

Comhairle Chontae Atha Cliath Theas

PR/0124/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0518 **Application Date:** 06-Dec-2022

Submission Type: New Application **Registration Date:** 06-Dec-2022

Correspondence Name and Address: Micheál O'Drisceoil 63, Georges Street Lower, Dún Laoghaire, County Dublin, A96X7K2

Proposed Development: Amendments to proposal for dwelling and alterations to existing dwelling for which Planning has been granted (Planning Register Ref SD21B/0228) involving subdivision of existing front garden and creation of new vehicular access gateway and attendant widening to existing dishing and dropped crossing to provide for the separation of the separate dwellings at the junction of Elderwood Road and Laburnum Walk at 27 Elderwood Road Dublin 20 D20HV08

Location: 27, Elderwood Road, Palmerstown, Dublin 20.

Applicant Name: Jean and John Harrington

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.041 hectares.

Site Description:

The application site comprises a corner site at the confluence of Elderwood Road and Laburnum Walk. The site comprises a semi-detached dwelling currently undergoing construction works to provide an additional dwelling on the site. The site has a driveway currently accessed from Elderwood Road. The surrounding area is residential in nature, characterised by similar dwellings.

Site Visited: 25/02/2023.

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Proposal:

Permission is sought for the following:

- Amendments to SD21B/0228 comprising:
 - Subdivision of existing front garden
 - Creation of new vehicular access gateway
 - Widening of existing dishing and dropped crossing to provide for the separation of the dwellings.

Zoning:

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

Consultations:

Roads:	Refusal recommended
Public Realm:	No objection, conditions recommended.
Water Services:	No report received.
Irish Water:	No report received.

SEA Sensitivity Screening

Indicates no overlap with relevant sensitive layers.

Submissions/Observations /Representations

Submission expiry date – 18 January 2023
No submissions or observations were received.

Relevant Planning History

SD21B/0228: Alterations to existing dwelling, previously extended, to provide an additional separate dwelling on same site incorporating previous extension with new extension into the new separate four bedroom dwelling; new roof window to existing bathroom; addition of a single storey utility room extension to the rear of existing dwelling; alterations to existing first floor windows to correspond to houses opposite; subdivision of rear garden into separate gardens; new pedestrian gate onto Laburnum Walk. **Permission granted.**

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 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.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 5 Quality Design and Healthy Placemaking

QDP6 Objective 7: To ensure, in so far as is practical, that all boundary walls in new residential developments are of a similar height and of a high quality where they are bordered on either side by a public footpath or an area that has been or is due to be taken-in-charge in order to leverage the opportunity to improve the quality of boundary treatments.

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*Chapter 12 Implementation and Monitoring
Section 12.7.6 Car Parking Design and Layout*

*Widening of Driveways to Accommodate In-Curtilage Parking
Proposals to widen driveways to accommodate in-curtilage parking will be considered having regard to the following:*

- *A width of 3.5m between gate pillars shall not normally be exceeded. This is for reasons of pedestrian safety and visual amenity and to retain on-street parking spaces;*
- *Proposals to widen driveways that would result in the removal of, or damage to, a street tree will not generally be permitted and where permitted must be mitigated;*
- *Where a hard surface is proposed to accommodate parking in a front garden area, permeable paving shall be used, in the interest of sustainable drainage.*

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Sustainable Movement
- Green Infrastructure
- Water Supply and Wastewater
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Policy

South Dublin County Development Plan 2022 - 2028

The site is subject to zoning objective 'RES' – '*To protect and/or improve residential amenity.*' Residential development is permitted in principle under this zoning category.

Residential and Visual Amenity

The applicant is proposing to provide a separate vehicular access to serve the dwelling permitted under SD21B/0228, currently under construction. The proposed access would make use of an existing dropped curb, which provides ease of crossing for pedestrians. No alterations appear to be proposed to the existing entrance, save for the provision of a boundary wall between the two sites.

From the site plan, the proposed works would allow for 2 car parking spaces, each able to exit independently. There would be a concern that a third car could therefore be accommodated on the driveway.

The applicant is proposing to make use of an existing dropped kerb pedestrian crossing for use as a driveway. The Planning Authority would have a concern regarding the potential conflict of vehicles and pedestrians using the same informal roadway, especially given the corner location of this potential access. The Planning Authority considered it preferable to locate the driveway access solely on Elderwood Road rather than on the corner with Laburnum Walk, where visibility would be reduced. If the application were to be relocated, it is considered likely that there would be a conflict with the existing street tree in the grass margin. On this basis, the application should be **refused**.

Sustainable Movement

The Roads department have reviewed the application and have recommended **refusal** as they have '*serious safety concerns about the location of the proposed new vehicular entrance. Cars exiting the site would be somewhat hidden from the view of car turning left from Elderwood Road onto Laburnum Walk resulting in a traffic hazard. The entrance should be located to the front of the site, so vehicles are entering/egressing from/onto Elderwood Road. However, the presence of a mature street tree in the verge, along with a drainage gully does not allow for the entrance to be located here.*'

As stated above, it is considered that there would be a conflict with the existing street tree if the entrance were to be moved further south. For the entrance to remain where it is currently proposed presents a user conflict and traffic hazard due to visibility. On this basis it is agreed the application should be **refused**.

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Green Infrastructure

The site appears to be located within the M50 Primary GI Corridor, as per Figure 4.4 of the Development Plan.

The site has some vegetation within the front garden area where works are proposed, mainly comprising grass. This area would be resurfaced as permeable paving, with planting along the eastern boundary. The applicant is proposing to widen an existing cropped curb area, resulting in the loss of some of the public grass verge.

The Public Realm Section have reviewed the application and have stated no objection to the development, recommending the following **conditions** in the event of a grant of permission:

1. *Protection of Street Trees in Grass Margins*

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection areas indicated on plan. NCBH11 Objective 3

2. *Green Infrastructure*

The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- *Proposed GI protection, enhancement, and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- *Proposals for identification and control of invasive species where appropriate, for the site*

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

In the event of a grant, it is considered appropriate to require certain measures by **condition** to protect the street tree outside the boundary of the site. Given the size of the site and its location,

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it is not considered necessary to request recommended **condition 2**, as this would be an onerous requirement based on the scale of works proposed.

Water Supply and Wastewater

Given the nature of the development, it is not considered that there would be any impact to Irish Water infrastructure.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within a serviced urban area and relates to the provision of a new access.

Having regard to:

- the scale and nature of the development,
- the location of the development, and
- the consequent distance from the site to qualifying European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Environmental Impact Assessment

Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design of the development proposed it is considered that the new access could be in conflict with existing pedestrian facilities in the area and give rise to traffic hazard. In this regard, permission should be **refused**.

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

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REASON(S)

1. The applicant is proposing to utilise existing pedestrian crossing facilities on the corner of Elderwood Road and Laburnum Walk to provide a new vehicular access to a dwelling currently under construction, per SD21B/0228. The Planning Authority is extremely concerned from a safety aspect with the joint use of the existing dropped kerb for pedestrian and vehicular movements and there is inadequate visibility at the proposed entrance. Drivers exiting the site would have inadequate sightlines and therefore the development would endanger public safety by reason of a traffic hazard and be contrary to the proper planning and sustainable development of the area. To relocate the entrance to a suitable place along the southern boundary of the site would likely impact the existing street tree in the grass verge.

Therefore, the proposed development is not acceptable due to traffic hazard and negative impacts on green infrastructure, contrary to the policies and objectives of the South Dublin County Development Plan 2022 - 2028. Furthermore, the proposed development would contravene the zoning objective 'to protect and /or improve residential amenity' in the South Dublin County Development Plan 2022 - 2028.

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REG. REF. SD22B/0518

LOCATION: 27, Elderwood Road, Palmerstown, Dublin 20.



**Aoife O'Connor Massingham,
Assistant 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: 03/02/2023


**Jim Johnston,
Senior Executive Planner**