policy Objective T24 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, to promote, facilitate and cooperate with relevant transport bodies, authorities and agencies to secure improvements to the County's Motorway and National road network to provide, protect and maintain for the safe and efficient movement of people and goods and Section 5.8 which states the Council will facilitate the protection of all National routes and associated junctions in accordance with TII's

Policy and the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012). It is considered that the proposed development would endanger public safety by reason of traffic hazard and would have an adverse impact on the carrying capacity of the National Route (N11). The proposed development would also set an undesirable precedent for similar type developments in the vicinity, fronting the National Route, and would be contrary to the proper planning and sustainable development of the area.

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

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Inspector  
Rosemarie McLaughlin  
11th March 2024