



An
Bord
Pleanála

Inspector's Report ABP319165-24

Development	Detached part two storey four bedroom house with vehicular access from Stocking Lane.
Location	Stocking Lane, Rathfarnham, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD23A/0313.
Applicant(s)	Rosemount Properties Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Rosemount Properties Limited.
Observer(s)	One Observer (1) Alan and Alison McQuinn.
Date of Site Inspection	24/05/24.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. The development site is located on the east side of Stocking Lane (R115) inside the M50 ring. The site is bounded to the south by the "Laurel Manor" development newly constructed, which extends to the M50 embankment.
- 1.2. Stocking Lane inclines to the south of the development site as it approaches the viaduct bridge spanning the M50 motorway. Stocking Lane is heavily trafficked. It is the access road to individual mature plots with detached houses and to large scale residential housing estates and apartment development on the north side of the M50 in the vicinity of the development site. A footpath and cycle lane run along the west side of Stocking Lane.
- 1.3. There are a number of existing vehicular entrances from Stocking Lane to developments in the immediate vicinity of the proposed development site, including a vehicular entrance to the new housing development at 'Laurel Manor' to the immediate south of the development site.
- 1.4. The development site is wedged shaped. The residual of the larger development site to the south formerly the grounds of Garretstown House.
- 1.5. The site is subdivided from the newly completed housing estate by a newly constructed part masonry and part brick party boundary wall. There is a pedestrian gate defined by flanking pillars in the western section of boundary wall, which gives access to the new estate at 'Laurel Manor' on the lands of Garretstown House.
- 1.6. The western and eastern boundaries are defined by masonry walls. The wall to the west is a low stone clad boundary wall defining the frontage onto Stocking Lane. The 15B Dublin Bus stop is located adjacent to the boundary wall (outward). There is no footpath on this side of Stocking Lane rather a grass verge.
- 1.7. The eastern boundary is defined by a masonry pebble dash capped wall with a marginal change in ground level to the east. The wall represents the property boundary with a mature existing housing estate, including the houses immediately adjoining at "Prospect View".

1.8. The northern boundary of the site was fenced off on the day of my site visit providing a "Heras fence" / concrete fence division between the development site and the access road to a yard at "Prospect House" to the north east.

1.9. The site area is given as 0.04 hectares.

2.0 Proposed Development

2.1. Detached part two storey four bedroom infill house with vehicular access from Stocking Lane.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

(1) Having regard to the provisions of the South Dublin County Council Development Plan, it is considered that the location of the proposed vehicular access on Stocking Lane, the proximity of other vehicular entrances to the site and the ability of refuse collection and emergency vehicles to safely access the site without causing obstruction close to a bend, the development as proposed would generate a traffic hazard and would endanger public safety. The proposal 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 of South Dublin County Council reflects the recommendation of the planning case officer

3.2.2. Other Technical Reports

Roads Department recommend refusal.

No objection subject to condition.

4.0 Planning History

There is a complex planning history on the site.

- Under Register Reference SD22A/0368 planning permission was refused for 4 reasons for an infill two and a half storey 4-bedroom detached house for the following reasons (1) (adverse impact on existing residential amenity of houses to the east) (2) (quantity and quality of amenity space) (3) (visual impact) & (4) (vehicular access onto Stocking Lane constituting traffic hazard).
- Under Register Reference SD20A/0193 planning permission was refused for 5 reasons for a detached four bedroom two-storey house. One of the reasons for refusal related to vehicular access onto Stocking Lane.
- Under Register Reference 309307-21 (SD20A/0170), the parent permission for the newly constructed housing estate (presently known as “Laurel Manor”), was granted for demolition of the existing 2-storey house and the construction of 24 terraced houses with access from Stocking Lane at Garretstown House, Stocking Lane.

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 10): *‘To protect and/or improve residential amenity.’*

The proposed development for one infill house is permissible.

- 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 CS4 (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) Objective 2 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).

- 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) is relevant and states:

Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County

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.

- Vehicular Access

Chapter 7 (Sustainable Movement) Policy SM5 and Chapter 12 (Implementation and Monitoring) 12.7.4 (car parking standards) and 12.7.6 (Car Parking Design Layout) are relevant.

- 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 SCA Planning and Development Consultants on behalf of the applicant, are summarised below.

- The proposal is consistent with national, regional and local planning policy. The planning authority was generally supportive of the development of the small remnant plot for an infill house noting that previous concerns in relation to impacts on residential amenity had been addressed. The only issue arising relates to access to the site.
- The proposal is small in scale. However, on a cumulative basis such sensitive infill developments have the potential to deliver substantial numbers of residential units consistent with national, regional and local planning policy.
- The National Planning Framework (NPF) signals a shift in Government policy towards securing more compact and urban development. A target of at least 40% of new housing is to be delivered on brownfield / infill sites within the existing built-up areas of cities, towns and villages.
- The proposed development is located in an established suburb, within the M50 and within walking distance of services, amenities and public transport. The proposal is appropriate for the site and will achieve NPF compact growth objectives by concentrating development in an existing urban area and combating urban sprawl.
- The Eastern Midland and Regional Assembly (EMRA) Spatial and Economic Strategy supports the consolidation and re-intensification of infill, brownfield and underutilised lands in the Dublin Metropolitan area supported by improved public transport.
- The policy framework of the South Dublin County Development Plan 2022-2028 (SDCDP), including the site zoning objective, promotes residential development, urban consolidation and the development of zoned underutilised and brownfield lands.

- The design of the proposed infill house is substantially amended and reduced in scale to address concerns previously raised by the planning authority under a previous application registered under SDCC (Reg. ref. SD22A/0368).
- The planners report assessing the subject application *inter alia* citing the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities considered the overall location, design and amenity of the proposed dwelling acceptable. However, the planning authority refused permission based on the recommendation of the Roads Department, which reported that the entrance for this development cannot have direct access into Stocking Lane.
- The proposed vehicular entrance on Stocking Lane is supported by an assessment at planning authority application stage, by Paul McGrail, engineer, of the proposed entrance having regard to DMURS providing for adequate sightlines in accordance with the DMURS guidance.
- The Roads Department of the planning authority have made a subjective recommendation to refuse permission. The subject Roads Report makes no reference to DMURS or any other relevant policy document. Although the expertise of the planning authority engineers should be acknowledged – the assessment should be based on objective standards.
- The appellant argues that there are mitigating circumstances to support the vehicular entrance from Stocking Lane, including the following considerations: the sightline to the north is achieved before the bend in the road; Stocking Lane benefits from a traffic calming ramp; traffic movements from the existing accesses must be assessed with reference to volume, which would be modest; the presence of a bus stop is a common occurrence; emergency vehicles are by their nature highly visible and infrequent and cannot reasonably be considered to contribute to traffic hazard; refuse trucks do not enter private residential properties for bin collection is from the roadside and; the option to transfer bins to “Laurel Manor” for collection via pedestrian gate from the development site is a practical solution to servicing.
- The adjoining site is owned by the applicant and as such these lands can be regulated for the purposes of or in connection with the subject development

where it is expedient, as provided under Section 34(4)(a)(i) of the Planning and Development Act (as amended).

- In the matter of the proximity of proposed entrances to existing entrances, the appellant cites the example of a potential development at the adjacent Prospect House, where the Roads Department expressed similar concerns on traffic hazard grounds (arising from sightlines and proximity to existing entrances), which was not refused planning permission (Ref: SD22A/0271), ABP Ref:314562-22) by An Bord Pleanála for traffic hazard reasons (rather refusal was based on protected structure status).

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. Further Responses

N/A

6.5. Observations

There is one observer, Alan and Alison McQuinn, 32 Prospect View, Prospect Manor, Rathfarnham, Dublin 16. The observation is summarised below:

- The observers house is to the immediate east of the development site at no. 32 Prospect View. The rear upstairs windows of No. 32 Prospect View are directly aligned with the rear windows of the proposed development. The observer claims that their amenity is vulnerable to the loss of privacy and light due to the distance to and height of this development.

- The observer is not opposed to the development of residential properties in the area. However, the observer has considerable concern with the current development proposal and would like to raise the following concerns:
 - The development will directly overlook their property as it is two-storeys in height;
 - The proposed development is at a higher ground level than the observer's house, which will result in overbearing impacts;
 - The development represents an over development of the site given the development of Garretstown House to the south and other permitted residential development in the area;
 - Traffic on Stocking Lane and the surrounding area is at gridlock. At present from the hours of 7.30 to 9.00 in the morning it can take up to 20 minutes to reach the end of Stocking Lane from the Prospect Manor entrance given the number of commuter cars;
 - This development will have further impacts on traffic congestion with no solutions being provided or considered. The close proximity of the proposed entrance and the existing entrances to Prospect Manor, Prospect House, existing laneway, the Garretstown House (Laurel Manor) development and entrance to "Airpark" directly across from the proposal will cause a traffic hazard and warrants refusal of permission;
 - There is only one bus route serving the area and the Luas is 7km away;
 - The reason for refusal of the previous application on traffic safety grounds has not been satisfactorily addressed in the current application. The last refusal stated that any development of the site cannot have an access onto Stocking Lane;
 - The construction of the development will have an adverse impact on the residential amenities of the observer *inter alia* in terms of air pollution and risks structural damage and flood risk to their property;

- The application documents appear to omit several key details making understanding the proposal difficult. The address is also misleading and insufficient to describe the specific location.

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 detached part two-storey part single storey dwelling on residual land, which is located to the north of the newly constructed "Laurel Manor". The floor area of the 4-bedroom house is given as 159.43 sqm. The rear east elevation of the house would have ground floor fenestration only. The front elevation facing Stocking Lane would have ground and first floor fenestration. Dormer first-floor windows inserted into the low roof profile would be predominant. The house would exhibit a render and brick finish to Stocking Lane and a render finish on the east elevation. The roof would comprise selected concrete roof tiles.
- 7.3. The substantive matter under appeal is the car parking provision for the infill house. The proposed car parking area to the front of the house would be accessed from Stocking Lane requiring the creation of a new entrance onto the R115. The planning history on site documents a history of refusal of planning permission *inter alia* on the grounds of traffic hazard. The subject application was refused by the planning authority on traffic hazard grounds. The Road Department of the planning authority excluded a new entrance to Stocking Lane in the location of the development site.
- 7.4. The relevant planning matters arising including the grounds of appeal are interrogated in my assessment under the following main headings below:
- Principle of development
 - The Sustainable Residential Development and Compact Settlement Guidelines (2024)
 - Infill development
 - Vehicular access and servicing

- Other matters

7.5. The principle of development

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, promotes 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 located adjacent to a 15B Dublin Bus stop, which is served by high frequency public transport.

- 7.6. 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.
- 7.7. 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.
- 7.8. 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.
- 7.9. 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 subject to meeting development management standards.

Zoning

7.10. 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 provision of an additional dwelling would be consistent with the residential zoning of the site.

7.11. The development site comprises a residual tract of land forming a wedge shape development site within an established suburban area where piped services are available. I consider the development site is an appropriate location for infill residential development.

7.12. 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.

7.13. 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.

7.14. 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.

7.15. 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.

7.16. 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.

7.17. 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 given that it is served by a high frequency bus route – Route 15B (10-15 minutes frequency at peak). The appropriate car parking provision for the proposed infill house is discussed below.

7.18. Infill development

The Policy H13 (Residential Consolidation), Chapter 6 (Housing) of the South Dublin County Development Plan 2022-2028 is relevant states. The policy promotes and supports residential consolidation and sustainable intensification a appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

Chapter 12 (Implementation and Monitoring) Section 12.6.8 (Residential Consolidation), Paragraph ‘Infill Sites’ and Paragraph ‘Corner / Side Garden Sites’ of the South Dublin County Development Plan 2022-2028 provides criteria *inter alia* for the assessment of infill and corner / side garden development sites, which include the assessment of the protection of the existing residential amenities of adjoining properties.

7.19. I note the concerns of the observer. The observer’s house is to the immediate east of the development site at no. 32 Prospect View. It is claimed the rear upstairs windows of No. 32 Prospect View are directly aligned with the rear ground floor windows of the proposed infill house and would result in a loss of existing amenity. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities requires minimum separation distances between opposing windows of 16m. The distance between the opposing windows of the proposed infill house and the houses at Prospect View immediately east of the development site would be 17586mm (Drg. No. 18-1365-59 – ‘Site Sections’).

- 7.20. SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities requires that statutory development plans should not include an objective in respect of separation distances that exceeds 16 metres between opposing windows serving habitable rooms *inter alia* at the rear or side of houses. However, it requires that when considering a planning application a separation distance of at least 16m between opposing windows serving habitable rooms above ground floor level at the rear and side of houses should be maintained. In the instance of the proposed development the site layout would provide a separation distance of approximately 17m between opposing windows, which would exceed the 16m minimum threshold recommended by the Guidelines. I consider that the separation distances between the proposed infill house and the existing houses in Prospect View is acceptable.
- 7.21. Furthermore, it is considered that the proposed development would in general satisfy Section 12.6.8 (Residential Consolidation), Paragraph 'Infill Sites' and 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, including the amenity of no. 32 Prospect View and adjoining houses to the immediate east of the development site. Furthermore, I consider that the proposal would generally satisfy internal floor area and open space standards.
- 7.22. The proposed detached infill house would exhibit a design that would harmonise with the existing adjoining terrace streetscape at "Laurel Manor" to the immediate south. The proposed brick front and render façade, double glazed standard fenestration and pitched roof of the house would exhibit an acceptable elevation finish and building form that responds to local context.
- 7.23. Vehicular Parking
- The Roads Department of the planning authority report that the proposed vehicular entrance onto Stocking Lane would represent a traffic hazard due to the proliferation of multiple accesses at the development location. Furthermore, the site entrance on Stocking Lane is in close proximity to the bus stop located to the south of the entrance, which in itself would cause a traffic hazard. The Roads Department recommend refusal of permission based on the vehicular entrance noting that the development cannot have direct access onto Stocking Lane.

The appellant provides supporting analysis for the proposed vehicular entrance to the development site from Stocking Lane. The points made by the appellant are noted. However, I would concur with the appraisal of the Roads Department of the planning authority that the entrance would constitute a traffic hazard given my observations on the day of my site visit, including the high volume of traffic using Stocking Lane, the proximity of the 15B bus stop and the number of existing access points in the immediate vicinity.

- 7.24. I would concur with the planning case officer that the appropriate provision and location of car parking is a critical planning consideration. The case officer states that in the event that permission was to be considered for development at the subject site the issues of the position of the site access and refuse collection details would require further consideration. However, the option of permitting the infill house without dedicated car parking has not been interrogated by the planning authority.
- 7.25. A proposed entrance via 'Laurel Manor' to the site may be expedient for the purposes of providing access to the infill house in the absence of a direct access from Stocking Lane. I note that the lands at 'Laurel Manor' are demarcated in blue and are in the ownership of the applicant. It is considered that access to the proposed infill house from 'Laurel Manor', via the existing opening in the southern boundary, would provide a feasible alternative entrance to the development site. However, access from 'Laurel Manor' would be pedestrian access only.
- 7.26. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires innovative responses to the provision of housing. The Guidelines support the elimination of car parking within city centres and urban neighbourhoods in accessible / intermediate locations. The development site is co-located with the Dublin Bus Route 15B (Stop 6298), as such, it is an accessible location by reason of the high frequency service provided by the 15B Bus Route (intervals of 10-15 minutes at peak), which provides access to Rathfarnham Village and the city centre.
- 7.27. There is no footpath on the east side of Stocking Lane. However, a footpath and cycle lane run along the west side of Stocking Lane. It is considered that the option to grant permission for an infill house omitting car parking may be facilitated by

designating the existing pedestrian access from the development site to “Laurel Manor” the principal entrance to the infill house.

Serving of the development

- 7.28. The reason for refusal detailed that the development as proposed would generate a traffic hazard and would endanger public safety given the proximity of other vehicular entrances to the site and the ability of refuse collection and emergency vehicles to safely access the site without causing obstruction close to a bend on Stocking Lane.
- 7.29. The Roads Department of the planning authority observes that the design of the ‘Laurel Manor’ development (SD20A/0170) / ABP309307-21 would not allow the side entrance in the south boundary wall, in front of terrace house no. 1, to be used for bin collection. However, the appellant argues that the option to transfer bins to “Laurel Manor” for collection via pedestrian gate from the development site is a practical solution to bin servicing.
- 7.30. The appellant cites the potential to regulate adjoining lands in the ownership of the applicant where it is expedient for the purposes of the development, as provided for under Section 34(4)(a) of the Planning and Development Act (as amended). The servicing of the infill house from “Laurel Manor” can be dealt with by way of condition if a positive recommendation is recorded.
- 7.31. The matter of the access of emergency vehicles is a planning consideration. The emergency access from Stocking Land in the absence of a dedicated vehicular entrance would need to be achieved from ‘Laurel Manor’. The proposed infill house is immediately adjacent to the northern terrace of the ‘Laurel Manor’ development (terrace house no. 1).

7.32. Other matters

The development site is located to the south west of “Prospect House” a protected structure (RPS Ref: 340). I note that the Architectural Heritage section of the Department of Housing, Local Government and Heritage has responded to the request of the planning authority to make observation on the proposal. The Department considers that the proposed development will not impact on Prospect House.

Conclusion

- 7.33. In conclusion, the proposed development comprising a detached infill dwelling house located on residential zoned land in an accessible location serviced by public transport aligns with the urban consolidation policy framework provided by the South Dublin County Development Plan 2022-2028 and with national guidance on compact growth. However, the proposed vehicular access to the site from Stocking Lane would constitute a traffic hazard.
- 7.34. The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) requires innovative responses to the provision of new houses in order *inter alia* to augment the national housing stock. The Guidelines support the elimination of car parking within city centres and urban neighbourhoods in accessible / intermediate locations. The development site is co-located with the Dublin Bus route 15B (Stop 6298), as such, it may be considered an accessible location given the high frequency of the 15B Bus route (intervals of 10-15 minutes at peak).
- 7.35. The option to grant permission for an infill house omitting car parking can be facilitated by the existing pedestrian entrance, located in the south boundary wall, from 'Laurel Manor' to the development site. It is considered that the existing pedestrian access route located in front of the north terrace at 'Laurel Manor' can provide access and egress to the infill house. I note that the lands at 'Laurel Manor' are demarcated in blue and are in the ownership of the applicant. I consider a condition omitting the vehicular entrance and requiring access via the "Laurel Manor" development to be a valid option.
- 7.36. I conclude that the proposed development which includes a vehicular entrance onto Stocking Lane would constitute a traffic hazard. Therefore, the development in the format submitted to the planning authority would warrant a refused of planning permission as detailed in the planning authority reason for refusal. However, the option is open to the Board to grant permission for the infill house omitting dedicated car parking.
- 7.37. I have detailed below a grant of planning permission with the omission of the vehicular entrance onto Stocking Lane providing for an alternative access / egress from "Laurel Manor" via the existing pedestrian entrance in the south boundary wall.

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 considerations 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 high frequency public transport, the urban consolidation policy framework provided by the South Dublin County Development Plan 2022-2028 and national and regional compact growth policy objectives and guidelines, including the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (January 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 with the exception of the omission of dedicated car parking, 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The principal access to the infill house shall be via the existing pedestrian access to the development site from "Laurel Manor".</p> <p>Prior to the commencement of development the developer shall submit a revised site layout plan, elevation drawings and a landscaping plan for the written agreement of the planning authority providing for the following:</p> <ul style="list-style-type: none"> (i) The omission of the vehicular entrance and in-curtilage parking area and the substitution of soft landscaping to the front of the infill dwelling house. (ii) Refuse collection and emergency vehicle access via "Laurel Manor". <p>Reason: In the interest of orderly development and the application of SPPR Objective 3 of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (2024), which requires a graduated approach to the management of car parking within new residential development including reduced car parking provision in locations served by high frequency public transport.</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
4.	<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>
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 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>

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.

A. Abbott King

Anthony Abbott King
Planning Inspector

25 June 2024