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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0148**

**Appeal** by Kingswood Heights Residents' Association care of Peter Fitzpatrick of 1 Sycamore Avenue, Kingswood Heights, Tallaght, Dublin against the decision made on the 11<sup>th</sup> day of January, 2022, by South Dublin County Council to grant subject to conditions a permission to Hibernia REIT Holdco Two Limited care of Lotts Architecture and Urbanism Limited of 22 South William Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The refurbishment of Katharine Tynan House, or 'Whitehall', a Protected Structure (RPS reference 197), with change of use from disused dwelling to community centre. Works will entail refurbishment of the roof and external walls, reinstatement of windows and external doors, ceilings and floors, reinstatement of a conservatory and glazed porch (10 square metres and five square metres respectively), new internal stairs and doors, new services and sanitary accommodation, two new single storey open-fronted structures on part of the footprint of earlier outbuildings with an enclosed area for toilets (534 square metres), refurbishment of historic garden walls and gates, upgrading of the existing non-historic entrance and approach

from the Ballymount Road and provision for parking on site. All at The Katharine Tynan House, a Protected Structure (RPS Reference 197), Ballymount Road, Kingswood, Dublin.

## **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.**

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development, which seeks to restore and extend a derelict Protected Structure and bring it back into active use for community related purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, would be acceptable in terms of design, form and scale and would not adversely impact on the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

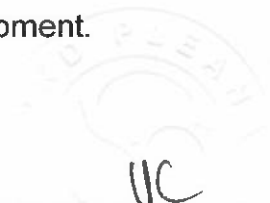
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of December 2021, except as may otherwise be required in order to comply with the following 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 permitted development shall be used as a community centre and the uses undertaken therein shall be as outlined in the correspondence from Hibernia REIT dated 1<sup>st</sup> December 2021 and submitted to the planning authority on 6<sup>th</sup> December 2021. Other activities on site shall be incidental or ancillary to the proposed uses, or otherwise in keeping with the reasonable use of a community centre. Any commercial use of the site shall be ancillary to local community uses.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

3. Final details of the layout and design of the proposed security fencing around the site boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



**Reason:** To ensure an appropriate standard of development within the curtilage of a Protected Structure.

4. (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 retained building and façade's structure and fabric.
  
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice, as set out in the application and in 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 reinstatement.
  
- (c) A safety statement shall be submitted for the written agreement of the planning authority prior to the commencement of development detailing how the existing structure will be protected during the proposed works.



- (d) A schedule of materials and finishes shall be submitted for the new build elements of the proposed development for the written agreement of the planning authority prior to the commencement of development. Specifications and design details shall also be provided for the reinstatement of windows, the porch, conservatory and other architectural features and elements.
- (e) Details of the external lime render mix, including the provision of a sample panel on the site, shall be submitted for the written agreement of the planning authority prior to commencement of development.
- (f) The specification and data sheets for the proposed energy upgrading works, together with a summary of the upgrading works to be completed, shall be submitted for the written agreement of the planning authority prior to commencement of development.

**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.

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall demonstrate compliance with the mitigation measures and recommended enhancements identified in Section 6.0 of the Ecological Impact Assessment submitted to the planning authority on the 6<sup>th</sup> day of December, 2021. The CEMP shall be made available for inspection on the site throughout the construction phase of the proposed development.

**Reason:** To ensure appropriate monitoring of the impact of the development on the flora and fauna of the area.

6. (a) The vegetation along the site boundary with Ballymount Road shall be maintained to facilitate sightlines at the site entrance.
- (b) A revised layout for the site access shall be submitted for the written agreement of the planning authority prior to commencement of development demonstrating appropriate carriageway widths and improved junction radii for emergency vehicle access in accordance with Section 4.3.3 of the Design Manual for Urban Roads and Streets.
- (c) A raised pedestrian ramp shall be provided within the site boundary at the site entrance to facilitate pedestrian priority. Drawings demonstrating compliance with this requirement shall be submitted for the written agreement of the planning authority prior to commencement of development.



- (d) A detailed design of the proposed pedestrian crossing onto Ballymount Road, to be constructed to taking in charge standards at the expense of the developer, shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development in the interests of traffic and pedestrian safety.

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

**Reason:** To provide for the appropriate management of waste in the interest of protecting the environment.

8. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply 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 sustainable transport.



9. Public lighting 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. The lighting design shall incorporate the bat mitigation measures identified in Section 6.3 the Ecological Impact Assessment (dated December 2021).

**Reason:** In the interests of wildlife protection and public safety.

10. (a) 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. The landscaping scheme shall be completed within the first planting season following substantial completion of external construction works.
- (b) 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, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.





- (c) Prior to the commencement of the development, the developer shall appoint and retain the services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the construction works and shall notify the planning authority of that appointment in writing. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

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

11. (a) Tree protection measures shall be undertaken in accordance with the Arboricultural Inventory and Recommended Works incorporating a Tree Protection Strategy submitted to the planning authority on 6<sup>th</sup> day of December, 2021.
- (b) The project arborist shall carry out a post construction tree survey and assessment of the condition of the retained trees. A completion certificate shall be signed off by the project arborist when all permitted development works are completed in line with the recommendations of the tree strategy. The certificate shall be submitted for the written agreement of the planning authority upon completion of the works.

**Reason:** To ensure that site trees are not damaged or otherwise adversely affected by building operations.



12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals for this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

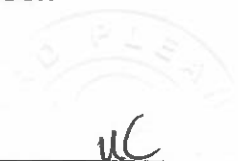
13. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

14. Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0900 and 1300 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.

16. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to ensure the protection of trees on and immediately adjacent to the site and to make good any damage caused during the construction period. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To facilitate the protection of existing trees on the site, which represent an important amenity and should be substantially maintained.

17. 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.

  
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**Una Crosse**

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



Dated this *15<sup>th</sup>* day of *August* 2023.