

Comhairle Chontae Atha Cliath Theas

PR/1313/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0341 **Application Date:** 23-Aug-2022
Submission Type: New Application **Registration Date:** 23-Aug-2022

Correspondence Name and Address: Adam Campbell 23, South Great Georges Street, Dublin 2.

Proposed Development: New south facing, 3 storeys, 3 bedroom, flat roofed dwelling with self-coloured render and Vertical timber cladding finish, on a site at the rear (Protected structure - SDCC RPS No.095 / Map 095). The development involves the splitting of the existing site in two while retaining the existing 3 storeys over basement dwelling as-is; The proposed site to the rear will have an area of 125.8 sq.m and the dwelling will have a total floor area of 150.3 sq.m; The application includes an accessible screened roof garden, front facing screened balcony, an internal courtyard, proposed services, all associated site works and a new vehicular entry with a sliding gate off the R835.

Location: 1, The Crescent, Cooldrinagh, Lucan, Co. Dublin

Applicant Name: Jean Notaro & Jim Doyle

Application Type: Permission

(SW)

Description of Site and Surroundings

Site Area: stated as 0.01258

Site Description

The subject site is the southern portion of the residential curtilage of No 1 The Crescent. The existing rear amenity space is approximately 48m long and the proposal would occupy the southern 17.853m of this. No 1 The Crescent is Protected Structure (part of a terrace of houses) and is mid terrace). Access to the existing dwelling is via the Lincoln Spa hotel, off the N4. There is no existing vehicular access via Celbridge Road, to the south. A number of properties in the terrace have pedestrian access points off Celbridge Road and there is a public pedestrian link at the west end of the terrace, adjacent to number 8. There are existing structures in the rear gardens of Nos 5 and 6, including '6 The Mews', which has a pedestrian access to Celbridge Road. It is not apparent that the plots of the main dwellings have been subdivided to

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accommodate these structures. Celbridge Road is one way, with a direction of travel from west to east.

There is a significant change in levels across the site, which rises to the north. It is apparent that the main dwellings are split level, with basement level access to the rear. As indicated in the submitted site plan, there are also steps within the existing garden to facilitate access to the lower level areas.

There is a significant level of mature vegetation and trees across the site.

Lucan Golf Club is situated to the south and Lucan Spa Hotel to the east. To the north is the access road and a single dwelling, also in the grounds of the Spa Hotel. The N4 is situated beyond this. More modern housing is located to the west, but there is no direct link between the Protected Structures and this housing.

Proposal

New south facing, **3 storeys, 3 bedroom, flat roofed dwelling** with

- self-coloured render and vertical timber cladding finish, on a site at the rear (Protected structure - SDCC RPS No.095 / Map 095).
- The development involves the splitting of the existing site in two while retaining the existing 3 storeys over basement dwelling as-is;
- The proposed site to the rear will have an area of 125.8 sq.m and the dwelling will have a total floor area of 150.3 sq.m;
- The application includes an accessible screened roof garden, front facing screened balcony, an internal courtyard, proposed services, all associated site works and
- A new **vehicular entry with a sliding gate off the R835.**

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Zoning

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'*.

Development Plan Maps:

- Conical Surface (Casement), Bird Hazards, Inner Horizontal Surface - Weston (whole site)
- Riparian Corridor (southern part of site)

Consultations

Water Services – No objections, subject to conditions.

Roads – Recommend refusal

Irish Water – No objections, subject to conditions.

Parks – Recommend refusal

Heritage Officer – No report received at time of writing.

Architectural Conservation Officer – No objections, subject to conditions.

EHO – No report received at time of writing.

TII – Proposal is at variance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

Failte Ireland – No report received at time of writing.

Heritage Council – No report received at time of writing.

Department of Housing, Local Government & Heritage –

An Taisce – Observations made.

An Comhairle Ealaíon – No report received at time of writing.

SEA Sensitivity Screening –

The site is: RPS 095 'Two Storey House Terrace and Railings'. The site is the third dwelling in a row of terraces that are all 'RPS-095'

Submissions/Observations /Representations

A submission has been received:

- Boundary with No2 is not accurately shown. Following the development, retaining wall would be required for shared boundary.
- Proposal would result in damage to adjacent hedge and trees (No2)
- High retaining walls would be required to accommodate the proposal which would result in significant cutting of the ground to achieve level
- Treatment of the boundary wall has not been indicated
- A portion of the garden would be overshadowed as a result of the development.

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- Overlooking will occur
- The loss of light, overshadowing and overlooking of the property will result in devaluation of property.
- Felling of trees would result in destruction of birds habitat
- Issues will arise from construction
- No provision made for on-site soakage.
- Proposed access road is unsuitable
- No details provided of changes to footpath required for vehicle access.
- Proposed development would set an undesirable precedent.

The issues raised are considered in the overall assessment of the application.

Relevant Planning History

Subject site

S01D/0006

Declaration in accordance with Section 8 (2) of the Local Government (Planning & Development) Act 1999 Declaration Reference RPS 2/058

S00D/0007

Declaration in accordance with Section 8(2) of the Local Government (Planning and Development) Act, 1999 in respect of 1 The Crescent, Cooldrinagh, Lucan, Co. Dublin. (Declaration - RPS REF 2/058).

RPS2/058

Declaration under Section 57(2) of the Planning & Development Act 2000

Adjacent sites

SD22A/0358

3 storeys, 3 bedrooms flat roofed dwelling with self-coloured render and vertical timber cladding finish, on a site at the rear of a Protected structure - SDCC RPS No.095 I MAP No. 095); The development involves the splitting of the existing site in two while retaining the existing 3 storeys over basement dwelling as-is; The proposed site to the rear will have an area of 159.5sq.m and the dwelling will have a total floor area of 153.4sq.m; The application includes an accessible screened roof garden, front facing screened balcony, an internal courtyard, proposed services, all associated site works and a new vehicular entry with a sliding gate off the R835. **Live application**

SD10B/0251

Single storey sunroom rear extension to the basement. This is a Protected Structure.

Decision: Grant permission, subject to conditions.

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SD06A/0723

Construction of a two storey dwelling with parking and new road entry off the Celbridge Road.

Decision: Refused permission (SDCC); Refuse Permission (ABP)

SD05B/0596

Attic conversion to contain bathroom and store area with 3 Velux rooflights at rear (south) elevation and window to new bathroom at side (east) elevation.

Decision: Grant permission, subject to conditions.

SD04A/0165

2 town houses, two-storey over basement parking with new road entry off Celbridge Road at the rear of Artisan Lodge.

Decision: Refused permission

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

PP132/21 3 storey, flat roofed dwelling with self-coloured render and timber cladding finish with PPC aluminium flashings and parapet caps, on a site to the rear of No 1, The Crescent, Cooldrinagh, Lucan, Co Dublin (Protected structure - SDCC RPS No. 95/MAP No 95). The development involves splitting the existing site into two while retaining the existing 3 storey over basement dwelling as is. The proposed site to the rear will have an area of 122m² and the dwelling will have a total floor area of 159.5m². The application also includes alterations of the existing rear garden, proposed services, all associated site works and a new vehicular entry via the R835.

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Chapter 2 Core Strategy and Settlement Strategy

Policy CS6 Objective 3: Infill Development outside Dublin City and Suburbs, in existing urban built-up areas.

3.5.2 Protected Structures

Policy NCBH19: Protected Structures Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.

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NCBH19 Objective 1:

To ensure the protection of all structures (or parts of structures) and their immediate surroundings including the curtilage and attendant grounds of structures identified in the Record of Protected Structures.

NCBH19 Objective 2:

To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the *Architectural Heritage Protection Guidelines for Planning Authorities*, DAHG (2011 or any superseding documents) including the principles of conservation.

NCBH19 Objective 3:

To address dereliction and to welcome, encourage and support the rehabilitation, renovation, appropriate use and sensitive re-use of Protected Structures consistent with RPO 9.30 of the RSES.

NCBH19 Objective 4:

To support alternative uses for Protected Structures including former institutional sites in order to provide continued security of the heritage value of these buildings, attendant grounds and associated landscape features.

To this end, the relaxation of site zoning restrictions may be considered in order to secure the preservation and conservation of the protected structure where the use proposed is compatible with the existing structure and where the proposed development is consistent with best practice conservation policies and the proper planning and sustainable development of the area.

NCBH19 Objective 5:

To prohibit demolition and inappropriate alterations of Protected Structures unless in very exceptional circumstances.

Policy NCBH21: Vernacular / Traditional and Older Buildings, Estates and Streetscapes

NCBH21 Objective 1:

To retain existing buildings that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County.

NCBH21 Objective 2:

To ensure that the redevelopment of older buildings, including extensions and renovation works do not compromise or erode the architectural interest, character or visual setting of such buildings including surrounding housing estates or streetscapes.

NCBH21 Objective 3:

To encourage the retention, rehabilitation, renovation and re-use of older buildings and their original features where such buildings and features contribute to the visual setting, collective interest or character of the surrounding area.

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NCBH21 Objective 4:

To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.

NCBH21 Objective 5:

To encourage the retention and / or reinstatement of the original fabric of our vernacular and historic building stock such as windows, doors, roof coverings, shop and public house fronts and other special features.

Policy NCBH22: Features of Interest Secure the identification, protection and conservation of historic items and features of interest throughout the County including street furniture, surface finishes, roadside installations, items of industrial heritage and other stand-alone features of interest.

NCBH22 Objective 1:

To ensure that development within the County, including the Council's own development, seeks to retain, refurbish and incorporate historic items and features of interest.

NCBH22 Objective 2:

To protect, preserve and maintain industrial heritage features including weirs, millraces and mills along the River Dodder, River Camac, River Liffey, and their tributaries.

Policy QDP1: Successful and Sustainable Neighbourhoods

5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy GII: Overarching

GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

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Chapter 6 Housing
Section 6.8 Residential Consolidation in Urban Areas
Policy H9 Private and Semi-Private Open Space

Policy H11 Privacy and Security

H11 Objective 2

To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and the public realm.

6.7.6 Steep or Varying Topography Sites

Policy H12: Steep or Varying Topography Sites. Ensure that development on lands with a steep and / or varying topography is designed and sited to minimise impacts on the natural slope of the site.

Policy H13 Residential Consolidation

H13 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 12: Implementation and Monitoring.

H13 Objective 5

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

Policy E3: Energy Performance in Existing and New Buildings

Policy SM4: Strategic Road Network

Policy SM7: Car Parking and EV Charging

Policy IE1: Overarching Policy Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital.

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

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12.3.3 Environmental Impact Assessment

12.3.7 Protected Structures

(i) General

Works that would materially affect the character of a Protected Structure require planning permission. A Section 57 Declaration can be sought from the Planning Authority to list the type of works that would not affect the character of a Protected Structure and that do not require planning permission.

(ii) Works to a Protected Structure

All proposals for development or alterations to protected structures and all works to protected structures shall be designed and carried out in accordance with best practice conservation principles as set out in the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011) or superseding guidelines.

All planning applications relating to works to a Protected Structure should be accompanied by a Conservation Report, prepared by a suitably qualified Conservation Architect, which should include a Method Statement and Schedule of Works detailing the proposed works.

An Architectural Heritage Impact Assessment may also be required in the case of applications for extensive or complex works that have the potential to have a significant impact on a Protected Structure.

The following core principles should be considered when reimagining a Protected Structure or historic property specialist in accordance with the above Guidelines and should assess the likely effects of the proposed development on the special character of the Protected Structure and its setting;

- Alterations should reflect and respect the scale, setting and original building character, should not undermine the original built fabric, and should not detract from the significance or value of the structure;
- Design intervention should be well-considered and minimal rather than involving extensive structural alteration to avoid undermining the original structure;
- Original features of architectural and historic interest should be retained, and new features should not be presented as original or older features;
- Extensions should be appropriately scaled and should complement and be subsidiary to the main structure;
- Original fabric should be retained and reused in-situ where possible and appropriate methods of upgrading and enhancement to improve thermal performance should be considered;
- High quality materials and finishes should be used, and the design should reflect the best possible addition or revision to the structure and should contribute to the architectural interest of the structure;

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- New uses should be compatible with the existing building and should respect key architectural and cultural characteristics;
- Proposals that include historic terraces or rows of houses should respect their overall uniformity and be consistent with rooflines, roof features and projecting returns;
- The structural integrity of paired return structures and shared chimney stacks should be retained;
- Chimney stacks in use as part of the ventilation regulation system for historic properties should be retained;
- The impact and insertion of new build should be reduced by utilising original boundaries, screen walls and return structures and mature planting / natural screening;
- The special interest of the structure should not be compromised when adhering to the requirements of Building Regulations. Regard should be had to the Advice Series on historic buildings published by the DEHLG.

(iii) Change of Use

(iv) Development in Proximity to a Protected Structure

Planning applications for development in proximity to a Protected Structure may require a Design Statement to outline how the proposal responds to the setting and special interest of the Protected Structure and its curtilage. Pastiche designs that confuse new features / structures with older and original features / structures should be avoided

12.3.9 Vernacular and Historic / Older Buildings, Estates and Streetscapes

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management All planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission:

Applications for extensions or single houses will also require the submission of a GI Infrastructure Plan which may be incorporated into the proposed landscape plan. This should clearly incorporate GI elements and provide links to local 'Stepping-Stones', Cores and Corridors where appropriate. Some smaller scale development may require more detailed GI Infrastructure Plans. Depending on location and context of the site, this will be decided on a case-by-case basis.

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

- tree and hedgerow removal;
- tree and hedgerow retention;
- new tree and hedgerow planting.

This information will be submitted in a digital format agreed with the Council to allow amalgamation and reporting on tree and hedgerow cover within the County over time.

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12.4.3 Riparian Corridors

12.5 Quality Design and Healthy Placemaking

12.6.7 Residential Standards

(i) Housing

Table 12.20 Minimum Standards for Housing

Section 12.6.8 Residential Consolidation

- Infill Sites
- Backland Development

12.7.4 Car Parking Standards

Table 12.26: Maximum Parking Rates (Residential Development)

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.11.1 Water Management

(i) Flood Risk Assessment

Proposals for minor development to existing buildings (for example, extensions or change of use) in areas of flood risk should include a flood risk assessment of appropriate detail.

(ii) Surface Water

Development proposals should provide suitable drainage measures in compliance with the *South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022*.

(iii) Sustainable Urban Drainage System (SuDS)

In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS).

(iv) Groundwater

(v) Rain Water Harvesting

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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

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).

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).

Architectural Heritage Protection – Guidelines for Planning Authorities, Department of Arts, Heritage, and the Gaeltacht (2011)

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Architectural Conservation;
- Visual and Residential Amenity;
- Services and Drainage;
- Green Infrastructure, Parks and Landscaping;
- Riparian Corridor;
- Roads;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is for a new dwelling. Residential Development is 'permitted in principle' within 'RES' zoning.

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Council Policy

In accordance with 5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach', the eight key principles apply on all zoned development lands within the County and to a multitude of development types and land uses. The proposal is, therefore, considered against these principles:

Context: Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area. ***The site is of significant natural and built heritage value. Green infrastructure and riparian impacts are also relevant in this area. It is considered that the proposal has not taken context into consideration fully.***

Healthy Placemaking: Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction. ***The proposal would have no significant impact on this feature.***

Connected neighbourhoods: Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods. ***The proposal would not promote well connected neighbourhoods and would result in car dependant development.***

Thriving Economy: Ease of access to and availability of good jobs and a good quality of life for the community at large. ***The proposal would have no significant impact on this feature.***

Inclusive and accessible: High quality services, community infrastructure and open spaces accessible to all. ***The proposal would have no significant impact on this feature.***

Public Realm: A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play. ***The proposal would not have a positive impact on the existing local streetscape.***

Built Form and Mix: Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure. ***The proposal is for a single dwelling, of a similar scale to the existing, however, it does not generally reflect the pattern of development and it is not in a good location when considering the local transport network.***

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Design and materials: High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments. ***The architectural conservation officer has raised no objections to the design. The materials are considered an acceptable quality; however, concerns remain over the proposal.***

Infill / Backland Development

In accordance with the CDP, the following must be considered, when assessing proposals for infill / backland development:

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;
 - Given the proposal is for a single dwelling, this does not have significant guidance for the proposal.
- 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 integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.
 - The applicant has provided a conservation impact statement, which assesses to the impact on architectural conservation. A 'planning application written report' has also been provided and this provides a design rationale. A 'planning report' has also been provided. This provides more of a quantitative assessment in accordance with the CDP requirements. Details of proposed materials and CGIs are also provided in the planning report. Overall, it is considered some analysis has been provided, however, topographical issues have not been considered in full.
- Larger sites will have more flexibility to define an independent character;
 - n/a
- While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome, particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines
 - n/a
- *Sustainable Urban Housing: Design Standards for New Apartments*, 2020;
 - n/a

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- 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;
 - Significant vegetation would be removed. Wall would remain in existing location
- Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: *Building Height and Design Guide*);
 - There are no other dwellings adjacent to the proposal. It is unclear from the details provided how the proposal would relate to existing structures in the rear gardens, nor are details of any planning available for these structures.
- Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, 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;
 - While a contribution in lieu of public open space provision can be considered at the Planning Authority's discretion, under COS5 Objective 7 of the CDP, in this instance in consideration of the minimal quantum that would be owed and to the adequate provision close to the site in terms of Sarsfield Park, the River Liffey and other significant green infrastructure, a contribution will not be sought.
- 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;
 - n/a
- All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the '*Site Layout Planning for Daylight and Sunlight*' (2nd edition): *A Guidelines to Good Practice* (BRE 2011) and BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*' and / or any updated guidance;
 - No analysis undertaken. It appears that several rooms on the ground floor, including a bedroom and a bathroom would only have windows facing onto the proposed lightwell. This is a walled in area (with 10.6m high walls and screening). It is also not open and has a rooflight. In addition to this, the LKD is over 8m deep. This is at first floor and whilst it would receive sunlight from the south, it is unclear how much daylight the areas to the north would receive from the terrace / rooflight.

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- It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;
 - Residential amenity is assessed below.
- Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: *Community Infrastructure and Open Space*.
 - n/a – see above.

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- Be guided by a site analysis process in regard to the scale, siting and layout of development;
 - It is not considered that a full site analysis has been undertaken. The conservation impacts have been assessed. Further information is needed in relation to natural features and existing infrastructure.
- Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;
 - It is noted that the Architectural Conservation Officer has raised no objections in terms of the impact on the protected structures, however, in terms of the wider area, the Planning Authority is of the opinion that the proposal is out of character with the established pattern of development and would constitute piecemeal development.
- Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;
 - It is not apparent that the proposal would result in undue shadowing or overlooking, particularly given the length of the existing rear amenity areas.
- Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.
 - Access is legible.

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Topography

The proposal should have regard to the following:

- H12 Objective 1: To ensure that all developments including buildings, streets and spaces are designed and arranged to respond to and complement the site's natural contours and natural drainage features in accordance with the recommendations of the Urban Design Manual – A Best Practice Guide (2009).
 - The proposal does not respond to the sites natural contours. It is apparent that the proposal is to create a new ground level in line with Celbridge Road.
- H12 Objective 2: To avoid the use of intrusive engineered solutions, such as cut and filled platforms, embankments or retaining walls on sites with steep or varying topography.
 - The proposal would cut a significant amount of land away and the applicant is proposing to use a large retaining wall to the rear of the property.

The proposed development is not considered to respond suitable of the natural contours and typology of the subject site. The Development Plan is clear that the design and siting of new residential development should respond appropriately to the natural topography of its site and should utilise the natural slope of the landscape and avoid intrusive engineering feature. This the proposed would involve the provision a 10.8 metre retaining wall and result in an incongruous building in the landscape. Additional information would be sought in relation to the impact of these proposals on the landscape were the Planning Authority otherwise minded to grant permission.

Architectural Conservation

The Architectural Conservation Officer has stated:

“A Conservation Impact Statement for the proposed new dwelling at the rear of No. 1 The Crescent has been provided as part of the Planning Application. The Architectural Impact Assessment provides details on the overall site context and assesses the impact of the proposed development to the external fabric and character of the Protected Structure and context of the Protected Terrace at the Crescent, Lucan. It is agreed that due to the sites topography and the distance from the rear of the Protected Structure to the dropped level of the rear garden the visual impacts are negligible. The overall design of the proposed new Mews dwelling ensures that it sits sensitively within the site. The location and design of the new dwelling does not cause any visual impacts and No. 1 The Crescent, and the terrace remain the dominant structures on the site and their setting is not compromised as the Mews sits completely separately.

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An Architectural Design Report has also been provided which includes a design rationale which describes the new Mews "as setting high design standard of design while being modern in its aesthetic, the proposed development will be respectful to the dominant status of the original terraced dwelling and the overall setting of the Protected Terrace". The location of the proposed mews dwelling has been carefully considered so as not to impact negatively on the terrace or the view from the terrace from the rear site. It is considered that the overall setting of the Protected Structure (1 The Crescent – RPS Re. 095) is not compromised by the proposed new development given the plot size and site levels. The overall design reflects a number of mitigation measures to minimise any potential visual impact. A 'green wall' planting regime of native evergreen ivy is proposed along the north facing side of the main retaining wall facing the sloping garden and existing landscape".

There are no objections, subject to conditions.

Visual and Residential Amenity

Visual Amenity

In accordance with Policy NCBH21: Vernacular / Traditional and Older Buildings, Estates and Streetscapes Objective 4, proposals should ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area. It is noted that the Architectural Conservation Officer has raised no objections in terms of the protected structure. However, the Planning Authority is of the opinion the Celbridge Road reads like a country road, and not that of a residential estate, and the applicant has not demonstrated that the proposal is acceptable in this context. The applicant has provided very little evidence of the overall visual impact. A photomontage has been included in the Conservation Impact Statement and a single contextual elevation that has been provided shows the development and the rear of '1A', the site for which there is a live planning permission for a similar development. The contextual elevation therefore neither indicates the existing context nor an approved future context. Had the application been otherwise acceptable, further information could have been sought in relation to the potential visual impact as well as requesting detail on the likely future developing context.

It is noted that the existing mews (for which there is no planning history) are built to the boundary wall and do not provide a vehicular access. It is not considered that the proposal is similar to the existing mews development. There are no other dwellings present in the rear gardens. Overall, the applicant has not demonstrated that the proposal would be acceptable in terms of the visual impact on the location.

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Residential Amenity

Concerns have been outlined above regarding the impact on the amenity of the future occupiers in terms of daylight. If the planning authority was minded to grant permission, additional information would be sought in this regard. There are no concerns regarding overlooking, overbearing or overshadowing.

The table below provides an assessment of internal areas.

3bed 3storey house	Total floor area (110sq.m min)*	Room	Floor Area provided	Floor Area Required	Min room width	Room width provided	Aggregate area required	Aggregate area provided
House 1 – 3bed	150.3sq.m	K/L/D	38.8sq.m	-	-	-	37sq.m	38.8sq.m
		Living	17.4sq.m	15sq.m	3.8m	4m x 5.7m		
		Bed1	13.5sq.m	11.4sq.m	2.8m	3.2m	36sq.m	
		Bed2	11.9sq.m	11.4sq.m	2.8m	3.2m		
		Master bed	20.1	13sq.m	2.8m	4.9m x 4m		
		Store	11.3sq.m	6sq.m	-	-	-	-

* in accordance with Quality Housing for Sustainable Communities requirements for a 3bed 6person 3storey dwelling. CDP requirement for a 3 person dwelling is 92sq.m.

In terms of private amenity, a roof terrace (51.6sq.m) would be provided. A balcony measuring 7.4sq.m would also be provided. A total of 59sq.m would be provided. The proposal would provide a 3bed dwelling. In accordance with table 3.20 of the CDP, the required private open space is 60sq.m.

A courtyard area would also be provided to the rear at ground floor (7.4sq.m). It appears that this would be walled on all sides, with a rooflight above. The proposed dwelling, including screeding, would be 10.6m tall. It is unclear how much daylight would be received from this area.

It is noted that, in relation to 'Corner/side garden' sites, 10% reduction of the standard may be permitted. The proposal (excluding the ground floor terrace) would be just below the required

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standard, and it is noted that the proposed space would be usable, with sufficient privacy screening provided.

Approximately 174sq.m of rear amenity space would remain for the host dwelling. This is considered to be sufficient.

Services and Drainage

There are no objections, subject to conditions.

Green Infrastructure, Parks and Landscaping

The subject site is located within a Strategic GI Corridor. as identified on Figure 4.4: Green Infrastructure Strategy Map of the 2022-2028 CDP.

Strategic Corridor 4:

The River Liffey traverses the northern boundary of the County and is a GI corridor of regional importance. It provides a 'green lung' for Dublin City / County and is a key element of the wider regional GI network, running from its origins in the Wicklow Mountains through the plains of County Kildare and through County Dublin into Dublin City Centre where it enters the sea.

Sections of the River Liffey are designated as proposed Natural Heritage Areas, while the portion within South Dublin County and Fingal County is also subject to a Special Amenity Area Order. These designations reflect the variety of habitats and protected species supported by the River Liffey.

The majestic open parkland setting of sections of the River Liffey Valley provide opportunities to strengthen the visual and landscape amenity value of the valley and create appropriately designed pedestrian and cycle routes that can traverse the County and link with amenities in adjoining counties.

Under section 12.4.2, the CDP states that all planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, The development should, at a minimum, protect any existing GI assets and enhance same.

As stated, the proposal is located within a GI corridor. The applicant has failed to provide the relevant plan, it is therefore not in compliance with Policy Objectives GI1 Objective 4, GI4 Objective 1, GI2 Objective 4 and Section 12.4.2 of the CDP 2022-2028.

The Parks and Public Realm department has recommended refusal of the planning application based upon the impact on the potential impact on trees, hedgerow and bats. Whilst the report of

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the Parks Section is noted, had the application been considered otherwise acceptable, the applicant would have been afforded an opportunity address to the concern raised.

Riparian Corridor

The site is partly within a riparian corridor. Below sets out the requirements for Riparian Corridors:

Policy GI3: Sustainable Water Management

GI3 Objective 1:

To ensure that hydromorphological assessments are undertaken where proposed development is within lands which are ***partially or wholly*** within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2:

To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

12.4.3 The riparian corridors of the County include rivers, streams and other watercourses and are important for water quality as well as providing green infrastructure and biodiversity links, see sections 4.2.2 and 11.3.1 for policy and objectives. Development within or affecting riparian corridors will be required to:

- Ensure that hydromorphological assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan;
- Demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology;
- Promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site. This is a minimum and should be considered in light of the bullet points above;
- Uncover existing culverts where appropriate and in accordance with relevant river catchment proposals, restore the watercourse to acceptable ecological standards for biodiversity wherever possible, improving habitat connection and strengthening the County's GI network.

The relevant assessment has not been provided for the current planning application. Once again, had the application been deemed otherwise acceptable, further information in this regards could have been requested.

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Roads

The report from the Roads department states:

“A new vehicular entry with a sliding gate off the R835.

The applicant has submitted vision splay that are too close to the footpath, the sight lines should be 2.4m from the kerb. The visibility should extend to 50m to the right when exiting. The proximity of the neighbouring retaining walls restricts the visibility and as these are not within the remit of the applicant is not possible to achieve safe vehicle exiting from this development. The boundary walls and gates at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, to improve forward visibility for vehicles. The vehicular access points shall be limited to a width of 3.5 meters. Vehicles accessing the driveway must stop, reverse in the wrong direction on the one-way road requiring an unsafe road movement, thus resulting in a hazard. The proliferation of accesses along this road, that has poor vertical alignment and inadequate visibility should be avoided”.

The report of the Roads section is noted and is considered reported a fundamental issue in relation to the proposed development. The application site, which respects the historic plot width of the host property is narrow, thereby limiting potential design solutions to address the concerns of the Roads section. Furthermore, considering the location of the site, a car free development is not considered feasible. The issues raised in relation to road safety are considered to be fundamental of the overall design strategy and therefore it is considered that the proposed development should be **Refused**.

Transport Infrastructure Ireland has also provided comments on the proposed development. This states:

“the Authority will rely on the planning authority to abide by official policy in relation to development on/ affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In particular, the Planning Authority should ensure the following:

- *protect the substantial investment being made by Government in upgrading national roads,*
- *maintain the intended transport function, traffic carrying capacity and efficiency of the network of national roads,*
- *ensure that traffic hazards for road users are not created and thereby maintain the safety of the network of national roads,*
- *extend the service life of the national road network, thereby deferring to the longer term the need to reinvest in further road improvements and the construction of new roads which*

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would have implications for landowners, local communities, the environment and public expenditure,

- protect the routes of future roads, including road upgrades, from development”.

It is not considered that the proposed development is in keeping with the above. In particular, it is considered that the proposed new access would create a traffic hazard. Planning Permission should, therefore, be **refused**.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Development Contributions

New dwelling

Assessable area = 150.3sq.m

SEA monitoring

Building Use Type Proposed: New dwelling

Floor Area: 150.3sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.01258 Hectares.

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Conclusion

The Planning Authority has a number of concerns in relation to the proposals. In particular in relation to transport and traffic safety. While it may have been possible to overcome some concerns through requests for further information, the issues around transport cannot be resolved in the opinion of the planning authority and are contrary to the proper planning and development of the area and as such refusal of permission is recommended.

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. The subject site, by reason of the following, would have an unacceptable impact on roads:

- The applicant has failed to demonstrate that there is adequate visibility at the proposed entrance. A continuation of development will lead to increased traffic movement on this roadway which would endanger public safety by reason of a traffic hazard.
- The proposal would result in the generation of additional traffic on a laneway that is substandard in width and alignment and lacks adequate facilities for pedestrians and vulnerable road users. It would therefore endanger public safety by reason of a traffic hazard.
- The applicant has failed to provide Insufficient space for the proposed-on curtilage parking, as a minimum of 6m should be available from the boundary to the front elevation of the proposed dwelling.
- The applicant has failed to demonstrate compliance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

The Planning Authority is not satisfied that the proposed development would not give rise to traffic hazard. This is contrary to the provisions of the County Development Plan and the sustainable development of the area.

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REG. REF. SD22A/0341

LOCATION: 1, The Crescent, Cooldrinagh, Lucan, Co. Dublin

Colm Harte

Colm Harte,
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: 17-10-22

Gormla O'Corrain

Gormla O'Corrain, Senior Planner