



An
Bord
Pleanála

Board Order

PL 29S.248418

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3396/16

Appeal by Ivor Management Company Limited care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 5th day of April, 2017 by Dublin City Council to grant subject to conditions a permission to Brian Bagnall care of Raymond McGinley Architects of 43 Sycamore Avenue, Castleknock, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The conservation of the existing gate lodge/cottage and the demolition of the modern adjoining out building and the boundary walls on the site. The construction of a two-storey extension of the existing gate lodge/cottage to provide a one bed detached dwelling, including a private garden between the proposed dwelling and Simmonscourt Castle ruin. Access to the house is proposed across the existing gravelled area in front of and to the north of the existing Simmonscourt Castle ruin at Gate Lodge, Simmonscourt Castle, Simmonscourt Road, Dublin, which is located within the curtilage of the adjacent Simmonscourt Castle ruin (a protected structure).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

Having regard to the planning history of the site, the Z2 residential conservation area zoning and the conservation and heritage policies of the Dublin City Development Plan 2016-2022, the modest nature and scale of the proposed development in proximity to the ruin of Simmonscourt Castle which is both a Protected Structure and Recorded Monument and the Conservation and Archaeological Reports submitted with the application, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of properties in the vicinity of the site, would ensure the conservation and future residential use of the historic gatelodge/cottage and would not impact negatively on the archaeology or visual amenity and setting of the Simmonscourt Castle. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Screening for Appropriate Assessment

The Board had regard to the nature and scale of the proposed development site and noted that the site was not proximate to or provide a pathway to a designated Natura 2000 site and was, therefore, satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on a European Site.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the conservation approach outlined in the Conservation Report would ensure the retention and conservation of the historic gatelodge/cottage and would bring it back into residential use. Furthermore, the Board considered that the modest nature and scale of the proposed development which includes a pedestrian access and a private amenity space, would not seriously injure the historic character and setting of Simmonscourt Castle.

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 submitted on the 9th 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. An ecological survey report detailing any measures required to ensure the protection of designated species during site development and building works shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development. These protection measures shall be implemented as part of the development and any disturbance to designated species on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.

Reason: To ensure the protection of the natural heritage on the site.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

4. 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.

Reason: In the interest of public health.

5. (a) A Grade 1 Conservation Architect shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric of the gatelodge/cottage during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (b) All repair works to the structure 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. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

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

- 6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017