

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: LRD24A/0451/WEB

APPEAL by Viscount Securities Limited care of John Spain Associates, Planning and Development Consultants, of 39 Fitzwilliam Place, Dublin against the decision made on the 20th day of August 2024 by Dún Laoghaire Rathdown County Council to refuse permission.

Proposed Development: The proposed development consists of the following:

- Construction of a two-storey apartment building, over a lower ground level, comprising 10 number two-bedroom apartments. Balconies are provided for all apartments on the north-west and south-west elevations;
- Associated alterations to the strategic housing development permitted under ABP Ref.: ABP-301522-18, as amended under ABP Refs.: ABP-304212-19, ABP-305172-19, ABP-308563-20, ABP310422-21 and planning authority register reference: LRD23A/0126, replacing a permitted swale and grassed verge with 10 number car parking spaces, bin, cycle and external stores, and associated landscaping changes;
- The proposed development includes foul and surface water drainage, communal open space, landscaping, boundary treatment, lighting and all associated site works.

The permitted SHD development (under ABP Ref.: ABP-301522-18, as amended under ABP Refs.: ABP-304212-19, ABP-305172-19, ABP-308563-20, ABP-310422-21 and planning authority register reference: LRD23A/0126), which is under construction, is for a total of 935 number residential units (351 number houses and 584 number apartments) and the proposed alterations to the SHD permission relate to a permitted swale and grassed verge only. Site at Clay Farm House (a protected structure), Kilgobbin Road, Dublin and at Clay Farm (Phase 2), Ballyogan Road, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The proposed apartment development, by reason of its proximity to Clay Farm House and associated outbuildings, a designated Protected Structure in the Dún Loaghaire-Rathdown County Development Plan 2022-2028 (Recorded Protected Structure Number 2119), would adversely impact on the context, setting and curtilage of the structure and would therefore have a negative visual impact on the character of the structure. The proposed development would, therefore, be contrary to the requirements of Policy objective HER 8 of the development plan which seeks to protect buildings including those on the Record of Protected Structures from any works that would negatively impact on their special character and appearance. The proposed development would set an undesirable precedent and would, therefore, be contrary to the proper planning and sustainable development of the area.

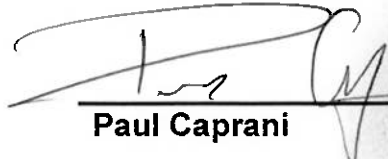
The Board agreed with the inspector that the revised drawings as depicted in the alternative design response included in appendix 5 submitted as part of the first party appeal would be appropriate in terms of providing an


acceptable level of amenity for future occupants and would not result in an unacceptable impact on surrounding residential amenity.

However, in deciding not to accept the Inspector's recommendation to grant permission for the alternative design submitted as part of the first party appeal, the Board did not share the Inspectors view that the incorporation of increased separation distances into the revised design options submitted as part of the grounds of the first party appeal, were sufficient in order to protect the context and setting of the protected structure. While the Board accepted that the reduction of the footprint of the proposed apartment block together with the increase in separation distances between the proposed apartment block and the Protected Structure reduced the overbearing impact of the development, it did not share the Inspectors view that these changes were sufficient to safeguard the setting of the protected structure.

The Board disagreed with the Inspector in concluding that the apartment block, being located outside the courtyard area of the protected structure, did not impinge on the context, setting and curtilage of Clay Farm House. The Board considered that the proposal, being located on the northwestern side of Clay Farm View impinged on the curtilage and setting of Clay Farm House and its associated buildings.

Furthermore, the Board did not consider that the curtilage and setting of Clay Farm House had significantly been diminished as a result of the extant permissions associated with the Clay Farm housing development (Phases 1 and 2) to the south east as this development is separated from the subject site by Clay Farm View Carriageway. The proposal being located on the northwestern side of Clay Farm View represented a significant intrusion on the setting and character of Clay Farm House and its associated buildings.


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



Dated this *14th* day of *January* 2025.