



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 8th day of April 2021 by Kinwest Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin.

Proposed Development comprises of the following:

- (a) The preservation of the existing three storey 11-bedroom residential dwelling of Auburn House (Protected Structure). The main house is to remain in single residential use (one number 11-bedroom, three storey detached dwelling).
- (b) The conversion of the existing stables to the rear of Auburn House into four number two storey terraced residential dwellings (one number three-bed unit, two number two-bed units and one number one-bed unit). Internal and external alterations to the stables of the Protected Structure including minor demolition works are proposed to accommodate same.
- (c) The preservation and protection of the existing woodland of Auburn House.
- (d) The preservation of existing follies and walls associated with the 'walled garden' with amendments to the garden proposed to accommodate the proposed development.
- (e) The demolition of the modern bungalow dwelling known as 'Little Auburn' and associated outbuildings.

- (f) The demolition of detached stable/shed building off Streamstown Lane.
- (g) The construction of 97 number residential dwellings (45 number three-bed units, 39 number four-bed units and 13 number five-bed units) in detached, semi-detached and terraced dwellings ranging from 2, 2.5 and 3 storeys in height.
- (h) The construction of 309 number apartments or duplex apartments (136 number one-bedroom units, 161 number two-bedroom units, 12 number three-bedroom units) all provided with balconies or terraces as follows:
- Apartment Block 1 consisting of a total of 51 number units in a five storey block (27 number one-bedroom units; 22 number two-bedroom units; two number three-bedroom units).
 - Apartment Block 2 consisting of a total of 57 number units in a six storey block (29 number one-bedroom units; 27 number two-bedroom units; one number three-bedroom units).
 - Apartment Block 3 consisting of a total of 51 number units in a five storey block (27 number one-bedroom units; 22 number two-bedroom units; two number three-bedroom units).
 - Apartment Block 4 consisting of a total of 27 number units in a five storey block (nine number one-bedroom units; 17 number two-bedroom units; one number three-bedroom units) along with childcare facility, ancillary resident amenity facilities, plant, waste storage, Electricity Supply Board substation, car parking and bicycle parking at ground floor and undercroft level.
 - Apartment Block 5 consisting of a total of 28 number units in a five storey block (six number one-bedroom units; 22 number two-bedroom units) along with plant, waste storage, car parking and bicycle parking at ground floor and undercroft level.

- Apartment Block 6 consisting of a total of 21 number units in a four storey block (five number one-bedroom units; 14 number two-bedroom units; two number three bedroom units) along with plant, bin store, bicycle parking and maintenance/cleaner's stores at ground floor level.
- Apartment Block 7 consisting of a total of six number units in a four storey block (six number two-bedroom units) with bin store, bicycle and car parking at ground/undercroft level.
- Apartment Block 8 consisting of a total of 25 number units in a five storey block (six number one-bedroom units; 17 number two-bedroom units; two number three-bedroom units) along with bin store, plant, cleaning store and bicycle parking at ground floor level.
- Duplex Apartment Block 1 consisting of a total of six number units in a three storey block (one number one-bedroom units; three number two-bedroom units; two number three-bedroom units) along with bin store at ground floor level.
- Duplex Apartment Block 2A consisting of a total of eight number units in a two storey block (six number one-bedroom units; two number two-bedroom units) along with bin store and car and bicycle parking at ground floor and undercroft level.
- Duplex Apartment Block 2B consisting of a total of 11 number units in a three storey block (eight number one-bedroom units; three number two-bedroom units) along with bin store and bicycle and car parking at ground floor and undercroft level.
- Duplex Apartment Block 2C consisting of a total of nine number units in a two storey block (seven number one-bedroom units; two number two-bedroom units) along with bin store and bicycle and car parking at ground floor and undercroft level.

- Duplex Apartment Block 2D consisting of a total of nine number units in a two storey block (five number one-bedroom units; four number two-bedroom units) along with bin store and bicycle parking at ground floor and undercroft level.
- (i) Single level basement below Apartment Blocks 1, 2 and 3 comprising car parking (164 number spaces), bicycle parking (278 number spaces), refuse storage, plant rooms, comms room, maintenance room, attenuation tank and services.
- (j) The provision of one number childcare facility (located within the ground floor of apartment Block 4);
- (k) The provision of a two storey detached community building within the Walled Garden, for use as part of the overall ancillary residential facilities.
- (l) 540 number residential car parking spaces across surface, undercroft and podium and basement level, and seven number car parking spaces serving the childcare facility, providing an overall total of 547 number car parking spaces and a total of 716 number bicycle parking spaces across surface, undercroft and podium and basement level.
- (m) The construction of one number new vehicular entrance off Malahide Road (providing for a new signalised junction with Back Road and Malahide Road) and adaption of the existing vehicular entrance off Carey's Lane.
- (n) Utilisation of existing vehicular entrance access and road for pedestrian and cycle route only with vehicular access retained solely for existing residential use.
- (o) Landscaping including provision of public, communal and private open spaces, playground and boundary treatments.

- (p) Four number Electricity Supply Board substations, one number new foul pumping station, public lighting all located on lands at Auburn House (Protected Structure), Little Auburn and Streamstown off the R107 Road Malahide Road to Dublin Road and Carey's Lane (accessed via Streamstown Lane), Malahide, County Dublin. The lands are generally bound by the R107 Road to the east, 'Beech Lodge' to the south, Clairville Lodge to the south (off Carey's Lane), by dwellings known as 'The Coop', 'Halstead' and 'Rockport House' to the south west (off Carey's Lane) and Abington to the west, north and north east.

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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

1. The proposed development would situate a new entrance from Dublin Road, both detracting from the visual prominence of the existing historical entrance to the site a curtilage feature of Auburn House a Protected Structure (Record of Protected Structure Number 448) and resulting in the removal of trees that contribute to a special character that is recognised as worthy of preservation in the Fingal County Development Plan 2017-2023. In addition, the proposed development would encroach upon the attendant grounds to the Protected Structure to the east, south and north: the situation of the proposed houses to the east of Auburn House would reduce the openness of this historic landscape setting and conflict with the original alignment of the house to the Malahide Castle Demesne; the removal of trees in the south of the woodland surrounding Auburn House and construction of apartment Block 7 would harm the integrity of the woodland and its function, informing the setting of the Protected Structure; and the location of blocks up to 6 storeys in height to the north of Auburn House has not been adequately tested visually and may be an inappropriate scale in the setting of this important and well preserved Protected Structure. The combination of these elements would significantly adversely impact the appreciation of the character and setting of the Protected Structure and its attendant grounds which are currently well preserved. As a result, the proposed development would negatively impact Auburn House a Protected Structure (Record of Protected Structure Number 448). The proposed development is, therefore, contrary to Objectives CH20, CH21 and CH22 of the Fingal Development Plan 2017-2023, The Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011 and the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and development of the area.

2. The proposed development is on a site characterised by woodland areas of heritage value and fronting onto the Dublin Road and Malahide Road which exhibits a sylvan character. These features are specifically identified under the Fingal Development Plan 2017-2023 as worthy of preservation. The proposed development will result in the loss of a significant number of trees, tree groups and hedgerows on the site, adversely impacting the integrity of woodland and canopy coverage across the site, to the detriment of the sites special and historical characteristics. As a result, the proposed development is contrary to Local Objective 57, Objective PM64, Objective CH20, Objective CH21, Objective MALAHIDE 2 and Objective MALAHIDE 11 of the Fingal Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and development of the area.

3. The proposed development fails to provide a comprehensive assessment of daylight and sunlight within the proposed development and potential daylight, sunlight and overshadowing impact upon surrounding properties. Therefore, there is insufficient information to determine daylight, sunlight and overshadowing impacts as required under the Fingal County Development Plan 2017-2023 to be in accordance with the methodology in the BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice. As a result, the proposed development is contrary to Objective DMS30 of the Fingal County Development Plan 2017-2023 and the criteria under 3.2 in the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, be contrary to the proper planning and development of the area.



Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *15th* day of *July* 2021