



An
Bord
Pleanála

Inspector's Report PL26.246616

Development

Demolition of existing single-storey domestic garage/store and part of existing boundary wall to Kilgobbin Road. Construction of new single-storey guest wing extension to side of existing two-storey house and rebuilding of part of the existing boundary wall to Kilgobbin Road. Creation of new vehicular entrance to Oldtown House from Kilgobbin Road, a Protected Structure, at Oldtown House, Kilgobbin Road, Stepside, Dublin 18

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D15A/0604

Applicant(s)

Tony & Maureen Walsh

Type of Appeal

First party against condition

Planning Authority Decision

Planning permission subject to conditions

Appellant(s)

Tony & Maureen Walsh

Observer(s)

None

Date of Site Inspection

11th September 2016

Inspector

Mary Kennelly

1.0 Site Location and Description

- 1.1. The site is located on Kilgobbin Road, to the north of Stepside Village. Kilgobbin Road travels north-eastwards from Stepside to join the Ballyogan Road, which incorporates the Luas B1 line, approx. 500m from the site. Oldtown House is a Protected Structure and is located on the south-eastern side of Kilgobbin Road, opposite the entrance to Kilgobbin Castle. It forms part of an old estate with a Georgian house and outbuildings, which adjoin Kilgobbin Road. Oldtown house lies within the Zone of Archaeological Protection of Kilgobbin village (RMP DU025-107/026-121). The site area is given as 0.94ha and it is roughly rectangular in shape with a road frontage of approx. 150m. The house and the storage building, (the subject of the application/appeal), are both located adjacent to the roadside boundary at the northern end of the site. Access to the site is gained by means of an existing gated entrance at the eastern end of the site, which leads to a long driveway to the south of the house.
- 1.2. Oldtown House is occupied as a single family house with living accommodation on the ground floor and bedrooms on the first floor, with additional rooms at attic level. There is a large conservatory attached to the western GF elevation. It is 2-storeys in height and dates from the early 1800s. The garage/store to be demolished is located immediately to the north-west of the conservatory. The northern wall of the store forms part of the roadside boundary wall along Kilgobbin Lane and is composed principally of random rubble stone with lime mortar. However, the submissions indicate that it has been much modified and altered over the years with many of the alterations carried out using concrete block. The structure has also been extended to provide storage for cars. There is a "loose box" or shed attached to the western end of the structure, which is constructed of blockwork and a tin roof. The setting of the outbuildings incorporates the remains of a former coach house structure, which comprise a mix of cut stone and random stone and rise to a height of 1.2-1.5m
- 1.3. I refer the Board to the appendices to this report which include maps and photos of the site.

2.0 Proposed Development

2.1. Main elements of proposal:-

- Demolish existing garage/store and part of boundary wall to Kilgobbin Road.
- Construct new 'guest accommodation' in the form of an attached single-storey building which would be connected at the north-western corner of the conservatory. The stated purpose of the extension is to provide self-contained accommodation to provide for the owners to retire to, while the main house is occupied by the next generation of the family.
- Provide a new additional vehicular entrance from Kilgobbin Road to the west of the proposed extension.
- It is proposed to carefully remove the section of the boundary wall and the store/garage and to re-cycle most of the stone material. The new building will be finished in rubble stone with a natural slate roof, timber windows and brick detailed quoins. The proposed vehicular entrance will be constructed of a mix of cut stone and random stone with capping of cut granite and steel gates with a privacy screen.

3.0 Planning Authority Decision

3.1. Decision

The P.A. decided to grant planning permission on 22nd April 2016 subject to sixteen conditions, the majority of which were standard type conditions requiring adherence to plans and particulars, apart from the following:-

- Condition 2 restricted the occupation of the 'family flat' to immediate family and upon cessation of this occupation, the flat is required to be incorporated into the main dwelling.

- Condition 4 required the proposed vehicular entrance to be revised such that it is similar to the existing entrance in materiality and finishes.
- Condition 5 specified that the recycled stone to be used in the construction of the proposed development to remain unaltered in the new construction.
- Condition 7 required archaeological monitoring.
- Condition 8 required a set back as shown in the FI drawings of 29/3/16 to allow for the provision of a 2m wide footpath.
- Condition 9 required the cessation of the use of the existing vehicular entrance, which is required to be closed to traffic, but may be retained for use as a pedestrian entrance.

3.2. **Planning Authority Reports**

The Area Planner considered that the proposed development for use as a granny flat is acceptable in principle, but that in order to comply with the 2010CDP (Section 16.3.4 (iii)), it should not be used as a fully independent dwelling, should be interlinked with the main dwelling and should be subsumed back into the main dwelling when it is no longer required unless an application is made for subdivision. It was considered that a valid justification case had been made and that it would extend just 6m beyond the footprint/length of the existing building. It was noted that there were no overlooking or overshadowing impacts.

It was accepted that the existing structure was not viable and there was no objection to its removal and replacement with the proposed building. There was no objection to the scale and design apart from the inclusion of dormer windows, which it was considered should be replaced with roof lights, which would be more traditional. Whilst the re-use of salvaged stone was welcomed, objection was raised to the cutting of this stone, as the size and shape of the existing stone was considered to be integral to the character of the building. As such it was considered that the stone should remain unaltered. The proposed entrance was considered not to be in

sympathy with the rural vernacular character of the boundary wall. An archaeological report would be required to monitor any topsoil stripping.

3.3. Other Technical Reports

Queries were raised by the EHO regarding the adequacy of the existing drainage system (septic tank) to cater for the additional loading. FI was requested in this respect.

The Transport Section (11/11/15) noted that the proposed entrance would provide better sightlines than the existing entrance, which is considered to be substandard, and queried whether it was planned to close the existing entrance. It was also noted that the proposed wall was to follow the line of the existing wall, but that there is an existing verge of approx. 1.4m. It was considered that the wall should be set back to allow for a 2m wide footpath to be provided.

3.4. Third Party Observations

There was one observation from An Taisce. No objections were raised.

3.5 Further Information request 13th November 2015

- Clarification on whether it is intended to close the existing entrance if the new entrance is permitted due to inadequate sightlines at the existing entrance.
- Allowance should be made for future provision of a 2m wide footpath on Kilgobbin Road. Thus it was requested that a revised drawing showing exterior wall set back accordingly be submitted.
- Proposed dormers required to be replaced with rooflights and reuse of existing stonework be carried out without altering its size or shape.
- Revised drawings of the proposed entrance requested to be more in keeping with the rural vernacular character of the existing entrance.

- Documented evidence required to demonstrate that the existing septic tank can cater for the additional loading.
- An archaeological assessment of the proposed development was requested.

3.6 Further information submitted on 29th February 2016

- Additional entrance – the applicant does not intend to close the existing entrance which is considered to be an intrinsic part of the setting of the house.
- Future footpath – existing verge varies from 1.4m to 1.8m. Extension set back to allow for minimum depth of 2.0m. Revised drawings provided.
- Vernacular character – dormers replaced by roof lights and details provided of re-use of stone in construction of walls, which will involve keeping stone size/shape.
- Proposed entrance – revisions include providing rough cast plaster to pier and changing the cut granite capping to boundary wall to rough granite capping.
- Foul drainage – A report was submitted which stated that the existing septic tank is over 40 years old and the percolation area is undefined and likely to be a soak hole. In addition, a land drain was found to be draining into the chamber on the outlet side of the septic tank. It was therefore concluded that the existing system would be unsuitable and it was proposed to replace it with an on-site system. A Site Characterisation Assessment was carried out and it was recommended that a new sewage treatment plant be installed together with a sub-surface soil polishing filter. The Revised Site Layout Plan 12056-02 RevA1 indicates that the proposed WWTPS is located to the east of the main house, between the curved driveway and the public road.
- An Archaeological assessment was submitted - This notes that the site is within the Zone of Archaeological Potential for Kilgobbin village (DU025-017/026-121) and that Oldtown House is thought to have been the site of a seventeenth century coaching inn, the site of which is an archaeological monument (DU025-

017002). It was considered that there is potential that the foundation remains of structures associated with the former inn site may extend beneath the storage buildings but that the upstanding ruins will be retained for the most part. However, the western-most part of the ruins will be demolished. It was concluded that archaeological test trenching would be required to determine the extent of sub-surface archaeology and provide an understanding of how the development will impact on this archaeology and that it would also establish the relationship any subsurface features might have with the upstanding ruins and would inform a suitable mitigation strategy. It was further noted that depending on the results of testing and the significance of the findings, the Department may require preservation in situ by redesign or preservation by record through full excavation or a combination of the two. It was therefore recommended that archaeological monitoring be carried out.

3.7 Observations on Further Information dated 29/02/16

DHAG - Development Applications Unit of the Dept. of Arts, Heritage and the Gaeltacht responded to the Archaeological report and recommended that pre-development testing should be carried out at the site in advance of any construction and that the results will be subject to further evaluation and advice from the DAU. To be addressed by condition.

An Taisce – no further comments

EHO – no objection subject to adherence to EPA COP 2009 and provision of documented evidence that system can deal with biological loading for 6 double bedrooms (PE 12). Clarification sought on these matters on 15/03/16.

Conservation Officer – CO satisfied with revisions to roofscape. Although FI letter states that stone will be retained in terms of size and shape, it was noted that this is inconsistent with the annotations on the revised drawing submitted, which continue to refer to cutting of the stone. It was also stated that the proposed entrance should match the existing in materiality and finishes. To be addressed by conditions.

Transport Dept. – queried setback distance shown on revised drawings as scaled drawings indicate 1.5m, yet annotation states 2.0m. Clarification sought on this matter on 15/03/16.

3.8 Responses submitted on 29/03/16 to Clarification Request

- Transportation - Further revised drawings submitted to reflect 2.0m setback for future footpath. Transportation Dept. (20/04/16) had no objection subject to conditions. One of these conditions was that the existing entrance shall be closed to traffic and that all traffic must use the new entrance, but that the existing entrance may be retained as a pedestrian entrance. Other conditions related to width of the driveway, SUDs and road cleaning during construction.
- Waste water treatment - Confirmation provided re ability to achieve minimum distances as required by COP. Disputes COP requirement for PE loading of 12 for 6 bedrooms and states that the requirement is for a PE of 8. EHO had no further objections.

4.0 Planning History

- 4.1. **D10A/0013** – planning permission was granted in June 2010 for new single storey house (276.2m²) in the south-eastern corner of the grounds of Oldtown House subject to 11 no. conditions. Access was permitted by means of the existing entrance and driveway from Kilgobbin Road, the visibility splays for which it was proposed to improve to 70m in a westerly direction by setting the boundary wall back. Permission was granted under D10A/0013/E to extend the duration of permission granted until 22nd July 2020.
- 4.2. **D90B/0377** – permission granted for extension to conservatory at Oldtown House in 1990.
- 4.3. Reference has been made to various applications in 2005 and 2006 which were withdrawn prior to determination. These had sought permission to construct 6 no.

houses (D05A/0513) and 4 no. houses (D06A/1592) within the grounds of Oldtown House, using the existing entrance.

5.0 Policy Context

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

5.1.1 The Development Plan that was in place at the time that the application was submitted to the P.A. has since expired. However, the decision made by the P.A. was made after the new Development Plan had been adopted. It was stated that there had been no changes to the zoning or policies which are material to the assessment of the proposed development.

5.1.2 The site is zoned Residential A, the Zoning Objective for which is to Protect and/or Improve Residential Amenity. Section 2.1 addresses Residential Development and includes Policy **RES4** which seeks to improve and conserve existing housing stock and to densify existing built-up areas. Section 6.1 addresses archaeological and architectural heritage matters. Policy **AH1** seeks to protect archaeological sites and monuments and **AH2** seeks the preservation in situ of archaeological material where possible. Policies **AR1** and **AR5** relate to works to and within the grounds of Protected Structures and are also relevant.

5.1.3 Section 8.2 addresses Development Management issues, including Additional Accommodation in Built-up Areas (8.2.3.4) and subsection (iii) relates to 'Family Member/Granny' Flat Extensions. It is emphasised that these are not intended as fully independent units and that provided the criteria are adhered to, applications for such development should be considered favourably. Section 8.2 addresses matters such as vehicular entrances (8.2.4.9), archaeological heritage (8.2.11.1) and architectural heritage (8.2.11.2). Extracts from the Development Plan 2016-2022 are attached.

5.2 Architectural Heritage Protection Guidelines for Planning Authorities (2004, 2011)

5.2.1 The Conservation Principles contained in Chapter 7 (extracts attached) include a general presumption against demolition and in favour of minimal intervention (7.7), reversibility of alterations (7.12) and avoiding incremental damage (7.13). Chapter 14 includes advice on the treatment of ruinous buildings (extracts attached). Again there is a presumption against unnecessary demolition and in favour of minimal intervention. Chapter 13 contains advice on the curtilage and attendant grounds of a Protected Structure. Features identified for special protection could include boundary walls (13.4) and works such as widening an entrance or relocating a gateway are identified as potential sources of adverse impact on the character of the setting of the Protected Structure.

6.0 Grounds of Appeal

6.1 The first party appeal is against **Condition No. 9** which states:-

“The existing vehicular entrance is to be closed to traffic on the completion of the proposed development, and all vehicular traffic is to use the new entrance. The existing entrance may be retained as a pedestrian entrance.”

6.2 The grounds of appeal can be summarised as follows:

1. ***Incompatible with setting of house*** – The existing approach to the house is an intrinsic and important part of the setting. The curved driveway provides southward views towards the grounds and then sweeps westwards towards the house. It is submitted that this was part of the design of the setting for the Protected Structure. Condition 9 will end this pattern of arrival and have a detrimental effect on the setting of the Protected Structure.
2. ***Purpose of second entrance*** – reference is made to the pre-planning meeting with the P.A., at which time, it is stated that it was agreed that a second entrance would provide a better sense of separation and self-containment of the wing which the current owner-occupiers intend to occupy in their retirement. The

second entrance would have better sightlines and would be safer for use by the retired couple. At no point was the matter of closing the existing entrance raised.

3. **Traffic impacts arising from existing entrance** – it is unclear what the traffic based objections are to the retention of the existing original entrance. It is submitted that the condition was attached by the planning section and was not requested by the Transport Dept. It is acknowledged that the existing entrance is potentially dangerous, but it is claimed that if used with care, it is safe. It is stated that it has been in use for over 40 years by the current owners, without incident, and that the owners also permit friends to use the site to maintain beehives.

6.2 Planning Authority Response

The P.A. responded to the grounds of appeal on 27th May 2016 as follows:

- The Transport Dept. had raised the concern that the existing entrance has unsatisfactory sightlines and had stated that the opportunity should be taken to improve the situation as part of the proposed development.
- The planning application had been made on the basis that the extension to the existing house would be in the form of a 'Family Flat' and would not be an independent dwelling. In accordance with the CDP, this application should therefore be assessed in accordance with the criteria applied to normal domestic extensions, and this would not permit a second entrance.
- The appellant acknowledges that the existing entrance is potentially dangerous and has limited sightlines. The Transportation Dept. does not consider that it is appropriate for the new occupants to use a "potentially dangerous entrance" when a much safer entrance can be made available by the appropriate development. There is no apparent reason why the occupiers of the 'family flat' and the occupiers of the existing dwelling would not use the same entrance. There is no valid reason for two vehicular entrances.

- In the event that the Board considers that the existing entrance should be retained, and that a second entrance can be permitted, then it is suggested that the existing entrance be made into an ‘entrance only’ access point. This would largely overcome the major problem with sightlines at this location and would preserve the existing approach vista to Oldtown House.

6.3 First Party Response

The first party responded on 21st July 2016. No new material issues were raised. However, the suggestion by the P.A. that the existing entrance could be retained in an “entrance only” format was described as being “worthy of consideration if the Board were not of a mind to uphold the appeal”.

7.0 Assessment

- 7.1 The first party appeal is against the attachment of a condition to a grant of planning permission. As such, the Board may, in accordance with S139 of the Planning and Development Act, 2000, as amended, at its absolute discretion, confine itself to the matters arising from the condition and/or other conditions of the planning authority’s decision. However, Section 139 provides that the Board must be satisfied that determination by the Board of the relevant application as if it had been made to it in the first place is not warranted.
- 7.2 Having reviewed the planning history of the site as well as the various submissions on matters of architectural and archaeological heritage and on traffic safety matters, I am satisfied that the appeal can be determined under the provisions of S139. I would draw the Board’s attention to the fact that planning permission has recently been granted by the planning authority for a further development within the grounds of the Protected Structure, which is to be accessed by means of the same entrance that is required to be closed by virtue of the disputed condition. It is further noted that the site is of architectural and archaeological heritage significance and that the cumulative impacts of the proposed development and the previously permitted

development should be considered. Notwithstanding these matters, it is considered that as the legislation provides that the Board may also have regard to the terms of any other previous permission that it considers to be relevant, the appeal can be determined under the provisions of S139.

7.3 The main issues in this appeal are considered to be as follows:

- Appropriateness of a second entrance in planning policy terms
- Integrity of the setting of the Protected Structure
- Archaeological impact of second entrance
- Traffic hazard
- Appropriate Assessment

7.4 Creation of second entrance in principle

7.4.1 The application is clearly stated as being for the creation of what the Development Plan describes as a 'Family Member/Granny Flat Extension'. This is described at 8.2.3.4 (iii) of the current Development Plan as a temporary sub-division of a single dwelling for use as an ancillary or subsidiary element. It is usually for the use of a member of the immediate family such as an elderly parent. However, it is clearly not intended for use as a fully independent dwelling. I would agree with the Transportation Department, in its response to the grounds of appeal, that in these circumstances, there is no justification for a second entrance to serve what is effectively an extension to the main house. One of the conditions of the P.A.'s decision is that the unit be occupied as a family flat and that when it is no longer required for these purposes, that it be incorporated into the main house. This is consistent with the P.A.'s policy on the matter, which is clearly set out in the Development Plan. Should the owner wish to create a permanent subdivision, the policy is that a further application should be made at that time, which would then be assessed by the P.A. on its merits. Thus the creation of a second entrance seems to

be wholly inconsistent with the stated intention of the proposed flat and with the planning policy objectives for this type of development.

7.4.2 The layout of the proposed development is such that it could easily be occupied as an independent 2-bedroomed unit as it is set out as self-contained accommodation and is physically separate from the main house, other than a small physical link, which could be closed off. Furthermore, given that the applicant has previously sought and obtained planning permission for a second dwelling on the site, (D10A/0013) the proposed flat, if occupied independently, could result in 3 no. dwelling units on the site.

7.4.3 Having regard to the stated purpose of the proposed extension, to the policies and objectives for the area, which seek to facilitate this form of development in order to enable families to cater for extended members to live close to other members where the need arises, and to the permitted development of the overall site for an additional bungalow (276m²), it is considered that the introduction of a separate additional vehicular access to serve the 'family flat' would undermine the policy objectives for the provision of 'family flats' within existing dwellings in the area. A second vehicular entrance would, therefore, be contrary to the policy objectives and to the proper planning and sustainable development of the area.

7.5 Impact on the integrity of the Protected Structure

7.5.1 The applicants have provided several reports which have been prepared by agents with professional knowledge and experience in heritage matters. It is strongly asserted that the existing entrance and associated curved driveway form an integral part of the setting and approach to the main house. The applicants are adamant that they wish to retain this entrance and have indicated that had they envisaged that the P.A. would have required its closure, they may not have pursued the planning application in the first place. I would agree that the existing entrance and driveway appear (from the historic maps) to have served as the entrance and driveway serving the house for possibly 300 years. The landscape setting of the house and grounds

has, therefore, been established around this principal structural element of the overall design, and as such, the driveway and entrance form an integral part of the character and setting of the protected structure. I note that the P.A. Conservation Officer in her report in respect of D10A/0013 also considered that the existing entrance formed an intrinsic element of the overall character of the Protected Structure. I would therefore agree that the existing entrance should ideally be retained in use as the approach to the main dwelling.

7.5.2 The implications of the permitted development under Reg. Ref. D10A/0013 must also be considered here as not only is the access to this permitted dwelling provided by means of the existing entrance and driveway, but this it incorporates significant changes to the access arrangements. These permitted alterations would involve the demolition of part of the boundary wall to the west of the entrance to enable sightlines of 70m to be achieved in a westerly direction. As this proposal has been permitted and was recently extended up to 22nd July 2020, (D10A/0013/E), it is considered that the disputed Condition No. 9 would materially contravene the provisions of this valid permission. It is considered, therefore, that should the applicant decide to implement this permission for a detached bungalow, the extent of the permitted alterations to and removal of the original roadside boundary wall, combined with the proposed demolition works and alterations contained in the current application/appeal, would have a significant and irreversible impact on the historic means of enclosure of this protected structure and its associated grounds. I estimate that the only section of the original roadside boundary wall that would remain intact would be the section directly in front of the main house and extending approx. 25m eastwards.

7.5.3 It is considered that the removal of large sections of the original boundary wall, together with the introduction of a second entrance, would have a detrimental effect on the character and setting of the Protected Structure. The presence of two entrances serving the same property would be discordant in my view and would result in visual clutter and confusion. This would detract from the setting of the

protected structure. It would, therefore, be contrary to Policy AR1 Protection of Architectural Heritage of the CDP and to the guidance contained in the Architectural Heritage Guidelines for Planning Authorities, which seek to minimise such interventions and loss of original material. Thus, if it is accepted that a single entrance is preferable in both policy terms and in terms of the least intervention in respect of heritage protection, it is considered that the retention of the existing entrance would be optimal solution, notwithstanding that the permitted bungalow development would result in the removal of a section of wall immediately to the west of the entrance. However, this permission has already been granted and extended until 2020.

7.6 Archaeological Impact of the second entrance

7.6.1 The site is located within the Zone of Archaeological Protection for Kilgobbin village (RMP DU025-107/026-121), which contains several recorded monuments. These include Oldtown House Inn (DU025-017002) and Linear Earthwork (D026-12102). As noted previously, the proposed vehicular entrance would traverse part of the upstanding ruins of the recorded monument and there is potential that the foundation remains associated with the Inn may also be contained within the footprint of the proposed extension. Further information gained from test trenching will inform the most appropriate means of archaeological preservation in due course. At this point in time, however, there is insufficient information to formulate a mitigation strategy, which may involve either recording by excavation and/or preservation in situ, requiring possible redesign.

7.6.2 Thus it would seem that the proposed second entrance to the west of the existing outbuilding/store could potentially disturb and possibly adversely affect upstanding, and as yet undiscovered, archaeology. It is considered, therefore, as discussed at 7.5.3 above, that in a single entrance scenario, the retention of the existing entrance is likely to be the least interventionist in terms of protection of archaeology as well as architectural heritage protection.

7.7 Traffic impact of the second entrance

7.7.1 The P.A. appears to have taken the view that a single entrance is preferable in policy terms and, given the choice, the proposed entrance would provide for a marked improvement in traffic safety terms over the existing means of access. The P.A. technical reports in respect of the previous application (D10A/0013) referred to the proposed removal of the section of wall to the west of the existing entrance as being an intervention which would have a negative impact in respect of architectural heritage and visual amenity. However, it was considered that due to the poor state of repair and overgrown condition of the wall and the proposal to re-use stone in its reconstruction, it would have been acceptable. It is further noted that the Transportation Department was satisfied with the revised drawings submitted as FI on 24/05/10, (Brady Shipman Martin Drawing No. 300), which had indicated that 70m sightlines could be achieved in a westerly direction by removal of part of the wall. As a result, there were no further traffic related objections to the use of the existing entrance to serve both the main house and the proposed bungalow.

7.7.2 It is acknowledged that, in purely traffic safety terms, the proposed new entrance to the east would be a less hazardous and better sited entrance than the existing entrance, as the required sightlines are easily achieved. Notwithstanding this, having regard to the adverse impact of the proposed second entrance on the architectural and archaeological heritage of the site, and in particular, the removal of a significant length of the original boundary wall as discussed above, it is considered that, on balance, the retention of the existing entrance provides the most appropriate solution. However, it is considered that the safety of the existing entrance should be improved such that 70m sightlines can be achieved in a westerly direction.

7.8 Implications for other conditions

7.8.1 It is noted that Conditions 4, 8 and 10, respectively, of the Planning Authority's decision are interlinked with Condition 9. Condition 4 relates to the design and appearance and material finishes of the new entrance, Condition 10 to the design of

the vehicular entrance/driveway specifications, and Condition 8 requires the setback to facilitate the future provision of the 2m wide footpath. Should the Board accept that the proposed entrance should not be permitted, it is considered that conditions 4 and 10 would no longer be required, and should therefore be omitted, and that Condition 10 would either be incapable of being implemented or would result in intermittent setbacks, which would be illogical and damaging to the setting of the Protected Structure.

7.8.2 In respect of the suggestion in the P.A.'s response to the grounds of appeal regarding the use of the existing entrance as a pedestrian only entrance, it is considered that this option would not resolve the issues arising from the creation of a new entrance in respect of the likely impacts on architectural and archaeological heritage protection as discussed above.

7.9 Appropriate Assessment

7.9.1 There are five European sites within 15km of the development site. These are Wicklow Mountains SPA (004040); Wicklow Mountains cSAC (002122), Rockabill to Dalkey Island cSAC (003000), Dalkey Island SPA (004172), South Dublin Bay cSAC (00210), South Dublin Bay and River Tolka Estuary SPA (004024) and Bray Head cSAC (00714). It is estimated that each of these Natura sites is located a minimum of 5km from the development site, and most are in excess of 8km away. In light of the distances involved and given that the proposed development involves a limited development on a brownfield site in a built-up urban area with established infrastructure and services, it is considered that it is unlikely that any significant effects on the Conservation Objectives of any of these European sites will arise.

7.9.2 Having regard to the nature and scale of the proposed development and the nature of the receiving environment as described above, and to the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1 Having regard to the nature of the condition the subject of the appeal and to the issues arising from the appeal, the Board is satisfied that the determination by the Board of the application as if it had been made to it in the first instance is not warranted. I recommend, therefore, that the appeal be determined under the provisions of Section 139 of the Planning and Development Act 2000, as amended, and that based on the reasons and considerations set out below, that the Planning Authority be directed to

- (i) REMOVE Conditions 4, 8, 9 and 10 respectively and
- (ii) to ATTACH the following condition:-

The development hereby permitted shall be accessed by means of the existing entrance and driveway to Oldtown House only and the proposed entrance at the western end of the site shall be omitted. The existing entrance shall be altered such that a sightline of 70 metres is available in a westerly direction. Revised drawings showing detailed compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of the architectural and archaeological heritage protection of the site and of traffic safety.

8.2 Need for recirculation

8.3 If the Board is minded to accept my recommendation as set out above, it is considered that in the interests of justice and fair procedures, it would be in order to inform the parties of the Board's intentions and to seek further submissions on the matter prior to determination of the appeal.

9.0 REASONS AND CONSIDERATIONS

Having regard to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Architectural Heritage Protection Guidelines for Planning Authorities 2004, 2011, to the planning history of the site, to the nature of the proposed development and to the history and character of the site and surrounding environment, it is considered that

- (a) Having regard to the terms of the previous planning permission for a bungalow on the site (D10A/-0013), to the extension of duration of that permission (D10A/0013/E), and to the fact that the permitted access to that development is by means of the existing entrance and driveway, it is considered that Condition No. 9 of D15A/0604, which requires the closure of this entrance, would materially contravene the provisions of the extant permission.
- (b) Given that the proposed development is for a 'family member/granny flat', which is not intended for use as a fully independent dwelling unit, it is considered that the provision of a second vehicular entrance to the site would be inconsistent with the policies contained in the current Dun Laoghaire Rathdown County Development Plan for this type of development (8.2.3.4(iii)) and would be contrary to the proper planning and sustainable development of the area.
- (c) Having regard to the terms of the permission granted under D10A/0013, to the proposed second entrance and to the requirements of the proposed Condition No. 9 of D15A/0604, it is considered that the removal of a substantial part of the boundary wall, the introduction of a new vehicular entrance to the west of the proposed building and the closure of the existing entrance would destroy the carefully designed relationship between the entrance and the main building and would have a detrimental effect on the character and setting of the Protected Structure and would, therefore, be contrary to Policy AR1 and AR5 of the

current Development Plan and to the proper planning and sustainable development of the area.

- (d) Having regard to the location of the site within the Zone of Archaeological Potential for Kilgobbin Village (RMP DU025-017/026-121), the presence of Recorded Monument DU025-017/002 within the site and to the potential for significant sub-surface archaeology in close proximity to the site of the proposed vehicular entrance, as set out in the Archaeological Assessment Report submitted to the planning authority on the 29th February 2016, the Board is not satisfied on the basis of the information available that the introduction of a new vehicular entrance at this location would not have a detrimental effect on the archaeological heritage of the area. The proposed development would not, therefore, be in accordance with Policies AH1 and AH2 of the County Development Plan or with the proper planning and sustainable development of the area.
- (e) Having regard to the substandard sightlines available at the existing entrance, to the additional traffic that would be generated by the existing, permitted and proposed developments and to the previously permitted alterations to the wall to the west of this entrance in order to achieve a sightline of 70m in a westerly direction, it is considered that in the interests of traffic safety, the visibility splay at the existing entrance should be improved to achieve the required sightline.

Mary Kennelly
Senior Planning Inspector

14th September 2016