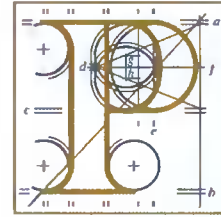


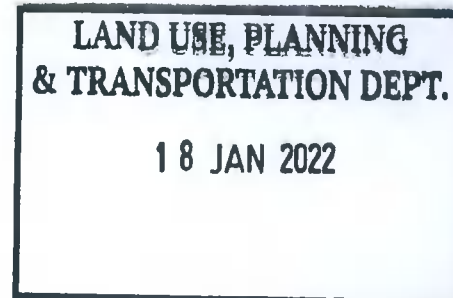
Our Case Number: ABP-312395-22

Planning Authority Reference Number: SD21A/0277



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 14 January 2022

Re: Construction of dwelling and all associated site works
Peyton View, Peyton, Rathcoole, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

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Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your

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authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

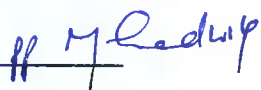
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312395-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 01-8737280

BP07

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DUBLIN

5th Floor, The Glass House
11 Coke Lane, Smithfield,
Dublin 7.
D07 WNP2

LIMERICK

11 The Crescent
Limerick,
V94 V2VW



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

LDG-	047044-22	
ABP-		
	06 JAN 2022 OK	
Fee: €	220	Card
Time:	1700	By: hand
	Date:	

6th January 2022

RE: FIRST PARTY APPEAL IN RESPECT OF SOUTH DUBLIN COUNTY COUNCIL DECISION TO REFUSE PLANNING PERMISSION FOR A 4 NO. BED DETACHED DWELLING AT PEYTON VIEW, PEYTO, RATHCOOLE, CO. DUBLIN

SOUTH DUBLIN COUNTY COUNCIL REG. REF: SD21A/0277

Dear Sir/Madam,

On behalf of the applicant, Stanley Residential DAC, Century House, Harold's Cross Road, Dublin 6w, Dublin D6W P993, we wish to make a first party appeal in relation to a notification of decision by South Dublin County Council (SDCC) to refuse planning permission on for a development under Reg. Ref: SD21A/0277. The application sought the construction of a 4 no. bed, detached dormer bungalow at Peyton View, Peyton, Rathcoole, Co. Dublin ('the appeal site').

The following enclosures are included:

- Virtus First Party Appeal and associated appendices;
- Site Plan (Dwg. No. 2110 AP02), prepared by McGrane & Partners Architects;
- Plans and Elevations (Dwg No. 2110 AP07), prepared by McGrane & Partners Architects; and
- Site Plan – Option B (Dwg. No. 2110 AP02b) prepared by McGrane & Partners Architects.

The date of the notification of decision was 2nd December 2021. We enclose the first party appeal fee of €220 (paid by credit card).

Yours faithfully,

Robert Keran

Robert Keran, BSc Spatial Planning, BA (Law), LLB, MIPI
Virtus
5th Floor, The Glasshouse, 11 Coke Lane, Smithfield, Dublin 7

Office +353 1 8665662
www.virtuspm.ie

Directors: Jason Cronin MRICS, MSCS | Neilus Hunt | Robert Keran |
Registered Number: 505191 | VAT Registration No: 9808275W

FIRST PARTY APPEAL



**RESIDENTIAL DEVELOPMENT AT PEYTON
VIEW, PEYTON, RATHCOOLE, CO DUBLIN**

January 2022



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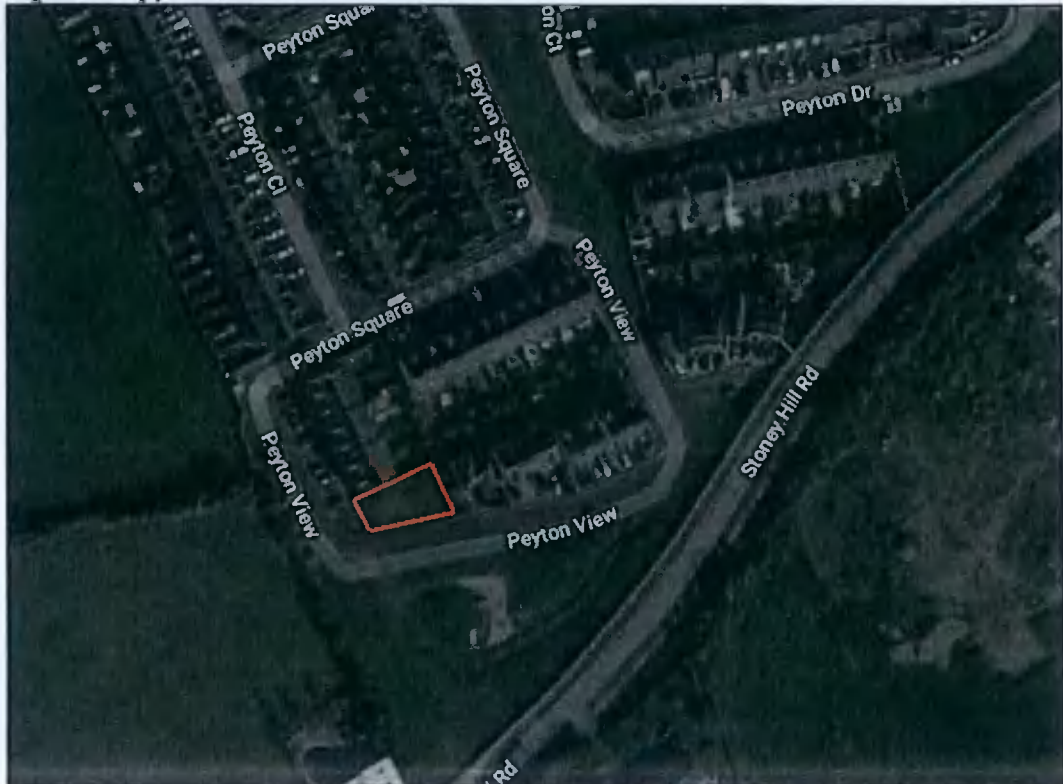
1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Stanley Residential DAC, we wish to make a first party appeal in relation to a notification of decision by South Dublin County Council (SDCC) to refuse planning permission on for a development under Reg. Ref: SD21A/0277. The application sought the construction of a 4 no. bed, detached dormer bungalow at Peyton View, Peyton, Rathcoole, Co. Dublin ('the appeal site').
- 1.2 The date of the notification of decision was 2 December 2021. We enclose a copy of the notification of decision to refuse permission at **Appendix 1**, with a copy of the Planner's Report (dated 2 December 2021) available at **Appendix 2**. We enclose the first party appeal fee of €220 (paid by credit card).
- 1.3 The subject site is zoned 'RES' within an objective to '*To protect and/or improve residential amenity*' in the South Dublin County Development Plan 2016-2022. New residential development is supported by this zoning objective and the principle of development has been accepted by the Planning Authority. We note that the Planning Authority has raised some concerns regarding the amenity of the proposed dwelling and neighbouring dwellings. To address these concerns, the applicant has proposed potential minor design changes within this first party appeal should the Board consider them necessary to make the development acceptable.
- 1.4 It is respectfully requested that the Board grant planning permission. Our grounds of appeal and reasoning are set out at Section 5.0 of this submission.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The appeal site is on the south west corner of the 'Peyton' residential estate, less than 1 km from Rathcoole Main Street. It extends to approximately 0.027 ha and is currently a vacant, grassed area. The extent of the subject site is edged red on Figure 1 below.

Figure 1: Approximate Site Location



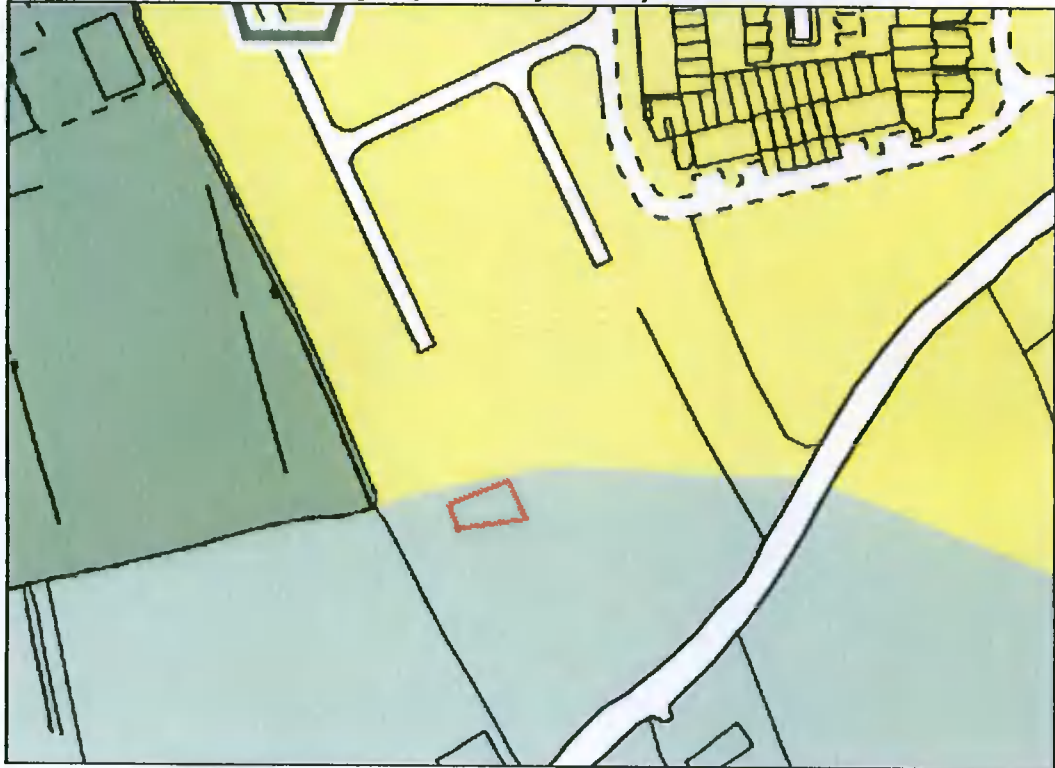
Source: Google Maps

- 2.2 The surrounding area is residential in nature and is primarily characterised by the two/three storey terraced, semi-detached and detached houses of the Peyton residential estate. The appeal site is roughly rectangular shape and is bounded to the west and south by Peyton View estate road, to the north by 6 Peyton View and to the east by 7 Peyton View.
- 2.3 The site is well connected to local amenities being situated within 1 km of the Rathcoole Main Street and the Dublin Bus Route 69 bus stop which provide hourly services to Dublin City Centre.

3.0 BACKGROUND TO APPEAL

- 3.1 The southern section of the Peyton residential estate, within which the appeal site sits, was originally granted planning permission in 2013 under Reg. Ref. SD12A/0238. At the time of the application, the appeal site was zoned Objective B 'Rural' (see light blue shading in Figure 2) in the County Development Plan 2010-2016 – 'To protect and improve Rural Amenity and to provide for the development of Agriculture'.

Figure 2: Extract from Zoning Map 3 County Development Plan 2010-2016



- 3.2 As part of the pre-application discussions that were undertaken at that time, the Planning Authority advised that no residential development could come forward on the land within the site zoned Objective B. Given this, the appeal site was left undeveloped in the 2013 planning application. However, this area of land has since been zoned for residential development, and the applicant has therefore sought to bring this vacant and underutilised piece of land forward for development to provide a high quality dwelling.
- 3.3 Our client submitted a planning application to SDCC on 8th October 2021 (Reg. Ref. SD21A/0277) for the construction of a single detached dormer dwelling at a corner site at Peyton View, Peyton, Rathcoole, Co. Dublin. The application sought the following:

'Construction of a new 4 bedroom, detached dormer bungalow; all ancillary site development works.'

- 3.4 Notification of SDCC's intention to refuse planning permission was issued on 2 December 2021 with 2 no. reasons given for refusal:

'1. Having regard to the siting, design and layout of the proposed dwelling on lands that function and form part of the public realm/open space, this space being granted permission under Reg. Ref SD12A/0238, the proposed development would seriously injure the residential amenity of the dual aspect dwelling at 6 Peyton View by means of overshadowing and overbearing impact, particularly the southern/front elevation of this property and would injure the residential amenity of the overall Peyton Housing Development through the loss of a section of open space/public realm and if granted, would: (1) contravene materially Condition 1 of Planning Reference SD12A/0238 (2) be contrary to Development Plan policy on Corner/infill sites (Policy H17 Objective 3), and (3) contrary to the proper planning and sustainable development of the area.

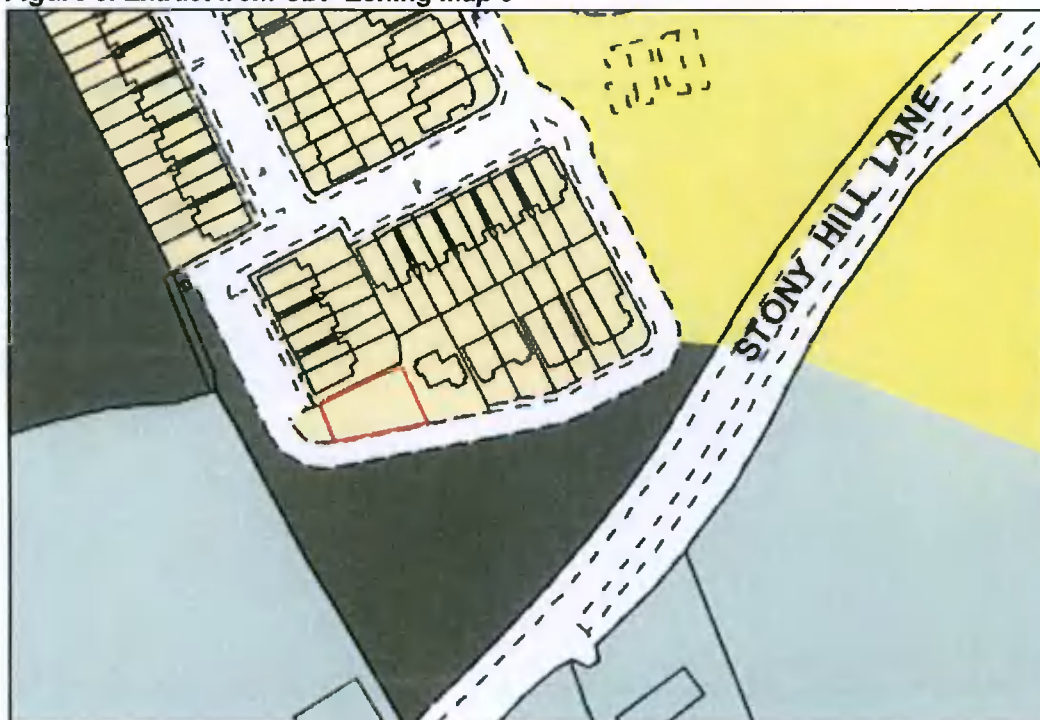
2. Having regard to the rear amenity space of the proposed dwelling, which would be directly overlooked by the adjacent properties at both 6 and 7 Peyton View, the proposed development would fail to adhere to the provisions of the Urban Design Manual: A Best Practice Guide (2009), Section 7.8 of the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) and Policy H15 Objective 3 of the County Development Plan which seek the protection and provision of private rear amenity space for each dwelling unit. The proposed development would therefore be contrary to County Development Plan policy and objectives, national policy and be contrary to the proper planning and sustainable development of the area.'

- 3.5 Having reviewed the Planner's Report, we consider that SDCC has failed to provide reasoned justification for refusal based on the grounds that they have identified.
- 3.6 It is important to note that the Planning Authority confirmed that '*as residential development is 'Permitted in Principle' under the 'RES' zoning objective, a new dwelling is accepted in principle at the application site*'. In the Planner's Report, it goes on to state that the proposed development generally accords with the provisions of Section 11.3.2 (Residential Consolidation) of the Development Plan.
- 3.7 The Planning Authority raised concerns regarding the design and siting of the proposed development and the potential impact on surrounding properties. We address these concerns, providing mitigation where appropriate in the following section.

4.0 RELEVANT PLANNING POLICY CONTEXT

- 4.1 The South Dublin County Development Plan (CDP) 2016-2022 provides the relevant policy context for the proposed development.
- 4.2 The site is zoned RES (orange shading on Figure 3) with the objective “to protect and/or improve residential amenity”. Residential is a permissible use on RES zoned sites and therefore, the proposed development is considered to be acceptable in principle.

Figure 3: Extract from CDP Zoning Map 8



- 4.3 Policy H6 (Sustainable Communities) supports the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.
- 4.4 Policy H11 (Residential Design and Layout) promotes a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.
- 4.5 Policy H12 (Objective 1 Public Open Space) sets out to ensure that public open space in new residential developments complies with the quantitative standards set out in Chapter 11 of the development plan and Chapter 4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), together with the design criteria illustrated under the Urban Design Manual – A Best Practice Guide, DEHLG (2009).

- 4.6 Section 11.3.1(iii) (Public Open Space/Children's Play) In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space.
- 4.7 Policy H13 (Private and Semi-Private Open Space) sets out to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.
- 4.8 Policy H15 (Privacy and Security) promotes a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.
- 4.9 Policy H17 (Residential Consolidation) supports 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.
- H17 Objective 1: To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.
 - H17 Objective 3: 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 11 Implementation.
 - H17 Objective 5: To ensure that new development in established areas does not impact negatively on the amenities or character of an area.
 - H17 Objective 7: To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).
- 4.10 Section 11.3.2 relates to 'Residential Consolidation':
- 4.11 Section 11.3.2 (i) (Infill Sites Development) states that proposals on Infill sites should meet the following criteria:
- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
 - *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*
 - *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
 - *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*

- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area. '*

4.12 Section 11.3.2 (ii) (Corner/Side Garden Sites) sets out the criteria that development on corner and/or side garden sites should meet for infill development.

5.0 GROUNDS OF APPEAL

5.1 We have reviewed and considered in detail the 2 no. reasons for refusal on the Decision Notice issued on 2nd December 2021, which can be summarised as follows:

- The loss of a section of open space/public realm and related impacts; and
- Overlooking of proposed private open space.

5.2 Although there are only two reasons for refusal, they deal with a number of matters comprising:

- Overlooking of proposed private open space;
- Impact on the residential amenity of the dual aspect dwelling at 6 Peyton View;
- The proposed development would contravene materially Condition 1 of Reg. Ref. SD12A/0238; and
- The proposed development would be contrary to Development Plan policy on Corner/infill sites.

5.3 The above forms the basis for the grounds of appeal and are elaborated upon below.

Overlooking of Proposed Private Open Space

5.4 The Planning Authority has raised concerns regarding the potential for overlooking of the proposed private open space associated with the new dwelling by the neighbouring dwelling at 7 Peyton View, directly east of the appeal site.

5.5 The appeal site an urban infill site, eminently suitable for residential development, and some level of overlooking to private open spaces is to be expected. It is acknowledged that the first floor west facing bedroom window at 7 Peyton View would lead to some overlooking of the proposed private amenity space, however, in the context of delivery of a much needed additional dwelling on this infill site, a level of overlooking is not unexpected.

5.6 We enclose with this appeal response drawings (Dwg. No. 2110 AP07 and Dwg No. 2110 AP02) indicating some minor amendments to the proposed dwelling to remove east facing windows to ensure that there is no overlooking to the open plan sitting/dining/kitchen area. In the event that the Board is minded to grant permission, and there is some concern about overlooking of this space, we would invite a condition relating to the amendments indicated on the enclosed drawings. We also note that some landscaping to the eastern boundary of the appeal site could assist with obstructing views to the private open space.

5.7 As a further alternative, we refer to Board to enclosed drawing (Dwg. No. 2110 AP02b) whereby the private open space is flipped to the west side of the proposed dwelling. This would entirely address any concerns of overlooking from 7 Peyton View of the proposed development, and it is noted that windows to the gable end of 6 Peyton View to the north are to non-habitable rooms, therefore there are no overlooking concerns. In the event that the Board is minded to grant permission, and there is some concern about overlooking of this space, we would invite a condition relating to the amendments indicated on the enclosed drawings. We also

note that some landscaping to the eastern boundary of the appeal site could assist with obstructing views to the private open space.

- 5.8 Moreover, this situation would be very similar to the existing situation whereby the gable windows of 28 Peyton View directly overlook the gardens of 2 Peyton View and 3 Peyton View to the west (see Figure 4). Overall, it is considered that the proposed dwelling will be provided with, adequate, useable and private open space as required by policy H13 of the CDP 2016-2022.

Figure 4: Gable Windows of 28 Peyton View Overlooking 2 & 3 Peyton View



Source: Google Maps

Impact on the Residential Amenity of the Dual Aspect Dwelling at 6 Peyton View

- 5.9 6 Peyton View is sited directly north of the appeal site. It is not considered that the proposed development would cause any overlooking or other negative impact on 6 Peyton View being a dormer bungalow. The proposed dwelling maintains the building line of the properties to the north. The windows at first floor level of 6 Peyton View are both bathroom windows so there would be no overlooking arising from these. The bedroom window at 2nd floor level is small, and due to its height and the proximity of the open space below, the angle of viewing from the window would be obstructed from easily looking directly downwards.
- 5.10 The Planning Authority has expressed concerns that the proposed dwelling in its current position may result in overshadowing of the ground floor habitable rooms of 6 Peyton View. This is not accepted. The modest height of the proposed development, plus the separation distance to the property at 6 Peyton View, means that no such impact is likely to arise.
- 5.11 In addition, should the Board consider the previous suggestion of flipping the open space to the west of the proposed dwelling, this would mean that the potential issue of overshadowing to these rooms would be removed entirely.

The proposed development would contravene materially Condition 1 of Reg. Ref. SD12A/0238

- 5.12 As a principle, contravention of Condition 1 of the previous permission would not arise in the event that a new permission is granted. The new permission would effectively override or supersede the previous permission as it relates to the subject site.
- 5.13 As previously noted, the area of land which is currently the appeal site was left undeveloped as part of the previous planning application for Peyton View (Reg. Ref. SD12A/0238) due to the 'Rural' zoning objective placed on it at the time of that application which precluded its development for residential purposes. Had this zoning not been in place at that time, it would have been use for residential development.
- 5.14 It was never considered by our client as actual, useable 'Open Space' considering its limited size and functionality. This sentiment has been validated, as it is clear from viewing the appeal site that is not used by residents- see Figure 5, below, which was taken in December 2021. It shows no walking tracks or signs of regular use of this left-over area.
- 5.15 There are a number of other dedicated areas of open space such as a playground and green space directly south of the appeal site (see Figure 6) and other flat linear areas more conducive to play and other recreational uses (see Figure 7).

Figure 5: View of Appeal Site (December 2021)



Source: Virtus

Figure 6: View of Playground Area South of Appeal Site (December 2021)



Source: Virtus

- 5.16 Consistent with previous the zoning objective and Condition 1 of Reg. Ref. SD12A/0238, the appeal area was left undeveloped when Peyton View was constructed. It was set out in accordance with the permitted drawings.
- 5.17 However, there is no requirement that the development remain as permitted by Condition 1 of Reg Ref. SD12A/0238 in perpetuity. Similarly, had this area of land been provided as a side garden to either 6 Peyton View or 7 Peyton View, they would not be precluded from seeking planning permission for an extension or construction of separate dwelling here by Condition 1 of Reg Ref. SD12A/0238.
- 5.18 The application for a new dwelling forms a new chapter of planning history of the development. It does not seek to undermine the parent consent as the proposals will not result in the loss of open space below that required by the Development Plan. This is confirmed in the Planner Report (page 12) where is it stated that:

'Drawing No. 2110 PD06 provided by the Applicant shows the overall Site Plan of Peyton, highlighting the Public Open Space remaining with the subject site excluded. According to the Applicant, there will be a remainder of 12,051.2sq.m Public Open Space for the entire residential development. Based upon an approximate overall site area of 7.5Ha the 12,051.6sq.m of Public Open Space equates to 16% of the site area. This accords with the 10% minimum requirement outlined in Section 11.3.1(iii) of the Development Plan for residential zoning (RES).'

Figure 7: High Quality Open Space in Peyton Residential Estate



- 5.19 The Planning Authority's further discussion about RES-N zoned land is irrelevant. The appeal site is zoned RES as is the existing Peyton Residential Estate. Overall, there is an overprovision of open space which will not be impacted by the proposed development of 1no. dwelling. Therefore, it is not considered that the proposed, limited development materially contravenes Condition 1 of Reg. Ref. SD12A/0238.

The Proposed Development would be contrary to Development Plan policy on Corner/infill sites

- 5.20 Section 11.3.2 (ii) of the CDP sets out the criteria for assessing applications for 'Corner/Side Garden Sites Development'. We assess the proposed development against the following relevant criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings.

- 5.21 The site extends to c. 0.027 hectares and is capable of accommodating a dwelling of the proposed size and the requisite private open space and off street car parking. It is noted that the Planning Authority considers that the resulting separation distances between the existing house at 6 Peyton View would result in overshadowing. It has previously been proposed to move the house further east to allow the open space to be located to the west of the proposed dwelling. It is also highlighted that there will be no first floor opposing windows that would result in overlooking from the proposed dwelling. The only first floor window on the rear

(north) elevation is for an ensuite and will be opaque. There are no first floor windows on the east (side) elevation.

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings.

5.22 The applicant is in agreement with the Planning Authority's view that the:

'proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.'

The architectural language of the development (including boundary treatments) should 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.

5.23 As the applicant is the developer of the existing Peyton residential estate, the proposed house has been designed to be in-keeping with the surrounding aesthetic. The Planning Authority is in agreement stating in the Planner's Report that *'the architectural language is consistent with that found in the immediate proximity of the subject site.'*

Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings.

5.24 The existing dwellings on the southern side of Peyton View are arranged in a staggered building line. Therefore, the siting of the proposed dwelling is considered consistent with the existing pattern of development. This was confirmed in the Planners Report (page 14) where it states:

'The Planning Authority considers that proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.'

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

5.25 The proposed dwelling provides dual frontage to overlook the public domain to the west and south of the appeal site. The Planning Authority is satisfied with the design in this respect.

5.26 It is our respectful submission that in the absence of any demonstrable negative impact on existing and proposed residential amenity, the Board is invited to favourably consider the proposed dwelling and grant planning permission.

6.0 CONCLUSION

- 6.1 This first party appeal is submitted against decision of SDCC to refuse permission for Reg. Ref. SD21A/0277. The application sought the single dormer bungalow on a vacant piece of land at Peyton View, Peyton, Rathcoole, Co. Dublin.
- 6.2 The principle of the proposed development has been accepted by South Dublin County Council. It is considered that South Dublin County Council has not provided technical evidence or justification to support the reason to refuse based on the loss of open space. The Peyton residential estate will retain more than adequate open space over and above that required by the Development Plan.
- 6.3 The proposed dwelling has been designed to be in-keeping with the existing development and will not result in an improper visual impact on existing character of the area. To ensure there is no unacceptable impact on the existing residential amenity of neighbouring properties, or that of the future residents of the proposed dwelling, **the applicant has proposed potential design changes within this first party appeal should the Board to consider them necessary to make the development acceptable.**
- 6.4 In conclusion, we consider that the above addresses the reasons for refusal by South Dublin County Council and respectfully request that An Bord Pleanala grant planning permission for the proposed dwelling.



APPENDIX 1

Copy of the notification of decision to grant permission

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

Lorna Durnin
McGrane & Partners
Paradigm House
Dundrum Office Park
Dublin 14

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1560	Date of Decision	02-Dec-2021
Register Reference	SD21A/0277	Date	08-Oct-2021

Applicant: Stanley Residential DAC
Development: Construction of a new 4 bedroom, detached dormer bungalow; all ancillary site development works.
Location: Peyton View, Peyton, Rathcoole, Co. Dublin
Time extension(s) up to and including:
Additional Information Requested/Received: /
Clarification of Additional Information Requested/Received: /

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. Having regard to the siting, design and layout of the proposed dwelling on lands that function and form part of the public realm/open space, this space being granted permission under Reg. Ref SD12A/0238, the proposed development would seriously injure the residential amenity of the dual aspect dwelling at 6 Peyton View by means of overshadowing and overbearing impact, particularly the southern/front elevation of this property and would injure the residential amenity of the overall Peyton Housing Development through the loss of a section of open space/public

realm and if granted, would:

- (1) contravene materially Condition 1 of Planning Reference SD12A/0238
- (2) be contrary to Development Plan policy on Corner/infill sites (Policy H17 Objective 3), and
- (3) contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the rear amenity space of the proposed dwelling, which would be directly overlooked by the adjacent properties at both 6 and 7 Peyton View, the proposed development would fail to adhere to the provisions of the Urban Design Manual: A Best Practice Guide (2009), Section 7.8 of the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) and Policy H15 Objective 3 of the County Development Plan which seek the protection and provision of private rear amenity space for each dwelling unit. The proposed development would therefore be contrary to County Development Plan policy and objectives, national policy and be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0277

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Brian Connolly 06-Dec-2021
for Senior Planner

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification
at Telephone 01-858 8100



APPENDIX 2

South Dublin County Council Planner's Report

Comhairle Chontae Atha Cliath Theas

PR/1560/21

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0277 **Application Date:** 08-Oct-2021
Submission Type: New Application **Registration Date:** 08-Oct-2021
Correspondence Name and Address: Lorna Durnin Paradigm House, Dundrum Office Park, Dublin 14
Proposed Development: Construction of a new 4 bedroom, detached dormer bungalow; all ancillary site development works.
Location: Peyton View, Peyton, Rathcoole, Co. Dublin
Applicant Name: Stanley Residential DAC
Application Type: Permission

Description of Site and Surroundings

Site Area

Stated as 0.2713 Hectares.

Site Description

The subject site is located in the southern corner of 'Peyton', a residential development containing approximately 204 No. units located to the south of Rathcoole Main Street.

The subject site, which measures approximately 271.3sq.m, is comprised of an area of vacant land bound to the north by No. 6 Peyton View, to the east by No. 7 Peyton View, these boundaries comprise 2m high (approximate) block wall (unplastered) and to the south and west by an internal circulation road for the housing estate. No. 7 has been designed as a full dual frontage dwelling, however the 2m high wall renders the ground floor element moot. The side façade of No. 6 has three small windows at first and second floor levels, the ground floor element is screened by the 2m high block wall again rendering any dual aspect moot. The site is located at a higher level than the ground level at No. 6.

It is stated in the Applicant's Cover Letter that the subject site was never included in the open space calculations for the wider 'Peyton' residential development.

Site Visit

9th November 2021.

Proposal

The proposed development involves:

- Construction of a new 4-bedroom detached dormer bungalow on a presently vacant corner site located between Nos. 6 and 7 Peyton View Rathcoole, Co. Dublin;

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- Gross Floor Area of 164.6sq.m, comprising:
 - Ground floor level: living room, toilet, living/kitchen/dining room, utility room and bedroom with ensuite
 - First floor level: family bathroom, 2 store rooms, a hot press and 3 bedrooms (one of which is ensuite);
- 2 off-street car parking spaces,
- A rear garden measuring 76sq.m
- Boundary treatments comprising:
 - treated timber post fencing (approximately 0.7m high) with planting (approximately 1.2m high) along the western and southern boundaries
 - A brick wall with concrete capping (approximately 2m high) adjacent to the car parking spaces in the south-eastern corner of the subject site; and
- All associated ancillary landscape, boundary, site and development works.

Zoning

The subject site is zoned objective 'RES' in the South Dublin County Development Plan 2016-2022, where the stated objective is '*To protect and/or improve residential amenity*'.

Consultations

Water and Drainage Operations – Further Information Required.

Environment, Water and Climate Change – Further Information Required.

Parks and Landscape Services / Public Realm Department – No objection, subject to conditions.

Roads Department – No objection, subject to conditions.

Irish Water – Further information required.

SEA Sensitivity Screening

No overlap identified with any SEA Sensitivity Layers.

Submissions/Observations /Representations

Submission expiry date – 11th November 2021.

In total 7 submissions were received, the key points of which can be summarised as follows:

- The subject site is currently Public Open Space.

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- The drawings show a proposed 2 storey dwelling, not a 'dormer bungalow'.
- Amenity space for proposed dwelling located to the side.
- Will result in overlooking, overshadowing and overbearing of adjacent properties.
- May adversely impact the west facing solar roof panels on adjacent properties.
- The proposed dwelling would significantly alter the established building line.
- Altered building line may cause a road safety hazard.
- Private Amenity Space proposed does not meet Development Plan requirements.
- The adjacent properties have dual frontage, to overlook the Public Open Space.
- Streetscape A-A appears to be erroneously annotated on Drawing No. 2110-PD05.
- Works remain uncompleted by the developer for the wider residential development.
- Site Notice was dated 29th September 2021 but was not erected until 8th October 2021.

The content of the 7 submissions received has been considered in the overall assessment of the development and the pertinent points will be addressed in the 'Assessment' section of this Report.

Relevant Planning History

Subject site

SD12A/0238 – Peyton, Stoney Road, Rathcoole, Co. Dublin.

Construction of 27 No. houses comprising: 1 No. 4 bedroom 2 storey detached house with second floor in roof space (M1 Type), 12 No. 4 bedroom 2 storey semi-detached houses with second floor in roof space (M & M1 Type), 4 No. 4 bedroom 2 storey end of terrace houses with second floor in roof space (Q3 Type) and 10 No. 3 bedroom with study 2 storey mid terrace houses with second floor in roof space and pend entrances to rear gardens (Q Type) along with all other ancillary site developments works. **Grant Permission, subject to conditions.**

SD09A/0384 – Peyton, Stoney Road, Rathcoole, Co. Dublin.

Amendments to the design & layout of houses at 1- 38 Peyton Close, 19 - 29 Peyton Drive and 1 - 4 Peyton Crescent previously granted planning permission under Reg Ref SD06A/0699. These amendments include replacement of the above house types with 18 No. 3 storey, 4 bed semi-detached, 50No. 3 storey, 3 bed semi-detached and 2No. 3 storey, 3 bed terraced houses. Permission is also sought for the relocation of apartment blocks A1, A2, B1, B2 (37 - 84 Peyton Hall) previously granted permission under Reg. Ref. SD07A/0351 along with apartment blocks C and D (1-36 Peyton Hall) and houses at 1 - 20 Peyton Square previously granted under permission Reg. Ref. SD06A/0699 along with alterations to the site boundary location along with all other ancillary site development works. Significant Additional Information: omission of apartment blocks A1, A2, B1, B2, C & D approved under planning Reg. Ref. SD06A/0699 and SD07A/0351 and replacing them with 30 No. houses comprising 3 No. 3 storey, 4 bedroom, detached houses, 19 No. 3 storey, 3 bedroom plus study, semi-detached houses, 2 No. 3 storey, 3 bedroom detached houses and 6 No. 3 storey, 2 bedroom, with option

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for third bedroom in roof space, semi-detached houses. Permission is also sought for amendments to M and M1 type houses, previously lodged, along with proposed optional extension to the rear of the M type houses. It is also proposed to omit from this application the development of the area on the south west corner of the site on which houses 1 to 20 Peyton Square, previously approved under Reg. Ref. SD06A/0699, were located, shaded blue on the site plan submitted, drawing No. 0915 PD03A. This area will be the subject of a future planning application. The amendments reduce the number of residential units for which permission is currently sought from 251 units to 168 units. Amendments are also sought for changes to finished floor levels from that approved in the original permission. **SDCC Decision: Grant Permission, subject to conditions.** The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála. **ABP Decision: Grant Permission, subject to conditions.**

SD06A/0699 – Stoney Road, Rathcoole, Co. Dublin.

Reduction in the number of units from 273 units to 268 units, with the change in unit types as follows: Revision in numbers of Type A, 2 bed 2 storey terraced units from 25 to 22, revision in numbers of Type G, 4 bed 2 storey plus attic semi-detached houses from 18 to 22, revision in numbers of Type G1, 4 bed 2 storey plus attic corner semi-detached houses from 12 to 6. Houses 19, 20, 89, 90 and 149 (total 5 units) have been omitted. The number of unit types A1, A2, E, E1, F, F1 and D remain unchanged. The area of public open space in front of the existing Forest Hills estate has been increased. The numbers and types of apartments in Blocks A, B, C and D remain unchanged. Apartment Blocks C and D and the communal bin store have been relocated towards the east. Revisions also include the retention and re-alignment of the existing Storey Road, with the introduction of a new roundabout to serve the site. Revisions have been made to the layout of 16 No. Type G and G1 houses at the entrance, with the creche being relocated to the north. The size and hours of operation of the creche remains the same, with the decrease in the outside play area from 581sq.m. to 405sq.m. and the increase in staff parking / drop off area from 30 spaces to 31 Spaces. Revisions have also been made to houses 49 to 63, with these houses being relocated towards the west. The total number of residential car parking spaces has decreased from 457 to 453, comprising of 349 surfaces car parking spaces and 104 basement car parking spaces. **Grant Permission, subject to conditions.**

SD04A/0979 – Stoney Road, Rathcoole, Co. Dublin.

A residential scheme comprising 2 No. single storey 1 bed flatlets, 17 No. 1 and a half storey 2 bed cottages, 34 No. 1 and a half storey 3 bed townhouses, 62 No. 2 storey 3 bed townhouses, 70 No. 3 bed apartments in 7 No. 2 storey blocks and 1 No. 3 storey block with all associated roads, cycleways, footpaths, services, new site entrance and the provision for the realignment of Stoney Road. This development will also include the provision of a childcare facility to cater for up to eighty children from 7:30am to 6:00pm Monday to Friday inclusive, the provision of a 300mm diameter watermain traversing the application site which will ultimately form part of the proposed 'Boherboy Water Supply Scheme' and the provision of on-site water storage tank and associated pumphouse. **Grant Permission, subject to conditions.**

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Record of Executive Business and Chief Executive's Order

S01A/0242 – Stoney Road, Rathcoole, Co. Dublin.

Construct 174 two and three bedroom townhouses in 29 two storey blocks of six units, with all associated roads and services. **SDCC Decision: Refuse Permission.** The decision of the Planning Authority was subject to a First Party Appeal to An Bord Pleanála. **ABP Decision: Refuse Permission.**

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high-quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Objective 1 Public Open Space

To ensure that public open space in new residential developments complies with the quantitative standards set out in Chapter 11 Implementation and the qualitative standards set out in Chapter 11 and Chapter 4 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), together with the design criteria illustrated under the Urban Design Manual – A Best Practice Guide, DEHLG (2009).

Section 11.3.1(iii) Public Open Space/Children's Play

In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space. This includes community led housing for

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older people in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities).

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H17 – Residential Consolidation:

It is the policy of the Council to 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.

H17 Objective 1

To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.

H17 Objective 3

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 11 Implementation.

H17 Objective 5

To ensure that new development in established areas does not impact negatively on the amenities or character of an area.

H17 Objective 7

To support and facilitate the replacement of existing dwellings with one or more replacement dwellings, subject to the protection of existing residential amenities and the preservation of the established character (including historic character and visual setting) of the area (see Section 9.1.4 Older Buildings, Estates and Streetscapes).

Policy HCL5 Older Buildings, Estates and Streetscapes

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Section 11.2.1 Design Statements

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i) Infill Sites

Development on Infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling subdivision, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*

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- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

Section 11.3.2 (ii) Corner/Side Garden Sites

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*
- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*
- *The architectural language of the development (including boundary treatments) should 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,*
- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*
- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County

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Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines:

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

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Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008)

Quality Housing for Sustainable Communities: Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Urban Development and Building Heights: Guidelines for Planning Authorities, (2018).

Design Manual for Urban Roads and Streets, Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport, (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Assessment

The main issues for assessment are:

- Zoning and Council policy
- Current Use of the Subject Site
- Design
- Internal Accommodation
- Private Amenity Space
- Visual impact and Residential amenity
- Section 97 Certificate of Exemption
- Access and Parking
- Landscaping and Boundary Treatment
- Services & Drainage

Zoning and Council Policy

The subject site is situated within the 'RES' zoning objective which seeks 'To protect and/or improve residential amenity'. As residential development is 'Permitted in Principle' under the 'RES' zoning objective, a new dwelling is accepted in principle at the application site, subject to compliance with the relevant local and national policy.

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Record of Executive Business and Chief Executive's Order

The proposed development generally accords with the provisions of Section 11.3.2 of the Development Plan. However, concerns arise in relation to the design and siting of the proposed development and the potential impact on surrounding properties. These concerns are assessed further in this Planning Report.

Current Use of the Subject Site

A number of the submissions in relation to this Planning Application state that the subject site is currently in use as an area of Public Open Space for the residents of Peyton. The Applicant, in their Cover Letter dated 9th August 2021, disagrees and states that the subject site was never included as open space as part of the original development of Peyton. The Planning Authority has assessed the original permission and compliance submissions received under Planning Reg. Ref. SD12A/0238, in particular for condition Nos. 3(v), 6(a) and 8. The subject site was included in the provision of a Landscape Masterplan, received as a compliance submission to Condition 6, an extract from which below clearly demonstrates that the subject site was intended for use as a landscaped open space (circled in blue):



This is further supported by the following extract from the Applicant's Compliance cover letter for SD12A/0238 regarding the subject site:

- (iii) Bearing in mind the fact that house No. 7 Peyton View has been designed as a dual frontage house, the side facade was intended to overlook open space and with this in mind we would suggest that the triangular space created by the realignment of the road and the proposed boundary of house No. 6 should remain as open space to provide an open aspect to the side elevation of house No. 7.

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It is clear that the applicant was well aware that the subject site would form part of the public realm/open space.

Again, this is further supported by the requirement of Condition 8 of Reg. Ref. SD12A/0238 to limit the boundary treatment of Dwelling 6 at Peyton View:

8. The side boundaries of units 1, 6, and 13 Peyton View and 19 Peyton Square the extent of which is indicated by Boundary no. 1 on drawing 1206 PD04A - Boundary Treatments shall be permanently limited to 1.2m in height.

REASON: To ensure passive observation of the public realm and in the interest of residential amenity.

The Condition clearly requires that the southern boundary wall of 6 Peyton View shall be a maximum height of 1.2m, this was to ensure 'passive observation of the public realm'.

It is clear, from the three points made above, that the land to the south of 6 Peyton View was assessed as part of the public realm and open space provision. Furthermore, 7 Peyton View, is designed to overlook the subject site both at ground and first floor level. It is unfortunate that a high-level block wall has been constructed at this location, which significantly screens the ground floor windows from the corner space. This element seriously diminishes the original concept behind passive surveillance at this location and significantly lessens the functionality and capacity of the dual aspect of these dwelling units, to passively overlook this corner site, to the point where it may be deemed to be no longer be successful.

Drawing No. 2110 PD06 provided by the Applicant shows the overall Site Plan of Peyton, highlighting the Public Open Space remaining with the subject site excluded. According to the Applicant, there will be a remainder of 12,051.2sq.m Public Open Space for the entire residential development. Based upon an approximate overall site area of 7.5Ha the 12,051.6sq.m of Public Open Space equates to 16% of the site area. This accords with the 10% minimum requirement outlined in Section 11.3.1(iii) of the Development Plan for residential zoning (RES). This is not considered to be relevant as the open space provision for RES- N lands is 14% and the zoning of built out RES-N lands generally changes to a RES zoning. As such, the use of the 10% quantum as a justification to reduce open space is not accepted. It is noted that the overall lands had a A1 (equivalent of RES-N) zoning in the 2010 – 2016 Development Plan which required a 14% open space provision. As such, the protection of permitted open space and the adequacy of the existing open space for residents is the primary consideration. Some concerns are expressed in relation to the overall open space provision in the estate due to the challenging topography.

Design

The proposed development comprises a 4-bedroom detached dormer bungalow with a Gross Floor Area of 164.6sq.m. The proposed dwelling seeks to address the corner site by providing

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dual frontages in the south and west elevations. The rear elevation faces directly towards the northern boundary with 6 Peyton View and includes an access door leading from the utility room to the side passage, a small window to the ensuite bathroom with 2 rooflights at first floor level. The Planning Authority questions the contiguous elevations at this location, which do not appear to accurately represent the change in levels between the subject and 6 Peyton View to the north, which is set below the level mid-rear of the subject site. This presents a significant constraint to the development potential of the subject site, having regard to the requirement to provide appropriate separation distances and negate the potential for overlooking, overshadowing and overbearing impact of adjacent properties and would be contrary to minimum safeguards set out in Section 11.3.2 of the County Development Plan regarding infill and corner sites:

- *The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,*

The Planning Authority considers that the substantial size of the proposed dwelling and the minimal separation distance from the dwelling house located directly to the north, which has been provided with significant habitable room windows at ground floor level, and where the dwelling at 7 Peyton View is set slightly below the level of the subject site, would give rise to significant overshadowing by way of loss of southern light, which this dwelling presently enjoys.

- *The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,*

A number of submissions received comment on the alteration to the existing building line along Peyton View. However, the Planning Authority considers that proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.

- *The architectural language of the development (including boundary treatments) should 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,*

The architectural language is consistent with that found in the immediate proximity of the subject site.

- *Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and*

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The Planning Authority considers that proposal is generally appropriate having regard to the non-uniform or staggered building line to the east along Peyton View (Nos. 7-13 Peyton View) and the relatively minor setback from the established building line to the north at Nos. 1-6 Peyton View.

- *Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.*

A dual aspect dwelling unit is proposed and is generally acceptable in principle.

The design of the subject scheme although largely according with the provisions of Section 11.3.2 of the Development Plan has not successfully overcome the significant issue of its proximity to 6 Peyton View (front-door elevation). In particular, it is noted that the proposed dwelling is just 3.6m from the southern elevation of No. 6 Peyton View and 8.9m to the western elevation of No. 7 Peyton View. In relation to Separation Distances Section 11.3.1(v) of the Development Plan states that:

'Section 10 of the Urban Design Manual (2009) addresses privacy and amenity. A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.'

This scheme is not considered to be either a high-density scheme or a compact infill site and the proposed design is not considered to be innovative in addressing the existing residential amenity in proximity to the site. The Planning Authority considers that the proposed dwelling would be likely to give rise to overshadowing and to have an overbearing impact on adjacent properties. As such the Planning Authority considers that the proposed dwelling does not accord with the provisions of the South Dublin County Development Plan 2016-2021 and the key principles of proper planning and sustainable development and should be refused.

Diminished Private Rear Amenity Space - Overlooking

Owing to the design of the adjacent properties at Nos. 6 (front door and habitable rooms at the southern elevation) and 7 Peyton View concerns arise in relation to the privacy of the private amenity space of the proposed dwelling, particularly having regard to the first-floor windows of No. 7 Peyton View. There is significant potential for the proposed private amenity space to be overlooked by No. 7 Peyton View.

In relation to the design and layout of Private Amenity Spaces, the *Urban Design Manual: A Best Practice Guide* states that:

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'Private areas should be well delineated and should include at least one area for sitting out without being directly overlooked. On the whole this means that rear gardens should be bounded by a wall or fence of sufficient height to prevent people from looking in'.

The potential for overlooking from the adjacent first floor windows of No. 7 Peyton View cannot be mitigated by the height of any boundary treatments, therefore significantly impacting the privacy levels of the amenity space of the proposed dwelling. It is the policy of the council (Policy H15 Objective 3 of the Development Plan):

'To ensure that private open spaces are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security'. [Our Emphasis]

Having regard to the issues set out above, the Planning Authority is of the opinion that the proposed Private Amenity Space is deficient in qualitative design and by reason of non-compliance with the relevant Development Plan and National Policy would be unacceptable and should therefore be refused.

Access and Parking

The proposed development includes the provision of 2 off-street car parking spaces, which accords with the minimum standards outlined in Table 11.24 of the South Dublin County Development Plan 2016-2022. A report from the Roads Department states no objections subject to conditions. This report is noted.

Landscaping and boundary treatment

A Report received from the Parks and Landscape Services/Public Realm Department stated no objection subject to conditions. This report is noted.

Services and Drainage

A Report received from South Dublin County Council's Drainage and Water Services Department requested further information:

- There is no drawing showing the surface water layout for proposed development. There are no SuDS (Sustainable Drainage System) proposed in the development. Submit a drawing showing the surface water layout for the development.
- Submit a drawing and report to show what SuDS are proposed for the development. Examples of SuDS include raingarden, filter drains, tree pits, permeable paving and other such SuDS.

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If a soakaway is proposed submit a report and drawing showing percolations test results as per BRE Digest 365 Standards for location of soakaway. Such a soakaway if proposed shall have an overflow connection to the surface water network. If a soakaway is proposed submit:

- A drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - (i) At least 5m from any building, public sewer, road boundary or structure.
 - (ii) Generally, not within 3m of the boundary of the adjoining property.
 - (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- Include water butts in proposed development as part of SuDS (Sustainable Drainage System).

The Drainage and Water Services Department indicated no objection to the proposed development from a Flood Risk point of view provided that the Applicant ensures the following:

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

A Report received from Irish Water noted that further information would be required as follows:

- Submit a drawing showing the watermain layout of the proposed development.
- Submit a drawing showing the foul water layout of the proposed development.

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- The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure. The Confirmation of Feasibility (COF) letter must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.

Irish Water indicated that should the Planning Authority be minded to Grant Permission for the proposed development, the following conditions should be attached:

- Prop to the commencement of development the Application shall enter into a water connection agreement(s) with Irish Water.
- Prop to the commencement of development the Application shall enter into a wastewater connection agreement(s) with Irish Water.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, connection to public services and the distance from Natura 2000 sites, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment:

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

Planning Note

A number of concerns are highlighted in the 7 submissions received:

- There are a number of questions on the Application Form submitted by the Applicant which have not been answered (e.g. Question Nos. 6, 14, 15 and 18). However, the missing information is not of such significance that it would prevent an assessment of the proposed development.
- A number of the submissions allege that the Site Notice dated 29th September 2021 was not erected until 8th October 2021. Article 17(1)(b) of the Planning and Development Regulations 2001-2021 states that:

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'17(1) An Applicant shall within the period of 2 weeks before the making of a planning application—

(b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 19'.

As the Application was lodged to South Dublin County Council on 8th October 2021, the Site Notice accords with Article 17(1)(b) of the Planning and Development Regulations. The Planning Officer noted that the Site Notice was in place during the site visit carried out on the 9th November 2021.

- Streetscape A-A appears to be erroneously annotated on Drawing No. 2110-PD05. It is noted that No. 7 Peyton View is incorrectly annotated as No. 8 Peyton View on Drawing No. 2110-PD05. However, given that the proposed dwelling, Nos. 6 and 8 Peyton View are correctly annotated, although the error is not ideal, it does not render it impossible to read the drawing accurately or carry out a full assessment.
- A number of the submissions comment that the dwelling would be more accurately described as a 2 storey dwelling, as opposed to 'a dormer bungalow', as is stated in the Statutory Notices. Whilst the Planning Authority understands the rationale behind the commentary within the submissions, owing to the roof profile of the proposed dwelling the description of 'a dormer bungalow' is deemed to be accurate and acceptable.

The Planning Authority is satisfied that the issues set out above do not prevent a complete and accurate assessment of the proposed development. Other items of concern raised within the submissions are assessed within the main Assessment section of this report.

Conclusion

Having regard to the design, layout and siting of the proposed development and the information submitted, it is considered that the subject dwelling represents an inappropriate infill development that is contrary to the existing context of dual aspect dwellings overlooking a pocket of open space. The Planning Authority considers that the open space use should be protected and preserved at this location.

The Applicant has not satisfactorily demonstrated that the proposed development would:

- (1) comply with conditions attached to Planning Permission **SD12A/0238**, in particular the subject site was laid out as public realm/open space,
- (2) comply with policy contained within the South Dublin County Council Development Plan 2016-2022 and the relevant National Policy, namely the *Sustainable Residential*

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Development in Urban Areas: Guidelines for Planning Authorities (2009) and the Urban Design Manual: A Best Practice Guide (2009).

The Planning Authority has significant concerns regarding the quality of the proposed private amenity space and the potential for the proposed development to impact on the residential and visual amenity of adjacent properties. It is considered that, in designing the proposed development, the Applicant has failed to provide sufficient detail in relation to the rationale for the siting, design and layout of the proposed development. The Application is therefore recommended for refusal.

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. Having regard to the siting, design and layout of the proposed dwelling on lands that function and form part of the public realm/open space, this space being granted permission under Reg. Ref SD12A/0238, the proposed development would seriously injure the residential amenity of the dual aspect dwelling at 6 Peyton View by means of overshadowing and overbearing impact, particularly the southern/front elevation of this property and would injure the residential amenity of the overall Peyton Housing Development through the loss of a section of open space/public realm and if granted, would:
 - (1) contravene materially Condition 1 of Planning Reference SD12A/0238
 - (2) be contrary to Development Plan policy on Corner/infill sites (Policy H17 Objective 3), and
 - (3) contrary to the proper planning and sustainable development of the area.
2. Having regard to the rear amenity space of the proposed dwelling, which would be directly overlooked by the adjacent properties at both 6 and 7 Peyton View, the proposed development would fail to adhere to the provisions of the Urban Design Manual: A Best Practice Guide (2009), Section 7.8 of the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) and Policy H15 Objective 3 of the County Development Plan which seek the protection and provision of private rear amenity space for each dwelling unit. The proposed development would therefore be contrary to County Development Plan policy and objectives, national policy and be contrary to the proper planning and sustainable development of the area.

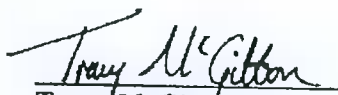
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REG. REF. SD21A/0277

LOCATION: Peyton View, Peyton, Rathcoole, Co. Dublin

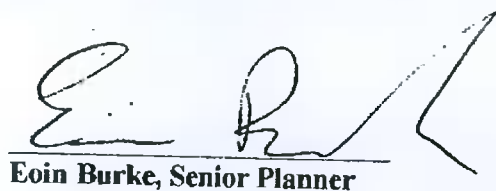


**Tracy McGibbon,
A/Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date:

2/12/21



Eoin Burke, Senior Planner