

# Comhairle Chontae Atha Cliath Theas

**PR/1406/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0358      **Application Date:** 14-Sep-2022  
**Submission Type:** New Application      **Registration Date:** 14-Sep-2022

**Correspondence Name and Address:** Argo Development Studio 23, South Great Georges Street, Dublin 2.

**Proposed Development:** 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.

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

**Applicant Name:** Siobhan & Dominic Mullee

**Application Type:** Permission

### **Description of Site and Surroundings**

Site Area: stated as 0.01595

### **Site Description**

The subject site is the southern portion of the residential curtilage of No 1A The Crescent. The existing rear amenity space is approximately 45m long and 8m wide. No 1A The Crescent is a Protected Structure, part of a terrace of houses known as the Crescent which are designated as Protected Structures. 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 accommodate these structures. Celbridge Road is one way, with a direction of travel from west to east.

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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**

Permission is sought for:

- A new south facing, 3 No. storey three bedroom dwelling with a flat roof profile and a self-coloured render and vertical timber cladding finish, on a site at the rear (Protected structure - SDCC RPS No.095-10 / Map 095).
- The development involves the splitting of the existing site in two plots, with no amendments proposed to the existing 3 No. storeys over basement dwelling at No. 1A The Crescent.
- The subject site located within the rear amenity space of the existing dwelling at No. 1A Crescent will have an approximate area of 159 sq.m, with the proposed dwelling having an approximate gross floor area of 153.4 sq.m, a front driveway and car parking area with an approximate area of 45.5 sq.m, connected to Cellbridge Road via a new vehicular entrance with an automatic sliding gate.
- The proposed dwelling includes a total of 68.7 sq.m external private amenity space in the form of a ground floor level internal courtyard, a first floor level south facing balcony, a south facing second floor terrace and an accessible screened roof terrace.
- All ancillary site works and services above and below ground.

### **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)

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### **Consultations**

Drainage and Water Services Department – Additional Information required.

Irish Water – Additional Information required.

Roads Department – Recommend refusal

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 – No objection indicated, subject to assessment by the Planning Authority having regard to the 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 – No report received at time of writing.

An Taisce – Observations made.

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

### **SEA Sensitivity Screening –**

Overlap is indicated with the following SEA Sensitivity layers:

- RPS 095 ‘Two Storey House Terrace and Railings’. The subject site contains an existing dwelling, which is the third dwelling in a row of terraces that are all ‘RPS-095’

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### Submissions/Observations /Representations

Final date for submissions/observations

A submission has been received:

- Documentation is misleading as it refers to an application for a dwelling, but imagery includes dwelling applied for under SD21A/0341.
- Proposal would be inappropriate, incongruous, out of character and unsympathetic having regard to receiving context of the subject site which includes the curtilages of Protected Structures.
- No consideration is given to the loss of views from No. 2 The Crescent and adjacent Protected Structures, which will be impeded by the proposed development.
- Significant potential for overlooking to No. 2 The Crescent, resulting in a significant loss of amenity and a dramatic devaluation of the property.
- No details provided regarding road closure and footpath closure to facilitate the significant volume of soil to be removed from the site to attain the required levels.
- Ecological and Environmental impact of the proposed development, including the felling of trees which would result in destruction of birds habitat.
- No measures are outlined to mitigate the effect of dust on adjacent properties regarding construction works.
- No details are provided regarding construction hours on site.
- A sightline is provided towards on-coming traffic, but no sightline is provided for cars and cyclists travelling along the R835 in an easterly direction.
- No consideration has been given to the blind bend to the west of the proposed development.
- The proposed sliding gate will not be visible to cars or cyclists using the R835 coming from an easterly direction.
- There is an increase in vehicles and cyclists using the R835, with no cycle lane along R835.
- The Applicant has not satisfactorily addressed the reason for refusal of SD05A/0777.
- Proposed development would set an undesirable precedent.

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

### Relevant Planning History

*Subject site*

**CE22/0035**

Application for a Certificate of Exemption for a new south facing 3 storey, 3 bedroom, flat roofed dwelling with self-coloured render and vertical timber cladding finish.

**SDCC Decision:** Grant Certificate of Exemption.

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### Adjacent sites

**SD22A/0341** – No. 1A The Crescent, Cooldrinagh, Lucan, Co. Dublin

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.

**SDCC Decision:** Refuse Permission for the following reason:

*'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.'*

**SD10B/0251** – No. 8, The Crescent, Cooldrinagh, Lucan, Co. Dublin

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

**SDCC Decision:** Grant permission, subject to conditions.

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**SD06A/0723** – Artisan Lodge, The Crescent, Celbridge Road, Lucan, Co. Dublin  
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** – No. 8 The Crescent, Lucan, Co. Dublin.  
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.  
**SDCC Decision:** Grant permission, subject to conditions.

**SD04A/0165**– Artisan Lodge, The Crescent, Celbridge Road, Lucan, Co. Dublin  
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**

#### **PP046/22**

Demolition of existing rear boiler room and boundary walls adjoining No. 1 and No. 1A The Crescent – 1.2sq.m; Demolition of modern single-storey glazed conservatory extension at rear basement level - 10.7sq.m; Construction of new single-storey flat roofed extension to rear basement level – floor rear 17.5sq.m; Construction of new dormer roof extension to rear second floor / roof level – floor are 5.7sq.m; Remodel existing window to Basement front elevation to form door opening out to front area; Internal remodelling to rooms at basement, ground, first and second floor levels; Glazed enclosure to front area; Replacement all non-original external windows and doors with new versions matching the original design and detail; The works the subject of this application are located within the grounds of a Protected Structure (RPS Ref. No.095); Total Existing Internal Floor Area = 181.9sq.m; Proposed Demolition = 11.9sq.m; Proposed New Construction = 23.2sq.m; Total Proposed Internal Floor Area = 193.2sq.m;

### **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.*

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*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.*

*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*



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*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 G11: Overarching*

*G11 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.*

*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*

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*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*  
*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.*

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*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;*
- *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*

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*(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.*

*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*

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#### *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).

***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).

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*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
- Drainage and Water Services
- Parks and Public Realm
- Green Infrastructure
- Riparian Corridor
- Vehicular Access and Parking
- Environmental Impact Assessment
- Appropriate Assessment

### *Zoning and Council Policy*

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

### Council Policy

In accordance with Section 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.***

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*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.***

*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.***

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### Infill / Backland Development

In accordance with Section 12.6.8 of the Development Plan, 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, the Guidelines do not provide significant guidance applicable the proposed development.
- *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, which outlines a design rationale for the proposed development. A Planning Report has also been provided. This provides more of a quantitative assessment in accordance with the Development Plan 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;*
  - Not applicable, given the small size of the subject site.
- *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.*
  - Not applicable to the proposed development.
- *Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
  - Not applicable to the proposed development.



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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. Insufficient detail has been provided regarding the section of wall to be removed. From a conservation point of view, the wall should be made good using traditional methods and materials.
- *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 existing 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 Development Plan, 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;
  - Not applicable to the proposed development.
- 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;

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- No analysis appears to have been undertaken. It appears that several rooms on the ground floor, including a bedroom and an office would only have windows facing onto the proposed internal courtyard/lightwell. This is a walled in area, that does not appear to be open or have a rooflight. In addition to this, the first floor level kitchen/living/dining area is over 8m deep. It is unclear how much daylight the north portion of this space would receive from the terrace / rooflight. Insufficient information has been provided to assess whether the proposed development adheres to the relevant performance approaches and recommendations outlined in the BRE Guidance documents.
- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
  - Residential amenity is assessed below under a separate heading.
- *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.*
  - 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;*

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- 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; however, concerns arise in relation to pedestrian and traffic safety. These concerns are further outlined below under a separate heading.

### Topography

The proposal should have regard to the following objectives of the Development Plan:

- *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 natural contours and level change of the subject site. It is apparent that the proposal will 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. In this regard it is considered that the proposal would be contrary to H12 Objective 2 of the Development Plan.

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 retaining wall and result in an incongruous building in the landscape. It is therefore considered that the Applicant has failed to demonstrate compliance with H12 Objectives 1 and 2 of the South Dublin County Development Plan 2022-2028.

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### *Architectural Conservation*

The Architectural Conservation Officer has stated:

*'A design rationale has been included in the Planning Report for the new dwelling. An Architectural (Conservation) Impact Statement has also 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 site's 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. 1A The Crescent, and the terrace remain the dominant structures on the site and their setting is not compromised as the Mews sits completely separately. It is considered that the overall setting of the Protected Structure (1A 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. Additional architectural elements are also proposed to reduce any visual impacts. It is also proposed to reintroduce a random rubble stone wall to sympathetically tie into the existing rear boundary.'*

The Report of the Architectural Conservation Officer concludes that the proposed development is acceptable, 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 as a country road, and not that of a residential estate, and the applicant has not demonstrated that the proposal is acceptable in the receiving context. The applicant has provided very little evidence of the overall visual impact. 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.

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It is noted that the existing mews development to east (for which there is no planning history) are built to the boundary wall along Celbridge Road 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.

### Residential Amenity

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

The table below provides an assessment of internal areas.

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
153.4sq.m	K/L/D	37sq.m	-	-	-	37sq.m	54 sq.m
	Living	17.sq.m	15sq.m	3.8m	3.6m x 5.75m		
	Bed 1	13.5sq.m	11.4sq.m	2.8m	4.17m	36sq.m	43.6 sq.m
	Bed 2	11.5sq.m	11.4sq.m	2.8m	3.59m		
	Master bed	18.6sq.m	13sq.m	2.8m	4.09m		
	Store	9sq.m	6sq.m	-	-	6 sq.m	9 sq.m

\* in accordance with Quality Housing for Sustainable Communities requirements for a 3bed 6person 3storey dwelling. The South Dublin County Development Plan 2022-2028 requirement is for a 3 person dwelling is 92sq.m.

In terms of private amenity, a total of 68.7 sq.m is indicated on the schedule of areas outlined on the drawings provided by the Applicant. The proposal would provide a 3bed dwelling. In accordance with table 3.20 of the CDP, the required private open space is 60sq.m. This appears to be provided in the proposed dwelling.

A courtyard area would also be provided to the rear at ground floor (7.8 sq.m). It appears that this would be walled on all sides, with a rooflight above. It is unclear how much daylight would

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be received from this area as no daylight, sunlight and shadow analysis has been provided by the Applicant.

Approximately 150 sq.m of rear amenity space would remain for the existing dwelling. This is considered to be sufficient.

### *Drainage and Water Services*

The Drainage and Water Services Department have assessed the proposed development, with their Report indicating that the following **ADDITIONAL INFORMATION** is required:

- *Submit a drawing in plan and cross sectional view showing design details of proposed surface water attenuation system.*
- *Submit a report showing calculations of how the surface water discharge from the proposed site will be limited to greenfield run rates.*
- *Submit a drawing and report to show what SuDS (Sustainable Drainage Systems) are proposed for the development. Examples of SuDS include, and this is not an exhaustive list:*
  - *Green roofs*
  - *Permeable Paving*
  - *Grasscrete*
  - *Swales*
  - *Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.*
  - *Filter drains*
  - *Tree pits*
  - *Other such SuDS*
  - *Examples of SuDS can be found on South Dublin County Council Website at: [sdcc-householders-guide-to-sustainable-drainage-suds-.pdf](#)*

Irish Water have also assessed the proposed development, with their Report indicating that the following **ADDITIONAL INFORMATION** is required:

- Obtain a Confirmation of Feasibility Letter from Irish Water for the watermain connection to facilitate the proposed development.
- Obtain a Confirmation of Feasibility Letter from Irish Water for the foul connection to facilitate the proposed development.

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### ***Parks and Public Realm***

The Parks and Public Realm department have recommended that permission be **REFUSED** for the proposed development, with their Report citing the following reasons for refusal:

#### *'Existing Trees*

*This proposal will have a high impact on the existing trees within the site and will be requiring the removal of multiple trees. This number of tree removals would not be acceptable to the Public Realm Section.*

*There has been no mitigation proposed for the loss of these trees. Tree mitigation is the act of compensating tree removal by planting a proportionate number of replacement trees on a site based upon the species and size of each existing tree that is lost or removed as a result of the proposed development. **NCBH11 Objective 2 & 3***

#### *Potential Negative Impact on Hedgerow*

*This proposal will also likely have a negative impact on the existing hawthorn hedgerow in a neighbouring property. There has been a lack of consideration and information given to the potential impacts to the hedgerow. Hedgerows perform a vital role as wildlife habitats, biodiversity corridors and essential green elements in the County's green infrastructure network. **NCBH11 Objective 3 & 4.***

#### *Potential Impact on bats.*

*Given the location close to the river Liffey and the highly vegetated locatiuon there is high potential dor bats in this area. The impact of this development on bats has not been considered in the application'.*

Whilst the report of the Parks Section is noted, had the proposed development of this Planning Application been considered otherwise acceptable, the applicant would have been afforded an opportunity address to the concerns raised therein.

### ***Green Infrastructure***

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.

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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.

### ***Riparian Corridor***

The site is partly within a riparian corridor. Below sets out the requirements for Riparian Corridors as outlined in the Development Plan:

#### 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;



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- 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. The Applicant has therefore failed to demonstrate compliance with of the GI3 Objectives 1 and 2 Section 12.4.3 of the South Dublin County Development Plan 2022-2028.

### ***Vehicular Access and Parking***

The Roads Department have assessed the proposed development, with their Report noting the following:

*'A new vehicular entry with a sliding gate is proposed off the R835 which has a speed limit of 50km/h.*

*For a 50km/h road, an applicant must submit a drawing with a minimum visibility splay of dimensions 2.4m x 70m in both directions. The applicant has failed to provide this information.*

*The proximity of the neighbouring retaining walls restricts the ability to provide the minimum sightlines and therefore it is not possible to create a safe vehicular egress from the property.*

*A vehicle accessing the proposed driveway would need to stop, reverse in the wrong direction on the one-way road requiring an unsafe road movement, and therefore create a hazard.*

*The proliferation of accesses along this road, which has poor vertical alignment and inadequate visibility should be avoided.'*

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The Roads Department recommend that permission for the proposed development be **REFUSED** on the following basis:

*'There is inadequate visibility at the proposed entrance.*

*The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard. 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 report of the Roads section is noted is considered reported a fundamental issue in relation to the proposed development. The application site, which respect 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 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 in relation to the proposed development, which state that:

*'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,*

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- *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 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.

### **Conclusion**

The Planning Authority has a number of concerns in relation to the proposed development, including but not limited to the limited site analysis provided by the Applicant, the failure to demonstrate compliance with the relevant objectives of the South Dublin County Development Plan specifically H12 Objective 1 and Objective 2, NCBH11 Objectives 2, 3 and 4, the level of vegetation removal required, the potential ecological impact including on the bat population, the impact on the receiving streetscape along Celbridge Road and the impact on the Green Infrastructure network and Riparian Corridor. Whilst these concerns could potentially be overcome by way of additional information it is considered that a significant re-design of the

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proposed development would be required, moreover a significant concern arises in relation to transport and traffic safety, which is contrary to the proper planning and development of the area and is too significant to be overcome by way of re-design or additional information. 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 proximity of the neighbouring retaining walls restricts the ability to provide the minimum sightlines and therefore it is not possible to create a safe vehicular egress from the property.
- A vehicle accessing the proposed driveway would need to stop, reverse in the wrong direction on the one-way road requiring an unsafe road movement, and therefore create 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 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 a traffic safety hazard. As such, the proposed development is contrary to the provisions of the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

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**REG. REF. SD22A/0358**

**LOCATION: 1A, 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:** 08/11/22

*Gormla O'Corrain*  
\_\_\_\_\_  
**Gormla O'Corrain, Senior Planner**