



An
Bord
Pleanála

Inspector's Report

ABP-320104-24

Development	Construction of a two storey dwelling and all associated site works.
Location	16 Greenfort Crescent, Clondalkin, Dublin 22, D22 X6X5.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD23A/0258.
Applicant(s)	Dean Graham.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Dean Graham.
Observer(s)	None.
Date of Site Inspection	6 th September 2024
Inspector	C Daly

1.0 Site Location and Description

- 1.1. The subject site consists of the side and rear garden/yard of a two storey end of terrace pitched roof dwelling. The vehicular entrance to the property is via the side of the dwelling. The area to the side and rear of the dwelling is paved in concrete. The corner site dwelling is of similar form and appearance to the adjacent dwellings and the site is located in a suburban residential low density area of Clondalkin.

2.0 Proposed Development

- 2.1. The proposed development seeks planning consent for the construction of a two storey, two bedroom, detached dwelling to the side garden of the existing dwelling, modification to vehicular entrance and boundary walls with landscaping and associated site works. Per the revised site layout plan presented at Clarification of Further Information stage, a revised vehicular entrance to the rear of the new dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Council first decided to request Additional Information in relation to issues related to clarification of the extent of the subject site and works proposed, site boundaries and access arrangements, landscaping details and SUDS provision.
- 3.1.2. There followed a decision to request Clarification of Further Information in relation to the site access to serve the existing and proposed dwellings with a revised vehicular access and parking arrangements sought.
- 3.1.3. South Dublin County Council subsequently refused permission for the proposed development for one reason as follows:
1. Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the proposed development, by reason of site layout and context, would provide for insufficient in-curtilage space for vehicles to turn and safely exit the proposed infill property, which would result

in traffic hazard. Furthermore, the development, if permitted, would set an undesirable precedent for similar development which would in themselves and cumulatively be harmful to the amenities of the area, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

3.2.1.1. The South Dublin County Council Planning Reports provide the basis of the decision. The First Report provides a description of the site and the proposed development, it sets out the planning history of the site and surrounds and provides an overview of the relevant policy at local level.

3.2.1.2. Within the assessment of the proposal, the Planning Authority outlined that the principle of development was acceptable at the location and that the scheme was generally consistent with the site's zoning. The design and layout of the dwelling was found to be consistent with the policy for corner/garden sites, floor areas were acceptable and impacts on adjacent residential amenities were acceptable. However, concerns were raised in relation to a number of matters and further information was requested in relation to the red line boundary, modifications to site boundaries, green infrastructure detail and SUDS drainage.

3.2.1.3. Notwithstanding the information provided which was deemed significant, the Planning Authority had continued concerns regarding the vehicular access and parking layout with two no. vehicular access points then proposed.

3.2.1.4. As part of the Applicant's response to the Clarification of Further Information request, a revised site layout plan was presented showing a new rear/side vehicular access point for the proposed dwelling and new parking location. The Planning Authority continued to have concerns in relation to these issues and the updated recommendation of the Roads Department to refuse permission formed part of the basis of the decision to refuse permission for the proposal for one reason.

3.2.2. Other Technical Reports

Water Services Report: First Report required SUDS provision and requested drawings to show such features. Report following receipt of A.I. advised no objection subject to conditions.

Public Realm Report: No comments.

Environmental Health Officer Report: No objections subject to conditions.

Roads Department Report: First report: Refusal of permission recommended for two reasons. Following S.F.I., CFI sought in relation to item 2. C.F.I. report recommended refusal of permission for two reasons.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Appeal Site

No relevant planning history located.

Sites in the Vicinity

SD08A/0124 – The Planning Authority granted permission at 1 Greenfort Lawn for New attached three bedroom end of terrace house in side garden to match existing.

SD06A/0698 – The Planning Authority refused permission for one end of terrace dwelling at 79 Greenfort Crescent due to drainage issues and proximity to a public surface water sewer and due to precedent that would be set.

SD05A/0918 – The Planning Authority granted permission at 23 Greenfort Lawns for a new terraced two storey house to side with new vehicular access.

SD04A/0656 – The Planning Authority granted permission at 2 Greenfort Lawns for Terraced two storey house to side of existing house with new vehicular access.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028 (CDP)

Under the current CDP, the site is zoned under zoning objective 'RES' which is '*To protect and/or improve residential amenity*'. Under this zoning, residential use is permitted in principle.

In Chapter 2 the settlement strategy promotes compact growth and quality infill development in existing urban built up areas. Chapter 4 details the policies and objectives in relation to Green Infrastructure. Chapter 5 provides for policy in relation to quality place making. Chapter 6 relates to housing policy including residential consolidation in urban areas. Chapter 7 deals with sustainable movement including in relation to parking. Chapter 12 provides policies for implementation and includes Section 12.5.3 on Density and Building Heights and Section 12.6.7 provides for residential standards.

Residential consolidation is dealt with in detail in Section 12.6.8 which includes policy on Corner/Garden Sites and this includes the following,

"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".

Section 12.7 details Sustainable Movement policies and Objectives. Section 12.7.4 relates to Car Parking Standards. Section 12.7.6 relates to Car Parking Design and Layout in relation to In-Curtilage parking states that,

"In-curtilage car parking will be considered to the front of the house for lower density residential development (40 dwellings per hectare or below), subject to:

- *Sufficient measures to promote a self-regulating street environment;*
- *Adequate plot widths to enable the planting of materials which have a low-level screening effect;*
- *The provision of conveniently located on-street parking for visitors".*

5.2. Planning Guidelines

The following section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- Quality Housing for Sustainable Communities-Best Practice Guidelines (2007).

The following planning guidance and strategy documents are also considered relevant:

- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- EIA Guidance for Consent Authorities regarding Sub-threshold Development (2003);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

5.3. Natural Heritage Designations

In relation to designated conservation sites, the subject site is located c.1.1km to the south of the Liffey Valley Proposed Natural Heritage Area (PNHA) (site code 000128) and c.2km from the Grand Canal PNHA (site code 002104).

5.4. EIA Screening

See Completed Forms 1 and 2 appended to this report. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points can be summarised as follows:

- In response to the Council's further information request, the option of a new vehicular access to the side of the proposed dwelling was provided which is similar to the current set up and which allowed for private open space requirements and a better vehicular access.
- Photos are submitted showing two precedents at Greenfort Lawns and one at Greenfort Park and there is ample street parking in the vicinity. The Development Plan standards do not work in an estate such as this. There are no amenities will be impacted. Sustainable infill such as this allows families to remain in areas where they grew up and is a response to a housing crisis.

6.2. Planning Authority Response

The Planning Authority noted that, should permission be granted, regard should be had to applicable Development Contribution Schemes.

6.3. Observations

None.

7.0 Assessment

- 7.1. Under the 'RES' zoning objective for the site, residential is permitted in principle and infill residential development is encouraged by the CDP. Per Section 12.6.8 (Corner/Garden Sites) of the CDP, the site is of sufficient scale for a new dwelling and the layout, scale and design would sufficiently match the pattern of development on the street, being of similar design and scale, and there are no significant issues noted in relation to separation distances (10m to the rear boundary), overlooking, overbearing or overshadowing impacts. The side elevation would sufficiently address the street given the door and window openings proposed. I consider that the dwelling would integrate with the streetscape and I note no issues in relation to

internal residential standards or with the size of private amenity space to be provided. I consider that the dwelling accords with CDP policy other than in relation to vehicular access which will be assessed below.

- 7.2. The pattern of development is generally one parking space to the front of each dwelling, no on-site turning, wide footpaths and a residential road network which I noted to be not particularly busy on my site visit. The matter at issue is the vehicular access arrangements and associated car parking for the existing and proposed dwelling. The Roads Department report of the Council recommended refusal of permission in relation to the combined vehicular access to the front including its proximity to a very busy junction resulting in a traffic hazard and the lack of spaces for vehicles to turn and exit the property in a forward direction although a revised design was presented showing two separate front vehicular entrances at S.F.I. stage. A revised design was sought by way of Clarification of Additional Information and the alternative access to the rear side of the proposed dwelling was provided in response which is the subject of this assessment. The Roads Department noted the absence of an AutoTrak analysis and the need for a visibility splay and recommended permission be refused on the previous basis. It is also noted that the Council's Roads Department also initially provided conditions should permission be granted which dealt with boundary heights, entrance width and standard issues to the front.
- 7.3. Section 12.7.6 of the CDP provides for in curtilage parking in such low density residential developments subject to a self regulating street environment, sufficient on-street parking and site screening. In relation to the rear vehicular access, I note that there are no impediments on the street, such as trees or poles, blocking such provision and that sufficient visibility would be afforded from the entrance on to the footpath, noting the boundary wall to the south. The 3m width would be below the maximum CDP standard of 3.5m.
- 7.4. Should permission be granted for the rear entrance, the boundary treatment could be conditioned for agreement with the Council's Roads Department. I note no significant issues in relation to the street, on-street car parking and site screening that cannot be dealt with by condition should permission be granted. It would be possible to provide for such an entrance in the rear garden in line with residential standards for

new dwellings given that a more than sufficient area of private open space, c.71 sq.m. would remain and I recommend that permission be granted on this basis.

- 7.5. The proposed vehicular access at the front of the existing dwelling (no. 16) would effectively replace the existing vehicular access to the property. The appellant has referred to precedent in the area while not citing any particular grants of permission. Having reviewed the grants of permission in the vicinity, I note permission was granted by the Planning Authority for new vehicular entrances on corner sites where an additional dwelling was proposed at 1 Greenfort Lawns, 23 Greenfort Lawns and 2 Greenfort Lawns (see planning references above).
- 7.6. Having reviewed the Proposed Site Layout Plans provided at S.F.I. stage and C.F.I. stage in relation to the front vehicular access to serve the existing dwelling only, I note no significant issues arise in relation to visibility splays or sightlines in the context of the residential estate setting, the setback from the street corner and where vehicular access would be over the footpath to the public road to the north.
- 7.7. I consider that permission can be granted for the vehicular entrance for the existing dwelling subject to the boundary and landscaping conditions recommended by the Council's internal departments which can be dealt with via the use of compliance conditions for prior agreement. However, I recommend, should permission be granted, that it be made clear that a front vehicular entrance for the new dwelling cannot be provided by condition as it cannot be accommodated to the front while maintaining the building line.
- 7.8. If the Board do not deem it appropriate to provide the rear vehicular access to serve the proposed dwelling, it should be noted that CDP parking standards relate to maximum parking provision per Table 12.26, and given the availability of on-street parking in the vicinity, the entrance for the second dwelling could be omitted by condition while otherwise allowing for a grant of permission for the new dwelling and I do not recommend refusing permission in this circumstance.
- 7.9. To note I concur with the concerns of the Roads Department in relation to the original proposal for a shared vehicular entrance to the front. I do not consider that the appeal has provided any rationale for one new front entrance to serve the adjacent proposed dwelling given the significant concerns of the Council's Roads Department in relation to lack of in-curtilage turning space which would be required for a second

vehicle and I recommend that for clarity, should permission be granted, a shared access is omitted by condition.

- 7.10. In relation to the Council's recommended condition in relation to the requirement for a detailed landscaping scheme, I do not consider this to be necessary for such a modest sized garden within an urban infill setting. I do recommend a SUDS related drainage condition to cater for surface water drainage on site.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in an urban area remote from any European site. The nearest such site is located c.6.km away to the west, namely the Rye Water Valley / Carton SAC and PNHA (site code 001398).
- 8.3. The proposed development comprises a new two storey dwelling, modified vehicular entrance and associated works. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- the small scale and domestic nature of the development,
 - the location of the development in a serviced urban area, at a significant distance from European Sites and the urban nature of intervening habitats, and absence of ecological pathways to any European Site,
 - taking into account the screening determination by the Planning Authority.
- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

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.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site which is “*to protect and/or improve residential amenity*”, to the nature and scale of the proposed development, and to the provisions of the South Dublin County Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that subject to compliance with the conditions below, the proposed development would respect the character and setting of the area, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future occupants, would be acceptable in terms of road safety and would not be likely to have a detrimental impact in terms of drainage or green infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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 received by the planning authority on the 17th May 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) There shall be no separate or shared vehicular access for the new two bedroom dwelling other than to the rear and the vehicular access for the new dwelling shall only be located at the end of the rear garden as shown on the drawing titled 'Proposed Site Layout Plan' (Drawing No. PA-000006) submitted to the Planning Authority on 17th May 2024.
- (b) The site shall be internally sub-divided by the side boundaries shown on the drawing '*New Dwelling to side of existing Dwelling*' (Drawing No. PA-000006 submitted to the Planning Authority on 17th May 2024) between the existing dwelling and new two bedroom dwelling. The existing side vehicular access shall be closed permanently by the provision of a boundary wall in its place except insofar as provision for the pedestrian entrance is required.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety, clarity and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Boundary walls shall match the new dwelling or where concrete block is used shall be capped and rendered on the public facing side.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. (a) Prior to commencement of development details, including scale elevation drawings and plans, of the rear garden side boundary treatment, height and layout for the new dwelling shall be submitted to the Planning Authority for its written agreement.

(b) The boundary walls at the sole front vehicular access point shall be limited to a maximum height of 0.9 metres and any boundary pillars shall be limited to a maximum height of 1.2 metres.

(c) The width of each permitted vehicular access shall not exceed 3.5 metres.

(d) Any gates shall open inwards and not outwards over the public domain.

(e) The entrance apron shall be dishd and widened to the full width of the vehicular entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.

Reason: in the interest of road safety.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Water Services Section of the Council for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. OPTIONAL (b) Include any specific requirements if appropriate.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity

8. 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

C Daly
Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Construction of a two storey dwelling and all associated site works.		
Development Address	16 Greenfort Crescent, Clondalkin, Dublin 22, D22 X6X5		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		X	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class (10)(b) of Schedule 5 Part 2	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320104-24	
Proposed Development Summary	Construction of a house	
Development Address	16 Greenfort Crescent, Clondalkin, Dublin 22, D22 X6X5	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for a dwelling house within an urban area and which is connected to water services and wastewater services.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>		<p>No</p> <p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant</p>	<p>No designations apply to the subject site.</p> <p>The proposed development will be connected to the public water and sewer network.</p>	<p>No</p> <p>No</p>

environmental sensitivities in the area, including any protected structure?		
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)