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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D18A/0600**

**Appeal** by Kensington Homes Limited care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin against the decision made on the 15<sup>th</sup> day of August, 2018 by Dún Laoghaire-Rathdown County Council in relation to an application for permission for (1) the construction of five number two storey terraced houses in the grounds of Ballybrack House, a protected structure, consisting of five number three bedroom, (2) conservation repair works to Ballybrack House, a protected structure, including rising damp treatment to lower ground floor, replacement of lower ground floor slab, new heating distribution pipework to existing routes, window and building fabric miscellaneous repairs and roof repairs, (3) refurbishment and building fabric repairs to original Coach House including new roof with historic slate to rear Coach House, relating of front Coach House, new floors to replace missing floors including stair access, renewal of electrical and water services and repairs to masonry including replacing rotten timber ope heads, (4) replacement of modern extension to existing lodge building with single storey extension to upgrade existing kitchen bathroom and bedroom number 2 and conservation works to existing including replacement of non-historic windows to living room and bedroom and replacement of wet and dry services, (5) the construction of a new roadway through the site with a new exit onto Military Road, relocation of historic driveway entrance gates and piers to new location serving Ballybrack House, car parking and all associated site development,

landscaping, boundary treatment works and services provision at Ballybrack House, Military Road, Killiney, County Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for conservation repair works to Ballybrack House, refurbishment and building fabric repairs to the original Coach House and the replacement of the modern extension to the lodge building with a single storey extension and upgrade works to the lodge building and to refuse permission for construction of five number two storey terraced houses, the construction of a new roadway through the site with a new exit onto Military Road, relocation of historic driveway entrance gates and piers to new location serving house, car parking and all associated site development, landscaping, boundary treatment and services provision).

## **Decision**

**GRANT permission for the conservation works/repairs to Ballybrack House (a Protected Structure), the refurbishment and building fabric repairs to the Coach House to the rear of Ballybrack House and replacement of the modern extension to the lodge building with a single storey extension and conservation works to the lodge building 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 the proposed construction of five number two storey terraced houses, the construction of a new roadway through the site with a new exit onto Military Road, relocation of historic driveway entrance gates and piers to new location serving house, car parking and all associated site development, landscaping, boundary treatment works and services provision 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 conservation objectives and policies set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 including Policy AR1, it is considered that, subject to compliance with the conditions set out below, the proposed conservation works to Ballybrack House, the Coach House and the lodge building would not detract from the amenity or conservation character of the Protected Structure and its associated buildings and would be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan and the Architectural Heritage Guidelines issued by the Department of the Arts, Heritage and the Gaeltacht in October, 2011. 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, 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. The use of the Coach House for residential purposes shall be restricted to a residential use directly associated with the use of the existing Protected Structure on the site for such purposes, and the structures shall not be subdivided from the existing house, either by way of sale or letting or otherwise without the benefit of planning permission.

**Reason:** In the interests of residential amenities.

3. Prior to commencement of development, the developer shall provide for the following: -

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

- (b) All repair/restoration works 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 October, 2011. 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 structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Any repairs to the roofs of the main Ballybrack House, the Coach House and the lodge building shall be carried out having regard to the Department of Culture, Heritage and Gaeltacht Advice Series, 'Roofs: A Guide to the Repair of Historic Roofs' (2010). The roofs shall be photographed prior to stripping to ensure that the existing details are properly followed. Re-slating shall be carried out using sound slates salvaged from the roof. Any deficiencies shall be made up with new or sound second hand materials, matching the existing ones in size, grade, thickness, colour and texture. With regard to the Coach House, the slate deficiencies shall be made up using Westmoreland slates as opposed to Blue Bangor.

**Reason:** In the interest of protecting the special character of the Protected Structure.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

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

**Reason:** In the interest of visual amenity.

7. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

## **Reasons and Considerations (2)**

It is considered that the proposed development, due to its excessive scale and massing, extent of hard landscaping, and proposed modifications to the landscape setting of Ballybrack House (a Protected Structure) including the extent of the reduction in the size of the curtilage, relocation of entrance driveway, and revised boundary treatment including the relocation of the entrance gates, would constitute overdevelopment of this sensitive site and would adversely impact on the character and setting of the protected structure. The proposed development would, therefore, be contrary to Policy AR1 and Section 8.2.11.2 (iii) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**