



An
Bord
Pleanála

Board Order
PL 06S.248229

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD16A/0445

Appeal by Heatherbrook Homes WCL Limited care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 21st day of February, 2017 by South Dublin County Council in relation to an application for permission for phase 2 of development on the lands of Whitechurch Lodge, Whitechurch Road, Rathfarnham, Dublin (a Protected Structure RPS Number 338). Phase 1 for seven number detached houses, site entrance and associated site works was granted on the 11th day of April, 2016 under planning register reference number SD15A/0211. The development will comprise: (1) construction of a new two-storey dwelling house (242 square metres) located to the west of the Protected Structure with two number car parking spaces; (2) construction of four number two-storey terraced houses (147 square metres each) to the north of the Protected Structure with two number car parking spaces each; (3) subdivision of Whitechurch Lodge (Protected Structure) to provide two number four bedroom dwelling houses (240 square metres and 244 square metres) with three and two number car parking spaces respectively. Works to Whitechurch Lodge to include: (a) demolition of single storey sheds/outhouses along the eastern boundary and two-storey 1970s extension to the north and two-storey return to the east, (b) construction of new two-storey extension (47.95 square metres) to the north and forming part of House 2, (c) general refurbishment and decorative works, (d) insulation to attic spaces and replacement of all existing ceilings, (e) installation of Calsitherm wall lining system to all external walls, (f) replacement of existing ground

floor (concrete) with new insulated concrete slab, upgrade of existing suspended timber first floor as necessary, (g) removal of some internal walls/partitions, sanitary, modern fixtures and fittings, modern fire surrounds and passenger lift and provision of new stud partitions to allow for new bathrooms and kitchens, (h) repairs to internal joinery and staircases, (i) removal of existing cementitious pebble-dash and render and replacement with lime plaster, (j) replacement of all existing windows with new hardwood double-glazed sliding sash to match existing and new hardwood external doors, (k) provision of new double doors (two pairs) in lieu of existing windows to east elevation, (l) repairs to existing roof and removal of part of the existing slate roof, raising the existing external wall and suspended timber first floor, and relocation of bedroom window ope, all to the north east corner of the existing structure, (m) installation of three number conservation roof lights to inner slope of main roof and repairs to/replacement of existing rain water goods and (n) installation of modern drainage, plumbing and heating systems, complete rewiring and (4) site development works to include realignment of site boundary at north east corner of the site, access roads, landscaping, bin store adjacent to entrance, lighting and safety railing to existing bridge in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the subdivision of Whitechurch Lodge into two number residential units and to refuse permission for four number terrace dwellings, one number detached dwelling and associated works).

Decision

GRANT permission for the subdivision of Whitechurch Lodge (Protected Structure) into two separate dwelling units, the provision of house numbers 3 and 4 as a semi-detached pair and the provision of house number 7 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for terraced units 5 and 6 based on the reasons and considerations marked (2) under.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations (1)

Having regard to the land use zoning of the site, to the sylvan character of the area within the grounds of the Whitechurch Lodge (Protected Structure) and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the subdivision, that is, the subdivision and extensions to Whitechurch Lodge into two separate units, the provision of housing units 3 and 4 as a semi-detached pair in the north eastern part of the site and the provision of house unit 7 as a detached unit in the north western part of the site, would not seriously injure the residential amenities of surrounding dwellings or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 20th day of March, 2017, except 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.

Reason: In the interest of clarity.

2. (a) Conditions, where relevant, attached to planning permission planning register reference number SD15A/0211 shall apply.
- (b) No development shall commence for Phase 2 Whitechurch Lodge until the site entrance and access road as permitted under planning register reference number SD15A/0211 for Phase 1 are constructed.

Reason: In the interests of orderly development.

3. The design of the proposed development shall be amended as follows:
 - (a) Unit numbers 5 and 6 shall be omitted from Phase 2 and unit numbers 3 and 4 to the north east shall be retained as a semi-detached pair.
 - (b) The internal access route to these units shall be realigned closer to the western elevation of Whitechurch Lodge. The proposed access route and changes to ground levels to form the Ha-Ha element shall be omitted and this area shall be retained along with trees within its landscaped setting.
 - (c) The parking spaces proposed for unit number 2 shall be omitted from the side garden of this property and included in the Homezone parking area.
 - (d) Two windows to match the existing shall be inserted in the proposed extension at the northern elevation of Whitechurch Lodge.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of protection of the setting and attendant grounds of the Whitechurch Lodge (Protected Structure) and of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity of the setting of the Protected Structure.

5. All repair/restoration/extension works to the Protected Structure shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011 and shall be supervised by a Grade 1 RIAI qualified conservation architect (or equivalent). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
 - (a) Retention of the existing landscaped setting of the Protected Structure including the Cedar of Lebanon tree (shown tag number 525 on the Tree Survey drawings submitted).
 - (b) Provision of riverside walks to provide for connection between Phases 1 and 2 of the proposed development.
 - (c) Details of additional landscaping proposed within the site.

(d) Tree protection measures in accordance with current standards shall ensure that existing trees to be retained on site are protected and retained during construction works.

(e) Boundary treatments for proposed realigned boundaries.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the retention of the visual amenity of the setting of the Protected Structure.

7. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. All attenuation provision shall take place outside the branch spread of trees to be retained.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The internal road network serving the proposed development including access routes, turning bays, junctions, footpaths, parking areas and external lighting on site shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and public safety.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. This shall also include a detailed method statement to mitigate potential nuisance including noise and dust. The statement should outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction

Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.

13. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0700 to 1400 hours 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

16. 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 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.

