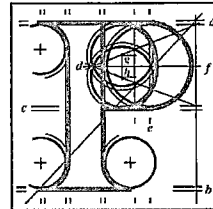


Our Case Number: ABP-314994-22

Planning Authority Reference Number: SD22A/0324



**An
Bord
Pleanála**

**LAND USE, PLANNING
& TRANSPORTATION DEPT.**

04 NOV 2022

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 03 November 2022

Re: Demolition of house and ancillary outbuildings and the construction of 1 two to four storey building accommodating 19 apartments, vehicular access via Lucan Road, 11 car parking spaces, 20 bicycle parking spaces and ancillary services.
Hillhouse, Lucan Road, Lucan, 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,

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
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

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

(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) Certified 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

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AN BORD PLEANÁLA	
LDG-	<u>058694-22</u>
AEP-	_____
01 NOV 2022	
Fee: €	<u>1500.00</u> Type: <u>cheque</u>
Time:	<u>16:02</u> By: <u>herald</u>

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902.
November 2022.

1st

Re: FIRST PARTY APPEAL AGAINST SOUTH DUBLIN COUNTY COUNCIL'S DECISION TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT AT HILLHOUSE, LUCAN ROAD, LUCAN, COUNTY DUBLIN, K78 R5P6.

SOUTH DUBLIN COUNTY COUNCIL REG. REF: SD22A/0324.

DECISION ORDER NO: 1240

DECISION DATE: 3RD October 2022.

Dear Sir/Madam,

On behalf of our client, Frances Dowling, of Hillhouse, Lucan Road, Lucan, County Dublin, K78 R5P6, we wish to make a first party appeal to South Dublin County Council's decision to refuse planning permission for a residential development at Hillhouse, Lucan Road, Lucan, County Dublin.

A cheque for €1,500.00 is enclosed with this appeal.

Documents submitted in support of appeal:

- a) Traffic Audit prepared by Burton Consulting Engineers lodged with planning application to South Dublin County Council.
- b) Traffic Review of South Dublin County Council's refusal on planning application reference SD22A/0324 by PMCE Consultant Engineers.

1. Introduction.

This First Party Appeal has been prepared by PMCA Architects on behalf of Frances Dowling of Hillhouse, Lucan Road, Lucan, County Dublin, K78 R5P6, to South Dublin County Council's decision to refuse planning permission for a residential development for 19 no. units at Hillhouse, Lucan Road, Lucan, County Dublin.

The deadline for the submission of this First Party Appeal is 1st of November 2022 and this submission has been submitted to An Bord Pleanála on that date.

In section 2.0 of this Response, we provide a summary of the single issue raised by South Dublin County Council in their decision dated 3rd October 2022. This is followed by the Applicant's Response to the issue raised and demonstrates that planning permission should be granted for the proposed development.

From the outset, we highlight that the proposed development of 19 apartments and ancillary services on this site of 0.195 hectares is the result of a well-considered decision to provide the most suitable and highest quality residential accommodation which reflects the surrounding context in development terms. We further highlight that the proposed mix of residential unit types responds specifically to the anticipated occupancies in this location and will provide accommodation for single persons, couples, and small family units.

Description of Application:

The demolition of an existing house, Hillhouse, Lucan Road, and ancillary outbuildings and the construction of one 2 to 4 storey building accommodating 19 apartments comprised of 6 one-bedroom apartments and 13 two-bedroom apartments. Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road, with 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares.

South Dublin County Council Decision:

Single Reason for Refusal of Planning Permission.

'Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road and the scale of the development proposed, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian and traffic safety by reason of creating a traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area'.

1.1 Planning History:



CRO No: 640873
RIAI Practice No: 98029

Partners: Laurence Pierce, FRIAI.
Michael McCabe RIAI.

The planning application, to which this appeal relates for the demolition of an existing house and ancillary outbuildings and the construction of 1 two to four storey building accommodating 19 apartments comprised of 6 one bedroom apartments and 13 two bedroom apartments with 11 carparking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares the subject of this appeal is the 3rd application lodged with South Dublin County Council following detailed discussions and meeting with both the planning and development section and the roads section of South Dublin County Council since 2018.

South Dublin County Council Register Ref No SD19A/0198:

On the 24th June 2019 a planning application was lodged by PMCA Architects on behalf of Frances Dowling with the planning authority, South Dublin County Council Register Ref No SD19A/0198, for a development consisting of demolition of existing house and ancillary outbuildings and the construction of one 4 -storey building accommodating 21 apartments, comprised of 6 one bedroom apartments and 15 two bedroom apartments; vehicular access to the proposed development via Lucan Road with 13 car parking spaces and 12 bicycle parking spaces and ancillary services all on a site of 0.1925 hectares.

On the 19th of August 2019 the Planning Authority under decision order no. 0895 issued a notification of decision to refuse planning permission for the 4 following reasons:

1. The proposed intensification of traffic at the access to the site in close proximity to a controlled junction and onto a heavily trafficked regional road would result in increased traffic hazard. It is considered that the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.
2. Having regard to the overall bulk, scale and massing of the building, the proposed development would be visually obtrusive and would adversely effect impact on the visual and residential amenity of adjacent residential properties and the wider area, and would et an undesirable precedent for similar type development in the area and would be contrary to proper planning and sustainable development of the area.
3. The proposed development would have a significant overbearing impact on the dwellings to the south and would therefore not be in accordance with the zoning objective of the site 'to protect and/or improve Residential Amenity'. The proposed development would, therefore, seriously injure the residential amenities of the area, would conflict with the objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
4. Having regard to the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), the Planning Authority is not satisfied on the basis of the information submitted that the proposed development complies with criteria set out in Section 3.0 of said guidelines. The proposed development would be contrary to SPPR 3 of

the Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

Having examined the reasons for refusal of the planning application our client made the decision not to appeal the decision of the Planning Authority and instructed PMCA Architects to engage with the relevant sections of the Planning Authority in order to address the concerns raised in the 4 reasons to refuse planning permission.

In order to address the reasons for the decision to refuse planning permission meetings were held with staff from both the planning and development section and the roads section of South Dublin County Council culminating with a Pre-Planning consultation meeting, Ref No. PP165/19, on the 6th of February 2020 at which representatives of PMCA Architects met with senior personnel from both SDCC Planning Department and Roads Section.

At this meeting the representative from the roads section, Mr. Willie Purcell, Senior Roads Engineer, proposed that in order to address the concerns regarding intensification of traffic at the access to the site in close proximity to a controlled junction a secondary access to the site could be formed at the south eastern boundary of the site exiting onto Lucan Heights. This proposal along with a left in and left out traffic control to the Lucan Road entrance and the removal of the existing large hedge and trees along the east side of the development to allow passive surveillance of the pedestrian link between Lucan Road and Lucan Heights were detailed in the subsequent planning application.

In order to accommodate the proposal of a secondary access from the property onto Lucan Heights the SDCC roads section were in agreement with the relocation of existing traffic bollards at the southern end on the public pedestrian walkway between Lucan Road to Lucan Heights.

The formation of this secondary vehicular access with an informal give way for vehicle access from the site onto Lucan Heights and the relocation of the existing bollards formed part of the engineering proposal for the development of the site and were shown on drawing number GK19106S100 prepared by the project engineers and submitted as part of the planning application documents submitted to SDCC on the 26th of June 2020, SDCC Reg Ref No SD20A/0142.

South Dublin County Council Register Ref No SD20A/0142:

On the 26th of June 2020 PMCA Architects on behalf of Frances Dowling submitted a planning application to South Dublin County Council for a development described as: *'Demolition of an existing house, Hillhouse, Lucan Road and ancillary outbuildings and the construction of one 4 storey building accommodating 20 apartments comprised of 5 one bedroom apartments and 15 two bedroom apartments. Vehicular access to the proposed development will be via Lucan Road and Lucan Heights with 13 car parking spaces and 12 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925ha'*.

On the 5th August 2020 by decision order no. 0647 South Dublin County Council requested further information to be submitted in order for the application to be considered. The additional information requested was as follows:

1. Policy H7 Urban Design in Residential Developments states 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). Having regard to the prominent location of the subject site at a busy junction and in close proximity to existing residential dwellings, the applicant is advised that the Planning Authority has concerns in relation to the impact of the proposal on residential amenity of adjoining properties, in particular the existing two-storey house to the south, by reason of visual intrusion and loss of residential amenity. The applicant therefore may wish to consider a revised design solution which incorporates the following: (i) a greater setback from the southern site boundary; and (ii) a reduction in the scale of the scheme incorporating greater variation in the building line and stepping in the overall roof heights, in particular a reduction in roof height along the south-eastern element of the building. The applicant may wish to consult with the Planning Authority prior to the lodgement of any additional information.
2. The applicant is requested to submit a Sunlight/Daylight Report which assesses any potential impacts on surrounding neighbouring properties and the internal amenity of apartments in terms of sunlight and daylight penetration.
3. The applicant is requested to submit a Building Life Cycle Report for the proposed development which provides detailed information on the proposed materials and finishes for the scheme as well as the maintenance and management of the proposed development.
4. The applicant is requested to submit Computer Generated Images (CGI's) of the proposal showing the relationship with adjoining development, to include the viewpoint from the existing two-storey residential development to the south (Lucan Heights/The Cloisters) and east and St Marys Church and primary school to the west.
5. Water Services (i) Please submit a drawing showing a hydrobrake on surface water network prior to discharge point of surface water from site. (ii) Please submit a report showing the areas in m² of each of the surface types, buildings, permeable paving, green areas prior to being factored by run off coefficients. Show what the run off coefficients are for each of the respective areas. (iii) There is a significant part of the surface water network sized at 150mm diameter. South Dublin County Council will not take in charge any surface water network less than 225mm diameter surface water sewer. Please amend and submit revised drawings.

On the 22nd of December 2020 PMCA Architects on behalf of their client Frances Dowling submitted additional information in response to the above 5 points and as requested by the Planning Authority.

The information submitted included significant alterations to the design of the apartment block in order to address the concerns raised by the Council in the AI request. The scale of the block was amended to reduce the scale of the building and included a reduction in the number of apartments from 20 to 19 with a variation in the building line and a stepping in the overall roof heights, in particular a reduction to a two-storey height along the south eastern element of the building.

On the 28th of January 2021 the Planning Authority under decision order no. 0111 issued a notification of their decision to grant planning permission for the development as set out in the documents submitted under Addition Information. The First Schedule of the Councils decision to Grant Planning Permission stated: 'It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area'.

By letter dated the 26th of March 2021 An Bord Pleanala notified the Planning Authority that 2 no. appeals had been lodged with the Bord in response to their decision to grant planning permission for the development, An Bord Pleanala Case No: APB-309525-21.

Two number third party appeals were lodged with An Bord Pleanala:

- Hughes Planning and Development Consultants on behalf of Bernard & Vivian Coyne, 4 Lucan Cloisters, Lucan, Ci Dublin.
- O'Neill Town Planning Consultants on behalf of Lucan Heights Residents c/o Stephen McCabe, 37 Lucan Heights, Lucan, Co Dublin.

On the 12th of October An Bord Pleanala Planning Inspector Caryn Coogan concluded her report in which she recommended that *'The Board should uphold the planning authority's decision to grant planning permission for the proposed development'* subject to 16 conditions.

The reason the inspector recommended to the board to uphold the decision of the planning authority was "Having regard to the zoning of the site, the pattern of development in the area, and the design, form and height of the proposed apartment building, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local development policies and objectives for the area, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The An Bord Pleanala board decided not to accept the inspectors recommendation and on the 22nd of December 2021 issued a Board Order to refuse planning permission for the reasons and considerations as follows:

“Having regard to the proximity of the primary site access onto the controlled junction on the R835 regional Road, to the proposed limited access by means of a “left in, left out” arrangement only, and to the proposed use of a secondary access point on to Lucan Heights across the existing pedestrian walkway which is considered inappropriate, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and result in unsafe traffic movement into and out of the site. It is considered that the proposed development would endanger pedestrian safety by reason of creating a traffic hazard and would, therefore be contrary to the proper planning and sustainable development of the area. In deciding not to accept the inspectors recommendation to grant permission, the Board considered that the secondary access over the pedestrian laneway to the east of the site and through the cul de sac of Lucan Heights would present an unacceptable risk to pedestrians using this access point to the established estate and would introduce an unacceptable level of additional traffic onto this narrow roadway. Accordingly, in the context of not accepting the viability of secondary access point to the site, and taking account of the constrained nature of the primary access point onto the R835, where right-turning vehicles into and out of the site would cause a significant traffic risk under the current road arrangements the Board considered that the increased traffic accessing the site cannot be accommodated in the absence of the provision of safer and more sustainable road design solutions such as box junctions, traffic lights and/or pedestrian crossings to facilitate the development”.

In light of this decision a revised planning application was prepared to address the reasons and considerations of the Board decision and a third planning application was submitted to South Dublin County Council, SDCC Reg Ref No: SD22A/0324 the subject of this appeal.

South Dublin County Council Register Ref No SD22A/0324:

On the 28th of August 2022 PMCA Architects on behalf of our client Francis Dowling submitted a planning application with SDCC for a development described as: The development will consist of the demolition of an existing house, Hillhouse, Lucan Road, and ancillary outbuildings and the construction of one 2 to 4 storey building accommodating 19 apartments comprised of 6 one-bedroom apartments and 13 two-bedroom apartments. Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road, with 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing all on a site of 0.1925 hectares.

The design of the apartment building was not amended from the design that was submitted as Additional Information under the previous planning application SD20A/0142 for which the Planning Authority had made the decision to grant planning permission.

As the reason and considerations for the Boards decision to refuse planning permission for the development as previously submitted under SDCC Reg Ref No. SD20A/0142 related only to the design of the traffic access and egress from the site a comprehensive assessment and redesign of single access and egress point off Lucan Road the R835 was prepared by PMCE Consulting Engineers and a Stage 1 Road Safety Audit of the proposed access design was

carried out by Bruton Consulting Engineers. It should be noted that the development layout has been revised to address these concerns. Key design revisions include the following:

- The secondary access to Lucan Heights has been removed from the development. The development will have one access only, which will be located on Lucan Road.
- A yellow box junction has been proposed on Lucan Road, at the access to the proposed development.
- The footway across the development access shall be continuous, with pedestrians having right of way over drivers entering/exiting the development.

The revised access and egress design was submitted along with the Stage 1 Road Safety Audit as part of the planning application to which the Planning Authority made a decision to refuse planning permission the subject of this first party appeal.

South Dublin County Council Assessment of the Proposal:

South Dublin County Council refused planning permission on the 3rd of October 2022 for one reason only

1. "Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road and the scale of the development proposed, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian and traffic safety by reason of creating a traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area".

In their assessment of the proposed development the Council confirm that the overall proposal to provide an apartment development on this site is acceptable in principle however, the issues relating to the traffic and pedestrian safety hazard caused by the intensification of traffic accessing and egressing the subject site are too significant to be overcome by way of Additional Information.

APPELLANT'S RESPONSE:

The singular reason for refusal of this planning application by the council is based on their assessment of the proposed intensification of traffic on to the Lucan Road in proximity to an existing controlled junction and is similar to the reason and consideration that lead the Board to not accept the recommendation of their planning officer to grant planning permission for a previous planning application under SDCC Reg Ref SD20A/0142.

This Section has regard to the Council's reasons for refusal and demonstrates how the proposed development, in our view, is acceptable and should be granted planning permission by An Bord Pleanála.

PMCE Chartered Engineers took full cognisance of An Bord Pleanála's concern and reason for refusal of the previous planning application, SD/20A/0143 and prepared a road traffic design with access and egress to the site that addressed the concerns raised.

A Stage 1 Road Safety Audit was carried out on the design prepared by PMCE by an independent firm of road engineers, Burton Consulting Engineers, and the 5 recommendations contained in the design audit were addressed in the final submission documents lodged with the planning application.

PMCE Engineers have prepared a Traffic Review of the reason for refusal by South Dublin County Council, a copy of which is contained at Appendix A of this document. In their review assessment they confirm that the development is expected to generate up to 25 trips per day. This equates to approximately 0.1% of the existing traffic on the R835 regional road the additional traffic generated by the development is imperceptible and is not expected to result in the intensification of traffic accessing and egressing the site, and not expected to result in unsafe traffic movements into and out of the site.

It should be noted that currently the family members who reside at Hillhouse have 4 cars that use the existing entrance to the dwelling daily. The existing entrance is in a similar location to that proposed for the new development but lacks the benefit of adequate site lines and set back as set out in traffic design plan for the proposed development.

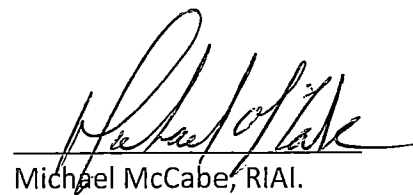
Should the board have concerns regarding the intensification of traffic on to the Lucan Road created by the 11 no car parking spaces provided for in the current application we wish to make a proposal to reduce the number of car parking spaces provided with the introduction of 2 no. car sharing car parking spaces.

Alternative Design Option for Consideration by An Bord Pleanála.

We request that the Board considers the proposed development as submitted to South Dublin County Council, however, should the Board have concerns regarding the initial proposal, the Applicant offers an amended car parking scheme for consideration by the Board. The alternative design option is for a reduced number of car parking spaces from the proposed 11 no spaces to 5 no car parking spaces. It is proposed that 2 of the 5 spaces be allocated to a car sharing/pool parking scheme such as GoCar or similar car sharing provider. This alternative car parking proposal will support sustainable transport modes, and reduce the reliance on car travel. Additionally, the allocation of parking space to GoCar or similar will support Car Sharing initiatives, and further reduce the reliance on private car ownership and usage. The proposed alternative car parking layout is shown on drawing number PL-1-001 V2 a copy of which is attached at Appendix A of this document.

CONCLUSION:

The single reason for refusal of this planning application by the council is based on their assessment of the proposed intensification of traffic on to the Lucan Road in proximity to an existing controlled junction. The project road engineers prepared a road access and egress design as part of this planning application which was supported by a Road Safety Audit prepared by an independent firm of Consulting Engineers and was submitted to the Planning Authority as part of the planning application documents. The proposed road design addresses the concerns raised by the Planning Authority and addresses the concerns of increased traffic hazard. In our opinion, for the reasons outlined above, the proposal is in accordance with the proper planning and sustainable development of the area and should be granted planning permission.



Michael McCabe, RIAI.
For PMCA Architects.

APPENDIX A.

Drawing No. PL-1-001 V2



CRO No: 640873
RIAI Practice No: 98029

Partners: Laurence Pierce, FRIAI.
Michael McCabe RIAI.