



An
Bord
Pleanála

Inspector's Report ABP319145-24

Development	Construction of a single dwelling and all associated site works.
Location	36 Ash Park Court, Lucan, County Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD23A/0109.
Applicant(s)	Orlaigh Gill
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Orlaigh Gill.
Observer(s)	None.
Date of Site Inspection	12/05/2024
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The applicant site at no. 36 Ash Park Court is located within a network of suburban cul-de-sacs accessed via Ash Park Avenue from the Griffeen Road at the Griffeen Road roundabout. The development site comprises the side garden of no. 36 Ash Park Court.
- 1.2. No. 36 Ash Park Court is located on the south side of the cul-de-sac. It is an end of terrace two-storey 2-bay house located in a streetscape of similar houses. No. 36 Ash Park Court is located at the end a cul-de-sac abutting the cul-de-sac hammerhead.
- 1.3. The houses on Ash Park Court have linear back gardens with front curtilage parking on street comprising two spaces per house.
- 1.4. The side garden of no. 36 Ash Park Court enjoys road frontage onto the hammerhead at the end of the cul-de-sac. A high timber fence forms the current boundary to the cul-de-sac.
- 1.5. Site area is given as 0.0214 hectares.

2.0 Proposed Development

- 2.1. Construction of a two-storey infill house, two parking spaces in the front part of the site and, all site works, including connections to the public mains water supply, storm water sewer and foul effluent sewer and boundary treatment.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for the following reasons:

(1) CS7 SLO 1 of the South Dublin County Development Plan 2022-2028 states it is an objective 'to provide low density housing on these zoned lands to the east of no. 36 Ash Park Court to a maximum of one housing unit, subject to all normal planning application requirements, ensuring the protection of nearby trees'. Critical to the delivery of an additional housing unit at this site is the

adherence to all normal planning application requirements, which includes an assessment against the relevant policies and objectives of the Development Plan, as well as national and regional guidelines and the recommendations of relevant consultees with reference to relevant statutory documents.

Irish Water have reviewed the application and have stated that agreement and confirmation of feasibility from Irish water in relation to the relocation of the existing water hydrant is required in order to proceed with the development. This has implications for parking arrangements at the site. The Roads Department have reviewed the application and have stated that South Dublin County Council will not take in charge the proposed 1 no. car parking space intended for private use, and therefore state that the proposed arrangement is not acceptable. The appropriate provision and location of car parking is a critical planning consideration. The applicant has not adequately addressed the concerns of the Planning Authority in this regard. In the event that Irish Water do not provide consent for the relocation of the water hydrant, parking for the development cannot be provided. This must be an item that must be established prior to the granting of permission. On this basis, to permit the development would materially contravene CS7SLO 1 of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

- (2) The provision of car parking in the public realm, at the end of a hammer head in a location that would potentially impact the turning movements of large vehicles is not acceptable. Car parking for the development should be contained within the applicant's land ownership. Further consideration of the sites layout and dwelling design are required to facilitate this. It is noted that, with appropriate design, development could be accommodated at the site without the need to relocate the water hydrant, therefore not requiring confirmation of feasibility from Irish Water. The current proposals are not considered to best optimise the development opportunity of this elongated site, noting that only one dwelling is permissible on this site, per CS7SLO 1 of the Development Plan. The impact of the proposed development on the hammerhead would set an undesirable precedent for similar development that*

does not make appropriate use of private lands available and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO reflects the recommendation of the planning case officer.

The planning case officer requested additional information on the 06/0723. A response was received from the applicant on the 21/12/23. Revised notices were requested on the 05/01/2024. The applicant submitted revised notices on the 09/01/24.

The additional information request related to the following:

- Redesign to facilitate car parking within the existing physical boundary of the site.
- Irish Water -fire hydrant and drainage details.
- Sustainable Urban Drainage Systems (SUDs)
- Green infrastructure

The applicant response to additional information request.

Item 1 (car parking within the existing physical boundary)

The applicant submitted a revised site layout plan reducing the number of car parking spaces from one to two. The proposed car parking space would be parallel to the proposed dwelling and the hammerhead of the cul-de-sac. The revision would set back the dwelling approximately 2m from the front building line of the streetscape.

The case officer report notes that car parking for dwellings in the cul-de-sac is clearly demarcated and is provided in the form of 2 no. perpendicular spaces in front of each dwelling. This arrangement is considered more appropriate for the proposed house. The planning case officer noted the requirement for car parking to be provided entirely within the applicant's landholding.

The Roads Department of the planning authority following review of the additional information response recommended refusal. The substantive matter in the Roads

Department assessment relates to the location of the proposed car parking space within the public area. The Roads Department reported that the proposed car parking space could not be taken in charge.

Item 2_ (Irish Water matters)

The applicant submitted a revised site layout plan showing *inter alia* the proposed relocation of a fire hydrant located in the footpath at the interface of the development site and the public road.

Irish Water recommended clarification of additional information in order for the applicant to agree the relocation of the fire hydrant with Irish Water and to obtain a letter of feasibility from Irish Water. In the matter of potable water and foul water drainage these matters were acceptable subject to condition.

Item 3 (SUDs)

The applicant submitted a surface water drainage plan incorporating SUDs measures. The water services and public realm sections of the planning authority reviewed the additional information response and have no objection to the proposal. No conditions are recommended.

Item 4 (green infrastructure)

The applicant submitted by a green infrastructure plan incorporating appropriate landscape measures. The public realm section of the planning authority reviewed the additional information response and have no objection to the proposal. No conditions are recommended.

3.2.2. Other Technical Reports

The Roads Department of the planning authority recommend refusal.

Irish Water recommend clarification of additional information.

4.0 Planning History

There is no recent relevant planning history.

However, under SD19A/0140 planning permission was refused for an infill detached house for 3 reasons principally on the grounds of the open space zoning objective

“OS”, as provided under the provisions of the previous South Dublin County Development Plan 2006-2012.

5.0 Policy and Context

5.1. Development Plan

The local policy framework is provided by the South Dublin County Development Plan 2006-2012. 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.’*

Residential is a permissible use.

Also see strategic local policy objective CS7 SLO1 below.

- 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). The application site is located within the designation of ‘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).

Furthermore, CS7 SLO1 states it is a strategic local objective:

To provide low density housing on these zoned lands to the east of no. 36 Ash Park Court to a maximum of one housing unit, subject to all normal planning application requirements, ensuring the protection of nearby trees.

- Infill Development

Policy H1 Objective 7 is relevant and states:

To ensure population growth and increased housing densities take place within and contiguous to Dublin City and Suburbs and the County's town boundaries suited to their strategic regional role, subject to good design and development management standards being met.

Policy H13 (Residential Consolidation) Objective 3 is relevant and states:

To favourably consider proposals for the development of corner or wide garden sites within the curtilage of existing houses in established residential areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation), *inter alia* Paragraph Corner / Side Garden Sites is relevant.

Development on corner and / or side garden sites should be innovative in design, appropriate in context and should meet the following criteria:

- In line with the provisions of Section 6.8 Residential Consolidation in Urban Areas the site should be of sufficient size to accommodate an

additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings ensuring no adverse impacts occur on the residential amenity of adjoining dwellings;

- Corner development should provide a dual frontage in order to avoid blank facades and maximise passive surveillance of the public domain;
 - The dwelling(s) should generally be designed and sited to match the front building line and respond to the roof profile of adjoining dwellings where possible. Proposals for buildings which project forward or behind the prevailing front building line, should incorporate transitional elements into the design to promote a sense of integration with adjoining buildings;
 - The architectural language of the development (including boundary treatments) should generally respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings;
 - A relaxation in the quantum of private open space may be considered on a case- by-case basis whereby a reduction of up to a maximum of 10% is allowed, where a development proposal meets all other relevant standards and can demonstrate how the proposed open space provision is of a high standard, for example, an advantageous orientation, shape and functionality;
 - Any provision of open space to the side of dwellings will only be considered as part of the overall private open space provision where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be considered as private amenity space.
- Other relevant policy documents
 - 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 Environment Heritage and Local Government 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and the accompanying Design Manual (2009).
- The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024).

5.2. EIA Screening

5.3. Having regard to the nature and scale of the proposed development for one infill dwelling house in an established suburb, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. 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, prepared by 'Farry Town Planning Limited' on behalf of the appellant, are summarised below:

- The appellant claims that the planning authority raises no objections to the principal of the proposal including the zoning, physical characteristics of the dwelling and the impact of the development on the streetscape. There are no objections on water supply, stormwater or wastewater grounds and no third party objections. There is just one issue that separates the applicant from a grant of planning permission, which is the matter of car parking.
- The appellant asks the Board to take the following points detailed under sub-headings within the appeal statement into consideration in determining the appeal. The reason for refusal contains a number of overlapping clauses that relate to the provision of car parking including the following: (i) relocation of fire hydrant; (ii) possible denial of consent by Irish water; (iii) refusal to take the proposed parking bay in-charge and; (iv) location of parking bay.

- The first reason for refusal rejects the proposal partly on the basis that an agreement is needed from Irish Water to the repositioning of an existing water hydrant. The appellant submits to the Board an Irish water plan dated 28/10/2022 showing the existing hydrant marked 'X' with the new position of the hydrant depicted on the Pinnacle Consulting Engineering Drg. P221000229-200 (submitted in response to additional information). The appellant claims that relocation of the hydrant is not an onerous or difficult task and cites legal precedents.
- The appellant asks the Board if there is an actual need for on-site parking for the proposed house given the location of the development site in an established suburban area, which is well served by amenities and by public transport. The appellant cites the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), including SPPR 3, in this regard.
- An alternative parking layout has been prepared by Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001 P06, which removes car parking from the proposed development. The Board is asked to consider this alternative proposal if the proposed car parking space is unacceptable.
- The appellant claims in the matter of the refusal of the planning authority to take the proposed car parking bay in charge that it was always the intention that the proposed car parking space would be retained by the appellant. However, it is acknowledged that the appellant in her response to additional information made the offer to the planning authority to take the space in charge. It is the preference of the preference of the appellant to retain this bay within the curtilage of the house, as private property.
- In matter of the clarification of land ownership, Cavan Development Ltd. have provided a letter of consent (with maps) to the applicant, which was submitted to the planning authority as part of the additional information response. The applicant also submitted a certified folio and file plan DN124686F showing Cavan Developments Ltd. as the registered owners of the land.
- Cavan Development Ltd. have now provided a letter dated 15/02/2024 confirming the transfer of ownership of land to the applicant / appellant and

have supplied a folio plan and OS map coloured in red clearly outlining the land to be transferred to Orlaigh Gill (the applicant / appellant). The appellant confirms that the single car parking space is physically located on land in her ownership.

- The Pinnacle Consulting Engineers submission, dated 20/02/24, attached, as part of the appeal statement, states that as the proposed car parking space is located within the ownership of the applicant, the reason for refusal no. 1 is no longer applicable. It is noted that the planning authority accepted that one car parking space is acceptable based on proximity to existing high frequency public transport.
- Furthermore, Pinnacle Consulting Engineers submission in the matter of reason for refusal no. 2, acknowledges the 'AutoTrack' layout submitted in the additional information response left little room for error. The second reason for refusal suggests that the proposed parking bay would be located in the public realm. The submitted analysis was based on the geometric layout of the existing hammerhead with the proposed car parking space outside of the hammerhead facility. However, this is only one possible iteration of how a refuse truck and fire tender may manoeuvre within the hammerhead.
- It is claimed an alternative access manoeuvre shown in Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001 P05A, clearly demonstrates that both the refuse truck and fire tender can manoeuvre within the hammerhead with a minimum of 850mm separation between the nose of the vehicle and the proposed parked car. This is illustrated in Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001 P05A.

6.2. Applicant Response

N/A first party appeal.

6.3. Planning Authority Response

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

6.4. Observations

None recorded.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.
- 7.2. The applicant proposes to construct an infill 2-storey detached dwelling on a strip of land, which is located to the side of no.36 Ash Park Court. The proposal would result in the sub-division of the residential plot at no.36 Ash Park Court to provide a residual linear back garden to the existing dwelling house and an infill house to the east. The infill house would have a floor area of approximately 118 sqm. It would comprise a combined kitchen / dining room, a sitting room and four bedrooms. The house would have a rear private garden with car parking to the front of the property.
- 7.3. The substantive matter under appeal is car parking provision for the infill house. No. 36 Ash Park Court is an end of terrace house located at the apex of a cul-de-sac. The side garden of no. 36 Ash Park Court enjoys road frontage onto the hammerhead of the cul-de-sac. The proposed car parking area to the front of the house would be located at the interface of the site boundary and the cul-de-sac hammerhead. The initial submission provided for two car parking spaces within the hammerhead. The applicant by way of additional information response reduced the car parking provision to one car parking space.
- 7.4. The planning authority refused planning permission for two reasons. The first reason relates to technical reporting matters including the requirement for an agreement with Irish Water for the repositioning of an existing fire hydrant and the requirement of the Roads Department of the planning authority for a dedicated appropriate car parking space. The second reason for refusal relates to the provision of car parking in the public realm, which should be contained within the applicant's land ownership.
- 7.5. The appellant claims that there is just one issue that separates the applicant from a grant of planning permission, which is the matter of car parking. The appellant claims that the reason for refusal contains a number of clauses all of which have been

addressed by the applicant and / or can be successfully addressed by the planning authority / Irish water.

7.6. An alternative front curtilage layout has been prepared by Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001 Revision P06 (submitted with the appeal), which removes car parking from the proposed development. The alternative is prepared as a contingency if the Board are not entirely satisfied with the above. The alternative proposal would provide a footpath and green strip of territory immediate to the house street frontage. I do not consider that the alternative option is required or is appropriate as discussed in the vehicular parking section below.

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

- Principle of development / zoning
- The Sustainable Residential Development and Compact Settlement Guidelines (2024)
- Infill development
- Vehicular parking
- Other matters

7.8. Principle of development

7.9. The development site is zoned Objective "RES" of the South Dublin County Development Plan 2022-2028, which seeks to protect and/or improve residential amenity. The proposed development is located on residential zoned land where residential is a permissible use.

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

The strategic objective of compact growth is supported in principle by densification of urban / suburban sites in particular lands accessible by walking, cycling and public

transport. The proposed infill development site is in an accessible frequent public transport location approximately 500m from a bus stop served by the C1 route.

- 7.11. The South Dublin County Development Plan 2022-2028 policy framework supports urban consolidation objectives aligned with national and regional compact growth targets. Policy CS6 (Settlement Strategy – Strategic Planning Principles) promotes compact growth and supports 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.
- 7.12. The core strategy is depicted diagrammatically in Chapter 2, Figure 10 (Core Strategy Map) of the South Dublin County Development Plan 2022-2028. The application site is located within the designation of 'Dublin City and Suburbs'. 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.
- 7.13. Policy H1 Objective 7 of the South Dublin County Development Plan 2022-2028 requires population growth and increased housing densities to take place within and contiguous to Dublin City and Suburbs and the County's town boundaries subject to good design and development management standards. Furthermore, strategic local policy objective CS7 SLO1 provides for one infill house to the east of no. 36 Ash Park Court subject to development management standards.
- 7.14. I consider that the proposed development, which would provide one additional dwelling unit within the existing built-up area of 'Dublin City and Suburbs', would align with national, regional and local compact growth / urban consolidation objectives and with strategic local policy objective CS7 SLO1, subject to satisfying the planning application process and the protection of trees.
- 7.15. 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.
- 7.16. The Guidelines acknowledge that to achieve compact growth more intensive use of existing buildings and properties must be supported, including the re-use of existing

buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.

- 7.17. 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 is informed by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.
- 7.18. The Guidelines in the matter of car parking state that availability of car parking has a critical impact on travel choices for all journeys, including local trips. The Guidelines require a graduated approach to the management of car parking within new residential development. This approach should take account of proximity to urban centres and sustainable transport options, in order to promote more sustainable travel choices.
- 7.19. SPPR Objective 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities requires a graduated approach to the management of car parking within new residential development including elimination of car parking within city centres and urban neighbourhoods in accessible / intermediate locations.
- 7.20. SPPR 3 (car parking) defines “Accessible”, “Intermediate” and “Peripheral” locations. An “Accessible” location as defined in the Guidelines is served by a high frequency bus service within 500m at 10 minute intervals at peak. It is considered that the proposed development is within an accessible location served by a high frequency bus route – Route C1. The appropriate car parking provision for the proposed infill house is discussed below.

7.21. Infill development

The Policy H13 (Residential Consolidation) Objective 3 supports proposals for the development of corner or side garden sites within the curtilage of existing houses in established residential areas subject to development management standards. Section 12.6.8 (Residential Consolidation), Paragraph Corner / Side Garden Sites of

the South Dublin County Development Plan 2022-2028 provides criteria for the assessment of corner / side garden infill development sites, which *inter alia* includes criteria for the protection of the existing residential amenities of adjoining properties.

- 7.22. I consider that the proposed development as amended by way of addition information would satisfy Section 12.6.8 (Residential Consolidation), Paragraph Corner / Side Garden Sites of the South Dublin County Development Plan 2022-2028 and would not have a negative impact on existing residential amenities. Furthermore, I consider that the proposal would generally satisfy internal floor area and open space standards.
- 7.23. The car parking revision as submitted to the planning authority by way of additional information response would set back the footprint of the house approximately 2m from the front building line of the streetscape. I consider that the modest recess of the proposed infill house at the end of the terrace streetscape would be acceptable in urban design terms given the infill and detached nature of the house.
- 7.24. The proposed detached infill house would exhibit a design that would harmonise with the existing adjoining terrace streetscape. The proposed brick front façade, fenestration and pitched roof of the house would exhibit an acceptable elevation finish that responds to local context.
- 7.25. Vehicular Parking

I would concur with the planning case officer that the appropriate provision and location of car parking is a critical planning consideration. I acknowledge the proximity of the proposed infill house to frequent public transport (approximately 500m from the Elm Wood / Lucan Leisure Centre Bus Stop serving the C1 route). However, I consider that a dedicated car parking space would be required notwithstanding the requirements to minimise car parking provision for new homes advocated by the Sustainable Residential Development and Compact Settlement Guidelines (2024).

The planning case officer requested additional information on the 06/0723, including the requirement to facilitate car parking within the existing physical boundary of the site. The case officer in the initial planning assessment highlighted that the applicant proposed to replace an existing turning head with 2 car parking spaces serving a

private development (see Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001-SI P04).

The applicant responded to additional information on the 21/12/23, which included a revised car parking layout. The applicant was requested to re-advertise the development as significant additional information on the 05/01/24. The applicant submitted revised notices on the 09/01/24.

- 7.26. The revised site layout plan submitted by way of additional information response, Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001-Revision SIP05, would locate a single car-parking space (6m x 2.5m) parallel to the proposed dwelling and parallel to the hammerhead of the cul-de-sac.
- 7.27. The infill house would be set back (1.5m) from the building line with a gap between the front of the house and the car parking space to allow persons with mobility or visual impairment to pass between the car parking space and the new building. The 1.5m gap would also allow ease of access to the main entrance to the house when a parked car would be in situ.
- 7.28. The Roads Department accept the principle of one car parking space given the proximity of high frequency public transport. However, it is not acceptable that the car parking space would be located in the public domain.
- 7.29. The appellant has submitted revised drawings with the appeal statement, including Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001-Revision SIP05A, which clarifies the viability of the car parking space with reference to turning movements for refuse trucks and a fire tender, which would be located to the front of the infill house at the interface of the hammerhead.
- 7.30. Furthermore, a letter from Cavan Development Ltd., dated 15/02/2024, is submitted with the appeal statement confirming the transfer of ownership of land to the applicant / appellant in the location of the car parking space. The appellant has clarified that the car parking space would remain ion their ownership.
- 7.31. The substantive matter in the Roads Department assessment following additional information response relates to the location of the proposed car parking space within the public area. I consider that this matter of the property ownership of the car parking area is now resolved (subject to the relocation of the fire hydrant) given the location of the proposed car parking space within the curtilage and property

ownership of the applicant / appellant, as clarified by way of the appeal statement submission. This matter can be dealt with by way of condition.

Fire hydrant relocation

- 7.32. The appellant submits an Irish water web map dated 28/10/2022 showing marked 'X' the existing fire hydrant. The applicant proposes to relocate the fire hydrant to facilitate a dedicated car parking space to the front of the proposed house. The existing hydrant is located in the existing footpath in front of the side garden boundary and would be (approximately) opposite the proposed entrance door to the new house. The hydrant would conflict with car parking movements.
- 7.33. The applicant proposes to relocate it to a new position as shown on the Pinnacle Consulting Engineering Drawing no. P221000229-200 Revision P01 (submitted in response to additional information 21/12/23). The fire hydrant would be relocated to the extreme north west corner of the plot at the edge of the cul-de-sac hammerhead, which appears to be located immediately inside the property boundary with the subject site.
- 7.34. The planning authority *inter alia* states in the first reason for refusal that Irish Water have reviewed the application and have stated that agreement and confirmation of feasibility from Irish water in relation to the relocation of the existing water hydrant is required in order to proceed with the development. The planning authority further clarifies in the reason for refusal that this has implications for parking arrangements at the site.
- 7.35. Irish water reported on the 06/02/2024 requiring further information (clarification of additional information) *inter alia* in the following matter: agreement on the relocation of the water/ fire hydrant with Irish Water and a requirement to obtain a letter of feasibility from Irish Water conforming the agreement. The proposed clarification is justified in the interests of public health and to ensure adequate water facilities. I consider that this matter does not warrant a refusal of planning permission and can be resolved prior to the commencement of development. I further consider that if a positive overall recommendation is recorded that this matter can be dealt with by way of condition.
- 7.36. Other Matters

The applicant by way of additional information submitted a green infrastructure plan incorporating landscape measures. The public realm section of the planning authority reviewed the additional information response and have no objection to the proposal. It is considered that this matter is resolved and incorporated into the development proposal.

The applicant by way of additional information response submitted a surface water drainage plan incorporating SUDs measures including permeable paving, a rainwater butt and orifice plate. The water services and public realm sections of the planning authority reviewed the additional information response and have no objection to the proposal. It is considered that this matter is resolved and incorporated into the development proposal.

Conclusion

- 7.37. In conclusion, the proposed development comprising a two-storey detached infill dwelling house located on residential zoned land in an accessible location serviced by public transport would align with the urban consolidation policy framework provided by the South Dublin County Development Plan 2022-2028 and with national guidance on compact growth and, as such, subject to condition, would be consistent with the proper planning and sustainable development of the area.

7.38. Appropriate Assessment Screening

The proposed development comprises an infill dwelling house in an established suburban area.

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 conditions set out below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the residential zoning objective, the accessible location of the development site serviced by public transport and the

urban consolidation policy framework provided by the South Dublin County Development Plan 2022-2028, including strategic local policy objective CS7 SLO1, and national and regional policy objectives and guidelines, including the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), it is considered that the proposed development, subject to condition, would provide a reasonable level of accommodation on site, would be consistent with the established pattern of development in the area, would not have a significant adverse impact on the residential amenities of adjoining properties 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 21st day of December 2023 and by the further plans and particulars received by An Bord Pleanála on the 27th day of February, 2024, 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 compile with the following requirements of Irish Water prior to the commencement of development.</p> <ul style="list-style-type: none"> (i) The written agreement of Irish Water on the relocation of the fire hydrant, as shown on Drawing no. no. P221000229-200 submitted in response to additional information on 21/12/23, and / or as required by Irish Water; (ii) Enter into a water connection agreement(s) with Irish Water;

	<p>(iii) Enter into a waste water connection agreement(s) with Irish Water</p> <p>Reason: In the interest of public health and to ensure adequate waste water facilities.</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>The developer shall provide one dedicated car parking space to the front of the infill house, as shown on Pinnacle Consulting Engineers Drawing No. P221000229-PIN-XX-DR-D-0001-Revision SIP05A, which shall be located within the curtilage of the house.</p> <p>Reason: In the interest of orderly development.</p>
5.	<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>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
7.	<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</p>

	<p>planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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

24 May 2024