



An
Bord
Pleanála

Inspector's Report ABP-305216-19

Development	Recessed vehicular entrance in place of the existing vehicular entrance of Mount Anville Road
Location	Hollywood House, Mount Anville Road, Dublin 14 (Protected Structure)
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0370
Applicant(s)	Adrienne & Peter Meagher
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Adrienne & Peter Meagher
Observer(s)	None
Date of Site Inspection	27 th November 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.6978 hectares, is located on the northern side of Mount Anville Road and to the east of Goatstown Village. Hollywood House is designated as a Protected Structure (Ref. 829) within the operative County Development Plan. This is a classically designed Victorian residence, constructed circa 1820 and is a two-storey over basement property, currently in residential use. There is an existing single vehicular entrance serving the site located to the west of the house.
- 1.2. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for development consisting of the following:
- provision of a new, recessed vehicular entrance in place of the existing vehicular entrance of Mount Anville Road with new curved stone walls, new stone piers and new painted timber gates;
 - re-pointing and repair works to the existing stone boundary wall to Mount Anville Road with provision of new infill section of wall where currently missing
 - an increase in height to part of stone boundary wall to the Road to a maximum dimension of 36cm addition
 - provision of new pedestrian gate closer to the Main House, (1-metre-wide) and all ancillary and associated works necessary to facilitate this development.
- 2.2. The application was accompanied by a Conservation Report prepared by Lawrence & Long Architects. The report concluded as follows:

The proposed works are minor in nature and will not adversely affect Hollywood House or its curtilage. The new vehicular entrance will provide an appropriate entrance treatment to the demesne of this fine house. Refurbishment and reinstatement works to the boundary wall will maintain and enhance and preserve the character of this wall and the grounds that are enclosed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. DLRCC issued a notification of decision to refuse permission for the following reason:

The proposed development is located within the, 'Dublin Eastern Bypass Reservation Line'. Such development would undermine the future deliverability of the motorway scheme. Therefore, the proposed development by itself, or by the precedent, which the grant of permission for it would set for other developments, would adversely affect the future deliverability of the Dublin Eastern Bypass Corridor motorway scheme, contrary to the proper planning and sustainable development of the area, and premature pending the determination of the planning authority of a road layout for the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** stated that the national, regional and local policy objectives all preclude development within the Dublin Eastern Bypass reservation line and recommended that permission be refused accordingly. The notification of decision to refuse permission issued by DLRCC reflects this recommendation

3.2.2. Other Technical Reports

- **Conservation Officer** – Further information requested in relation to proposed entrance and details of alterations to boundary.
- **Transportation Department** – Refusal recommended as proposal would materially contravene an objective indicated in the LAP (Dublin Eastern Bypass). No objection to proposed pedestrian entrance.
- **Drainage Planning** – No objection subject to conditions as set out in the report relating to SuDS.

3.3. Prescribed Bodies

- 3.3.1. There is a submission from An Taisce recorded on the planning file stating that they are satisfied for the application to be assessed in accordance with the County Development Plan and that if DLRCC granted permission that a condition be attached in relation to works being carried out under the supervision of a Conservation Expert.

3.4. Third Party Observations

- 3.4.1. There are no third-party observations recorded on the planning file.

4.0 Planning History

- 4.1. There was a previous planning appeal on this site that may be summarised as follows:

PL06D.242505 (Reg Ref D12A/0490) – DLRCC granted permission for four houses, access road and gateway, associated car parking spaces, private rear gardens, ancillary site works and services at Hollywood House (a Protected Structure), Mount Anville Road, Goatstown, Dublin 14 subject to 16 no conditions. The decision was appealed by a third party: An Taisce- South Co. Dublin Association. In 2014 the Board refused permission for the following 2 no reasons:

- 1) *Having regard to the nature and design of Hollywood House, a protected structure, it is considered, notwithstanding the high quality of the individual house designs proposed, that the design approach taken of locating a wall immediately to the front of Hollywood House and at a remove of 20 metres from it, would tend to interfere with the nature and quality of the setting of Hollywood house which has its principal staircase and main rooms to the front which would be facing the proposed wall and that this would adversely affect the setting and amenity of the protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable of the area.*
- 2) *It is considered that a substantial semi-public space to the front of Hollywood House is essential to a proper interpretation and understanding of this*

protected structure and that the design approach, which was based on the concept of a walled garden type development being placed immediately to the front of Hollywood house did not recognise this. The proposed development would, therefore, seriously injure the amenities of a protected structure and be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned **Objective A** where the objective is *to protect and/or improve residential amenity*. Chapter 8 deal with the **Principles of Development** including **Vehicular Entrances and Hardstanding Areas** (Section 8.2.4.9 refers). **Hollywood House**, Mount Anville Road is a **Protected Structure** (RPS Ref. 829).
- 5.1.2. A Section of Mount Anville Road and a portion of the grounds of Hollywood House to the west of the house is within the **Long Term Road Objectives** as part of the **Dublin Eastern Bypass** (as identified in the Dublin Eastern Bypass Corridor Protection Study, TII 2011) in Table 2.2.6 of the County Development Plan (2016-2022). **Policy ST25**; Roads states that *it is the Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities*.
- 5.1.3. The site is also located within the boundary of the **Goatstown Local Area Plan 2011** (extended to 2022) and includes a number of policies relevant to the current proposal as follows:
- **MT2 Eastern Bypass Reservation** – It is an objective of the Plan to protect the Eastern Bypass reservation.
 - **OS4 Tree Preservations** – It is an objective of the Plan to protect and preserve mature trees / groupings of trees that add to the character and visual amenities of the area.

- **OS5** – It is an objective of the Plan to retain the mature trees located along Mount Anville Road between Goatstown Crossroads and the entrance to Mount Anville Park.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development comprising the provision of a new, recessed vehicular entrance in place of the existing vehicular entrance, re-pointing and repair works to the existing stone boundary wall, increase in height to part of stone boundary wall and provision of new pedestrian gate, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Hughes Planning & Development Consultants on behalf of the applicants Adrienne & Peter Meagher and may be summarised as follows:

- It is acknowledged that a portion of the site is located within the proposed route of the Dublin Eastern Bypass Reservation and that this has been identified as a Long-Term Road objective proposed by DLRCC listed in Table 2.2.6. In light of this it is considered that the approval of a 5 year temporary permission would be appropriate.
- The proposed works will not adversely affect the established character of the existing protected structure site of Hollywood House or its curtilage.

- The proposed recessed vehicular entrance arrangements is wholly acceptable in engineering grounds and will provide an appropriate entrance treatment to the existing dwelling on site.
- It is considered that the proposed refurbishment and reinstatement works to the boundary wall will significantly improve its condition and appearance whilst also maintaining, enhancing and preserving the established character of the area.
- It is submitted that the proposed works are minor in nature and will have no undue impacts on the existing streetscape along Mount Anville Road.

6.2. Planning Authority Response

- 6.2.1. DLRCC in their response to the appeal state that it was *considered that the grounds of appeal do not raise any new matter which in the opinion of the Planning Authority, would justify a change of attitude of the proposed development.*

6.3. Observations

- 6.3.1. There are no observations recorded on the appeal file.

6.4. Further Responses

- 6.4.1. There are no further response recorded on the appeal file.

7.0 Assessment

- 7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Dublin Eastern Bypass Reservation Line'
- Other Issues

7.2. Principle

- 7.2.1. Under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 the site is wholly contained within an area zoned Objective A where the objective is to protect and/or improve residential amenity and where residential extensions and alterations to an existing dwelling for residential purposes is considered a permissible use. Further Hollywood House, Mount Anville Road is a Protected Structure (RPS Ref. 829).
- 7.2.2. A detailed description of works proposed is set out in Section 2.0 above. The development does not include works to Hollywood House itself but rather to the existing vehicular entrance and boundary wall on the southern boundary of the site.
- 7.2.3. With regard to the proposed provision of a new, recessed vehicular entrance in place of the existing vehicular entrance of Mount Anville Road I have considered the plans and particulars submitted and I consider that the entrance design is sympathetic to Hollywood House and its surroundings and conforms to the architectural character of the protected structure. I am satisfied that the works would not materially or adversely affect the character or setting of Hollywood House and is therefore acceptable. As this is works to an existing vehicular entrance and there is no intensification or change of use proposed there is no objection in terms of material impact on the safety or current capacity of the road network in the vicinity. Overall I agree with the applicant that the proposed entrance is appropriately recessed and will have due regard to the road and footway layout, thus providing for improved road safety.
- 7.2.4. Further east along the boundary wall to Mount Anville Road, a new 1m wide inward opening painted hardwood pedestrian gate with a brick arch head over is to be provided. It is stated that this addition will supply a safe and direct link from Hollywood House to the adjacent public footpath. I consider this proposal to be a sensitive intervention that respects the protected status of Hollywood House and is therefore acceptable.
- 7.2.5. The grounds of Hollywood House is bordered to the south by a rubble granite wall which ranges in height from 2.1m up to 4m where it meets the single storey buildings located to the south of Hollywood House. It is noted that a major concern of the applicants relates to the safety of the existing boundary wall. It is submitted that the

pebbledash filling which was previously applied to the wall is currently loose and presents a real risk to passing pedestrians. It is further noted that a section of this wall measuring c10m in length is missing and presents a gap in the wall to the adjoining public footpath. Plywood hoarding has been erected to this portion of the boundary. As documented by the applicant a section of the hoarding has been peeled back facilitating unauthorised access and presenting a security risk. I agree with the applicant that the existing boundary wall is in poor condition and has been subject to inappropriate interventions which have affected its appearance and functionality.

- 7.2.6. Intervention either minor or major is often required to enable a protected structure and / or its grounds to survive. Accordingly I consider the works proposed, comprising the re-pointing and repair works to the existing stone boundary wall to Mount Anville Road with provision of new infill section of wall where currently missing together with an increase in height to part of stone boundary wall to the Road to a maximum dimension of 36cm addition to be sensitive and appropriate while also respecting the existing character of Hollywood House. There is no objection to the works proposed.
- 7.2.7. As documented above the works proposed do not involve demolition or alterations to the interior or exterior of Hollywood House or to the original plan form. The works proposed are appropriate and necessary in the case of the boundary wall. I am satisfied that the works will ensure the survival of Hollywood House without detriment to its character.
- 7.2.8. It is, however strongly advised that specialist advice be sought prior to carrying out any works. Accordingly, it is recommended that should the Board be minded to grant permission that a condition be attached requiring that a conservation expert be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works.

7.3. Dublin Eastern Bypass Reservation Line

- 7.3.1. DLRCC issued a notification of decision to refuse permission for the scheme as the proposed development is located within the, 'Dublin Eastern Bypass Reservation Line' and such development would undermine the future deliverability of the

motorway scheme. Having regard to the maps available with the current Development Plan and the Goatstown Local Area Plan 2011 the vehicular entrance and a large portion of the boundary wall to be infilled are within the proposed motorway corridor. The new pedestrian gate closer to the main house is out with this corridor.

- 7.3.2. As documented a section of Mount Anville Road and a portion of the grounds of Hollywood House to the west of the house is subject to a Strategic Road Reservation which relates to the Long-Term Road Objectives as part of the Dublin Eastern Bypass (as identified in the Dublin Eastern Bypass Corridor Protection Study, TII 2011) in Table 2.2.6 of the County Development Plan (2016-2022). This roads objective is annotated in the Development Plan. The footnote states as follows:

Should proposals for the Dublin Eastern Bypass be progressed at some point in the longer term, a full assessment of the potential ecological impacts associated with the proposals will be required to be carried out to include the appropriate research and survey work necessary in order to inform a robust Environmental Impact Assessment and Appropriate assessment of the potential impacts associated with the proposed works.

- 7.3.3. Regarding the Goatstown Local Area Plan 2011 I refer to Section 1.4 where it states that the reservation for Dublin Eastern Bypass has resulted in a significant portion of lands in the Goatstown area being sterilised for over 30 years. I also refer to the NRA Dublin Eastern Bypass Corridor Protection Study (January 2011) where it states that development should not be permitted within this corridor where it would jeopardise the deliverability of the Eastern Bypass motorway.
- 7.3.4. It would appear that the reservation for the Dublin Eastern Bypass corridor has been in place for a number of years. However, there also appears to be a certain degree of uncertainty with regards to a commencement and a completion date for this project and a lack of a definitive time frame for its delivery. In this regard I refer to the to the Transport Strategy for the Greater Dublin Area 2016 -2035 and Section 5.8.1 National Roads therein where a number of national road network projects are listed for further development and enhancement during the period of the Strategy. While the *development of a road link connecting from the southern end of the Dublin Port Tunnel to the South Port area, which will serve the South Port and adjoining*

development areas is listed the overall Eastern Bypass is not specifically listed. However, it is stated that *in the case of the Eastern Bypass, while the section of the route from the Dublin Port Tunnel to the South Port area is included for delivery in this Strategy, the remainder of the route is not proposed for development during the Strategy period. However, the retention of a route corridor for this scheme is recommended, to facilitate the possible future use of the corridor for transport provision.*

7.3.5. Given the fact that the delivery of the Dublin Eastern Bypass is not envisaged by the year 2035, the applicant is of the view that a temporary grant of permission for the proposed works for a period of 5 years would be appropriate.

7.3.6. Having regard to timeframe for delivery as set out in Section 5.8.1 National Roads of the Transport Strategy for the Greater Dublin Area 2016 -2035, the fact that the applicant is fully aware of the long standing documented strategy to develop the Eastern Bypass at this location together with the nature of the works i.e. the provision of a new, recessed vehicular entrance in place of the existing vehicular entrance and the infilling and repair work to a section of the existing boundary wall where by there are no new additional development works to the property I am satisfied that to grant permission would not detract from the overriding objective to preserve the Eastern Bypass corridor. Recommended that permission be granted.

7.4. **Other Issues**

7.4.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development comprising the provision of a new, recessed vehicular entrance in place of the existing vehicular entrance, re-pointing and repair works to the existing stone boundary wall, increase in height to part of stone boundary wall and provision of new pedestrian gate and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.4.2. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. I

have had regard to Section 10 Exemptions and Reductions where categories of development that will be exempted from the requirement to pay development contributions under the Scheme, or will be required to pay a reduced contribution are outlined. I refer to Section (i) where the following exemptions apply:

Renovations to restore/refurbish structures deemed to be "Protected Structures" in the County Development Plan, where the Council is satisfied that the works substantially contribute to the conservation or restoration of the structure.

- 7.4.3. As set out above Hollywood House is a protected structure. I refer to Chapter 13 Curtilage and Attendant Grounds of the Architectural Heritage Protection Guidelines for Planning Authorities where it states that by definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. I am satisfied that the vehicular entrance and the stone boundary wall to Mount Anville Road are within the curtilage of Hollywood House and that the works proposed will substantially contribute to the conservation or restoration of Hollywood House. It therefore recommended that should the Board be minded to grant permission that a Section 48 Development Contribution is not attached in this case.

8.0 Recommendation

- 8.1. It is recommended that **temporary permission be granted** subject to conditions for the reasons and considerations set out below

9.0 Reasons and Considerations

- 9.1. Having regard to:
- the zoning objective for the area as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022

- the Long Term Road Objectives for the future deliverability of the Dublin Eastern Bypass Corridor motorway scheme as identified in Table 2.2.6 of the County Development Plan (2016-2022)
- To enable the impact of the development on the future deliverability of the Dublin Eastern Bypass Corridor motorway scheme to be reassessed.
- the Protected Structure status of Hollywood House (RPS Ref. 829)
- the established pattern of development in the area and
- the nature, scale and design of the proposed new recessed vehicular entrance, the proposed re-pointing and repair works to the existing stone boundary wall to Mount Anville Road and the provision of new pedestrian gate closer to the Main House

It is considered that subject to the condition outlined below the proposed development would not prejudice the long term road objectives for the delivery of the Dublin Eastern Bypass Corridor motorway scheme; would not seriously injure public safety or the visual amenities of Hollywood House or the wider area and would therefore be generally in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the</p>

	<p>retained building and facades structure and/or fabric.</p> <p>b) All repair works to the roadside boundary wall and entrance shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011.</p> <p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.</p>
3.	<p>The footpath in front of the proposed vehicular entrance shall be dished and strengthened at the Developers own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath the Developer shall contact the Road Maintenance & Control Section of Dun Laoghaire Rathdown County Council to ascertain the required specifications for such works and any required permits.</p> <p>Reason: In the interest of public safety</p>
4.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning</p>

and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Mary Crowley

Senior Planning Inspector

8th January 2020