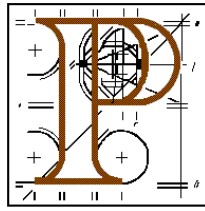


An Bord Pleanála



Inspector's Report

PL06D.246699

DEVELOPMENT: - Permission sought for construction of 13 no. houses and renovation/conversion/extension of Stanford House (protected structure) with all associated site works at Standford House, Westminister Road, Foxrock, Dublin 18.

PLANNING APPLICATION

Planning Authority: Dun Laoghaire Rathdown County Council
Planning Authority Reg. No: D15A/0695
Applicant: Kavcre Westminister Foxrock Ltd
Application Type: Permission
Planning Authority Decision: Grant

APPEAL

Appellant: (1) Aongus & Noreen Curran.
(2) Sheila Prentice and Others.
(3) Peter & Patricia Cornish and Others.

Observers: (1) Larry & Kathleen Butler.
(2) David Morton.

Type of Appeal: 3rd-V-Grant

DATE OF SITE INSPECTION: 02nd September 2016

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The appeal site is situated northwest of Westminster Road in Foxrock, Co. Dublin. The wider area, associated with Westminster Road, is one of established and mature suburban residential development characterised typically by large individually designed detached dwellings in a low density sylvan setting. A number of the houses on this Road exhibit fine architectural style, reflected in the inclusion of Westminster Road within the Foxrock Architectural Conservation Area.
- 1.2 The site extends to approximately 1.1ha and comprises of a two-storey dwelling identified as Stanford House and a coach house and stables identified as paddocks. Stanford House is a protected structure. There are extensive grounds to the House, which appear to have been untended to for some years and therefore there appears to be an abundance of wildlife associated with the site. The topography of the site is undulating with a number of trees in the walled garden to the southwest of the site and along the boundaries of the site. Presently, the site extends into a field to the north, however, this is not included on the site plan and is stated in documentation to be in different ownership. The boundaries of the site include a stone wall, of which the electronic gateway to Stanford House is recessed to provide vision splays. The said stone wall is visible on the northeastern boundary and western boundary also.
- 1.3 To the southwest of the site is a private lane which serves Westminster Hall, a two and a half storey development of apartments, which to all appearances looks like a large house. To the rear of that development is a small development of two storey terraced and detached dwellings. These dwellings are predominantly on a north-east to southwest orientation, however one dwelling on the lane is orientated northwest to south east. The appeal site has an L-shaped configuration, so further west the site also bounds another private lane, known as "Golf Lane" upon which there are large detached dwellings located. The appeal site bounds the rear garden of "Galvia" in particular, which is a large dormer dwelling, which also bounds the right of way to Springfield Park. I note that this portion of the site contains a steel wide gate to the right of way. To the north-west of the site is a low rise development of Springfield Park, which is accessed from the N11. This is a development of detached bungalows, of which three directly abut the site. To the south-east of the site is another private lane which abuts a two storey dwelling house and two semi-detached flat-roofed dwellings and one detached flat roofed dwelling. The latter are identified as "Mentone", "Roslyn" and "Lyndale".

2. PROPOSED DEVELOPMENT

2.1 Permission is sought to construct 13 no. dwellings comprising of

2 no. Type B (two-storey, two bed plus study) semi-detached dwellings.

1 no. Type B1 (two-storey, two bed plus study) detached dwellings.

4 no. Type C (two and a half storey, three bed plus playroom) semi-detached dwellings.

6 no. Type D (two and a half storey, four bed) detached dwellings.

The dwellings are to be located in the former paddock of Stanford House. The proposal entails the provision of a new access off Westminster Road to the site of the proposed dwellings and the reduction of the height of c. 26m of the existing boundary wall by c. 3000mm, the existing openings in the existing stone walls are to be widened to accommodate a 4.8m wider shared surface access. It is proposed to provide public open space in the former kitchen garden, the existing openings in the stone walls to the rear of the stables are to be filled in, existing boundary treatment is to be enhanced.

Stanford House is to be renovated and extended incorporating removal of 19/20th century extensions to the side and rear of the existing main house (138sqm) and a new part single-storey and part two-storey extension with a floor area of 99.5sqm is to be constructed. The former stables are to be renovated and converted to a home office (61sqm) and the former coachhouse is to be renovated and converted to guest quarters.

3. LOCAL AND EXTERNAL AUTHORITY REPORTS

3.1

(a) Irish Water (20/11/15): Further information required including additional details regarding water supply and foul water design.

(b) Development Applications Unit (26/11/15): An archaeological impact assessment is required.

(c) Drainage Planning (17/11/15): Further information required including details regarding attenuation, stormwater and surface water drainage.

(d) Conservation Officer (30/11/15): A few issues were raised regarding some of the alterations proposed to the existing dwelling and the layout of the 13 no. dwellings was considered incongruous with the receiving environment.

- (e) Parks and Landscape (08/12/15): Further information required including revised tree constraints and protection plan for the site as well as a revised landscaping proposal.
- (f) Transportation Planning (10/012/15): Further information including provisions to comply with the Design Manual for Urban Roads and Streets.
- (g) Planning Report (14/12/15): Further information required including revisions to provide for a better supervised public open space, clarification regarding site boundaries in addition to the information sought by the other Council Departments.
- (h) Drainage Planning (07/03/16): It was noted there is still a number of outstanding drainage issues.
- (i) Irish Water (10/03/16): No objection.
- (j) Transportation Planning (21/03/16): Clarification of further information required including demonstration sightlines and compliance with DMURS.
- (k) Conservation Officer (21/03/16): The report indicates satisfaction with most aspects of the response to further information with concerns still raised regarding the nature of works to the boundary wall noting such would impact adversely on the ACA.
- (l) Parks and Landscape (22/03/16): No further comments or objection.
- (m) Planning report (23/03/16): Clarification of further information including submission of contextual elevations, clarification regarding external finishes in addition to the issues raised by the Drainage and Transportation sections.
- (n) Irish Water (13/05/16) No objection.
- (o) Drainage Planning (13/05/16) No objection subject to conditions.
- (p) Transportation Planning (16/05/16) No objection subject to conditions.
- (q) Planning Report (19/05/16): The revisions during course of the application were noted including the increase in the number of new dwellings proposed. In this regard the revisions and responses to further and clarification of further information were considered satisfactory. The proposal was considered to be acceptable in the context of land use zoning and development plan policy, acceptable in the context of architectural heritage and the character and integrity of the existing protected structure, acceptable in regards to visual and residential amenity and satisfactory in regards to traffic safety and convenience. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 32 conditions, of note are the following conditions...

Condition no. 3: The home office and guest quarters to remain within the curtilage of Stanford House.

Condition no. 5: Door opening serving dressing room at first floor level to be retained as a 'dummy door'.

Condition no. 7: Window serving bedroom no. 3 of dwelling on Plot 10 to be omitted.

Condition no. 8: Window serving playroom of dwelling on Plot 1 (north eastern elevation) to be omitted.

5. PLANNING HISTORY

- 5.1 PL06D.244681: Permission refused for 8 no. 3 storey and 2 no. 2 storey houses to be located in former paddock and garden of Stanford House. (Protected Structure).

1. The proposed two storey extension to the rear and side of the Protected Structure, by reason of its design and scale, would not integrate in a satisfactory manner with the existing architectural character of the Protected Structure and would detract from the overall setting of the house. Furthermore, the absence of adequate details as to the works to be carried out to the Protected Structure and the absence of proposals for the repair and reuse of outbuildings within the curtilage of the Protected Structure is noted. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that a less cramped layout with a greater degree of consolidation in the public open space provided and less potential for negative impacts on adjoining properties resulting in a superior outcome for existing and future residents of the area is not possible for these lands. The proposed development would seriously injure the amenities of and depreciate the value of property in the vicinity and would, therefore, be contrary to the proper and sustainable planning of the area.

6. PLANNING POLICY

- 6.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned 'Objective A', with a stated objective 'to protect and or improve residential amenity'.
- 6.2 Policy RES3: Residential Density (Section 2.1.3.3)

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to

provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)
- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013)
- National Climate Change Adaption Framework-Building Resilience to Climate Change (DoECLG 2013).

6.3 Under Section 2.1.3.3 on Residential Density the following is also noted...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

6.4 Stanford House is on the Record of Protected Structures and within an area designated as an Architectural Conservation Area.

7. GROUNDS OF APPEAL

7.1 A third party appeal has been lodged by Aongus & Noreen Curran, 'Galvia', Golf Lane, Westminister Road, Foxrock, Dublin 18. The grounds of appeal are as follows...

- The appellants raise concerns regarding the scale and density of development and its impact on adjoining dwellings due to its proximity. The appellants note that a recent proposal for dwellings was refused on site with the current proposal increased in density and scale. It is considered the proposal would be detrimental to residential amenity (overbearing impact, loss of privacy and depreciation of value of property).
- The appellants note that the cycle lane proposed links to a private lane and the Council do not have the authority to consent to such. Concerns are noted regarding the impact of such in terms privacy in context of its proximity to the

appellants' property (existing boundary treatment, removal of trees and light overspill).

- The appellants note that the existing site supports a diverse range of flora and fauna. It is considered that the proposal would have significant environmental impact and the appellants suggest that the applicant's conclusions regarding the need for Environmental Impact Assessment is flawed. The appellants note that the site is located within a Special Area of Conservation and questions the adequacy of assessment of the proposal in this regard.
- The appellant notes that Westminister Road is subject to traffic congestion and significant on street parking, the proposed development would raise concerns regarding traffic impact.
- It is considered that the works proposed would have an adverse impact on the character and setting of the protected structure on site.
- The appellants raise concerns regarding adequacy of information regarding drainage noting the area is prone to waterlogging.

7.2 A third party appeal has been lodged by Declan Brassil & Company Ltd on behalf of Sheila Prentice, 'Mentone', Westminister Road, Foxrock, Dublin 18, Ciaran McMahon, 'Lyndale', Westminster Road, Foxrock, Dublin 18 and Donal & Niamh Hutchinson, 'Roslyn', Westminster Road, Foxrock, Dublin 18.

- The appellants' properties are three single-storey properties adjoining the northern boundary of the site. It is noted that permission should be refused for reason similar to the previous proposal refused on site (PL06D.244681) or alterations should be made to the dwellings proposed adjoining the appellants' properties.
- It is noted that the proposal entails an increased level of development over that refused previously and that the current proposal does not address the issues raised in the previous refusal and would have significant adverse impact on the residential amenities of adjoining properties. It is noted that the impact of the proposal on the residential amenities of adjoining single-storey dwellings is more pronounced in the current proposal than that previously refused.
- The appellants have suggested some amendment that could be made to the dwellings on plots 1, 2, 11, 12 and 13 in the event that a grant of permission is being considered.

7.3 A third party appeal has been lodged by Sinead O'Connor, Town Planning and Environmental Management Consultant on behalf Peter & Patricia Cornish, 26 Springfield Park, Foxrock, Seosaimhin NiBhruin, 28 Springfield Park, Foxrock, Peter Hoare, 28 Springfield Park, Foxrock and John and Catherine McCabe, 32 Springfield Park, Foxrock.

- The appellants note that there is a failure to address the reason for refusal set out under appeal ref no. PL06D. 244681 with concern about the proposed layout the increase in dwelling numbers and increased height and scale of dwellings having an adverse impact on the residential amenities of adjoining properties.
- The dwellings proposed at plot 1 to 10 would be injurious to residential amenity and depreciate the value of property due to their height and proximity to the shared boundary with existing dwellings. The proposal would be overbearing and result in overlooking of existing properties in Springfield Park.

8. RESPONSES

8.1 Response by Dun Laoghaire Rathdown County Council.

- The PA considers the number, type, scale and design of development to be acceptable in the context of residential amenities.
- The provision of a pedestrian link between the development and the public right of way at the western corner is appropriate and increases permeability.
- Any overshadowing caused will be negligible.
- An Environmental Impact Assessment is not warranted.
- The proposal would not be out of character with semi-detached dwellings and apartments on adjoining sites.
- The site is not a Special Area of Conservation.
- The Transportation and drainage department have noted the proposal is acceptable.

8.2 Response by the applicants Kavcre Westminister Foxrock Ltd.

- It is noted that the density of the proposal is low and appropriate at this location. It is noted that the design and scale of the proposed development is not out of character at this location.
- The response notes that the design, scale and layout of the proposal is satisfactory in the context of the residential amenities of adjoining properties.
- It is noted that the level and design of open space is satisfactory and had regard to the points raised under PL06D.244681.
- The response notes that the proposal satisfactory in the context of vehicular access/traffic safety.
- It is noted that the proposal does not require an Environmental Impact Assessment and is not designated as a Special Area of Conservation.
- The applicant outlines the nature of works proposed in regards to the pedestrian link to Golf Lane and it is noted that the question of ownership is not under the Boards remit and there is existing gated access to such.

9. OBSERVERS

9.1 An observation has been submitted by Larry & Kathleen Butler, 3 Whitehall Mews, Westminster Road, Foxrock, Dublin 18.

- The proposed development would result in overlooking and is out of scale and height with existing dwellings including the observer's property.
- The issues previously raised on this site have not been addressed.
- The observer notes the previous refusal on site noting that the density and scale of development proposed would be contrary development plan policy and detrimental to existing residential amenities.
- It is noted in particular that the House on Plot 13 has specific impacts on the observer's property and should be removed or amended.

9.2 An observation has been submitted by David Morton, 15 Westminster Hall, Westminster Road, Foxrock, Dublin 18.

- It is noted that the alterations to the front boundary wall are inappropriate and the existing entrance should be widened instead.
- It is noted the paddock contains knotweed and such should be got rid of before construction.
- The observer notes that the dwellings should be no more than two-storeys and notes that the density of the development is too high as well as noting that an apartment block is not appropriate at this location.
- The observer notices that there are existing traffic issues on the public road and that the proposal would exacerbate such.

10. ASSESSMENT

10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Density

Development control standards

Architectural Heritage

Design, scale, visual/residential amenity

Traffic

Other issues

10.2 **Principle of the proposed development/Development Plan policy:**

10.2.1 The relevant plan is the Dun Laoghaire Rathdown County Council Development Plan 2016-2022. The site is zoned 'Objective A' with a stated objective 'to protect and or improve residential amenity'. The proposal is for residential use and is compliant with land use policy. The site is currently in residential use with a large detached dwelling (protected structure) and the adjoining development is also similar low density residential development. The proposal entails an increased density on serviced and zoned lands and would be compliant with development plan policy, under RES 3 as outlined above. I would consider the principle of the proposed development to be acceptable subject to the proposal being satisfactory in the context of its impact upon the character and setting of a protected structure, the amenities of adjoining properties, visual amenity and traffic safety and convenience.

10.3 Density:

10.3.1 The original proposal was for refurbishment of the existing dwelling site and the construction of 13 no. dwellings within its curtilage. The proposal was revised during the processing of the application and the permitted development is for refurbishment of the existing dwelling and the construction of 11 no. dwellings and 4 no. apartments. The appeal site is 1.1 hectares in size with the approved development having a density of 14.5 units per hectare, which is a low density by the standards set down under the County Development Plan (2.1.3.3). Despite density being low on site there are a number of factors for consideration, which include the low density of development on adjoining sites, the relationship between the proposed development and the adjoining residential development and the impact of the proposal on the character and setting of a protected structure. These aspects of the proposal are all to be examined in the following sections of this report.

10.4 Development control standards:

10.4.1 In relation to residential development the issues concerning development control relate to the provision of public/private open space and car parking. In regards to general development control objectives the proposal entails the provision of 15 no. residential units consisting of 11 no. three/four bed units, 2 no. two bed apartment units and 2 no. one bed apartment units. Under Section 8.2.8.4 of the County Development Plan the minimum requirement for dwellings with 3 bedrooms is 60sqm and in the case of 4 bedrooms or more is 75sqm. The dwellings proposed have private open space ranging from 106sqm at a minimum up to 278sqm and would be fully compliant with Development Plan policy. In the case of the apartment units the requirement (Section 8.2.8.3) is 6sqm per one bed unit and 8sqm per two bed unit. In this case the proposal is also fully compliant with such. The existing dwelling (Stanford House) is being retained with a significant curtilage/private open space of a satisfactory amount.

10.4.2 In regards to public open space, under section 8.2.8.2 of the County Development Plan it is noted that “for all developments with a residential component – 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”. The approved development provides a layout that proposes all new development located on the paddock area to the rear of the site and Stanford House, including 10 dwellings backing onto the north western boundary. There are two areas of public open space provided, these include 906sqm on the southern side of the new access road serving the site and 657sqm coinciding with an existing section of walled garden. The total provision of 1,563sqm represents 14% of the site area. I would consider that the level of public open space meets the required standards set down under the County Development plan.

10.4.3 In regards to car parking, the proposal provides for two off-street car parking spaces per dwelling. Under Table 8.2.3 of the County Development Plan the requirement is two spaces per 3 bed unit +. In this regard the proposed development is compliant with development control standards. I am satisfied the proposal is compliant with the minimum development control standards set down under the County Development Plan.

10.5 Architectural Heritage:

10.5.1 Stanford House is on the record of Protected Structures. The house is a two-storey detached villa with stone outbuildings to the rear constructed circa 1861. The proposal entails partial demolition, refurbishment and extension of the existing dwelling and conversion of the outbuildings to habitable space as well as the construction of new residential units within its curtilage. There two aspects of the proposal being assessed in the context of architectural heritage. These are the impact of physical interventions on the protected structure and the impact of the development within the curtilage on the character and setting of the protected structure.

10.5.2 The proposal is accompanied by a Conservation Assessment outlining the historical background of the existing house, a building survey, details of works proposed and the methodology of such works. The proposal entails demolition of the existing part two-storey part single-storey extension to the rear and side of Stanford House. This is a later extension to the house and its removal would not compromise the integrity or character of the existing structure. In

terms of alterations to the existing floor plan and fabric of the protected structure, the level of intervention is very minimal with the existing layout, openings and features retained. The proposal does feature two new door openings at first floor level with such being the main change to the existing fabric. It is proposed to remove an of existing doorway into what is to become a dressing room at first floor level. I would recommend that this door be retained and such would not compromise the future layout while conserving the original layout.

10.5.3 The proposal provides for a part two-storey, part single-storey extension to the rear of the Stanford House. The extension is wholly to the rear and does not impact upon the proportions of the existing house when viewed from the front (the overall design and scale of the extension was an issue under PL06D.244681). The extension is relatively modest in scale and simple in design, and is subordinate to the existing dwelling to such an extent that it does not impact adversely on the overall character/proportions of the existing house.

10.5.4 The proposal entails refurbishment and repair of the outbuildings to the rear consisting of conversion of the single-storey structure along the north eastern boundary to a self-contained guest house (to be retained with Stanford House), conversion of two-storey outbuilding to a home office/studio and the remainder to be used for storage. The proposal entails refurbishment and repair of the existing structures. Details of these structures are included in the conservation assessment. The level of intervention proposed is minimal with their form, internal layout and existing opening remaining intact. The nature of use and level of works proposed is satisfactory and the proposal entails the positive redevelopment of these structures and their ongoing conservation. Overall I would consider that proposed partial demolition, refurbishment, extension and conversion works proposed to the Stanford House and its associated outbuildings would be acceptable in the context of architectural heritage and would not be detrimental to the character/integrity of the existing protected structure and would be in the interests of the ongoing conservation of such. I would also note that the alterations to the front boundary wall (reduction in height by 300mm over a 26m distance) would not be detrimental to the character and setting of the protected structure or the designated Architectural Conservation Area.

10.5.5 The existing protected structure features significant grounds including a large garden area to the front and side including a section of walled garden to the side and rear of the Stanford House and a large paddock area to the rear. The proposal for new residential units is confined to the paddock area to the rear of the existing protected structure. The layout of the of the new development on site does not impact adversely on the character or setting of the protected

structure with minimal change to the vista of the protected structure from the public road and front garden area. In terms of overall visibility, the new development on site is not visible or prominent when viewed from the public areas in the vicinity and would have acceptable visual impact in addition to and acceptable impact on the character and setting of an existing protected structure.

10.6 Design, scale, visual/residential amenity:

10.6.1 One of the main issues of concern raised relates to impact on residential amenity. The appeal submission notes that the previous proposal on site under PL06D.244681 was refused due to concerns regarding the such and that the current proposal fails to address these concerns. The proposal provides for a relatively simile layout of development with all new residential units located in the paddock area. The bulk of the dwellings (Plot 1-10) which are Type C and Type D/D1 (both three-storey with second floor mainly in the roof space) back onto the north eastern boundary of the site. The Type C dwellings have a ridge height of 7.75m and appear as two-storey as the second floor level is in the roof space with a roof light on the front elevation to serve this level. The Type D/D1 dwellings are larger with a ridge height of 9.75m and are also three-storey however the second floor level is confined to the roof space also with only a single roof light on the rear roof plane serving the second floor level (en-suite bathroom).

10.6.2 As noted earlier these dwellings back onto the north western boundary and have a shared boundary with Springfield Park, which is a housing development consisting of single-storey detached dwellings. Three dwellings (no.s 28, 30 and 32) in Springfield Park back onto the site boundary with nearest dwelling being 8m from the boundary (no. 30). The dwellings proposed on Plots 1-10 are between 13m up to 16m from the north eastern boundary. Given the context of the site in a suburban area on zoned serviced land, I would consider that the pattern and type of development proposed would be acceptable at this location. The level of separation between the rear of the proposed dwellings and the north eastern boundary is more than sufficient to maintain an adequate level of residential amenity in the case of existing adjoining development. I would consider that the level separation would be acceptable in the context of the suburban location of the site and would note that the proposed dwellings would not be out of character with existing dwellings on adjoining sites, which include larger detached dwellings both single-storey and two-storey units. It is notable that the proposed dwellings are three-storey dwelling, however the second floor level is confined to the roof space and the design of the dwellings does not provide for a significant amount of windows on the rear elevation at second floor level. I would note that there is also an adequate level of separation between the dwellings on Plot 1 and the single-storey dwellings to the north east as there

is in the case of Plot 10 and the two-storey dwelling (Galvia) to the south west.

10.6.3 The dwelling on Plot 11 (Type B1) is a two-storey, detached dwelling with a ridge height of 7.75m. This dwelling faces to the north west with its north eastern gable orientated approximately 4m from the northern eastern boundary of the site. To the north east are single-storey dwellings (Mentone, Lyndale, and Roslyn), which back onto the boundary with the appeal site. I would consider that the overall design, scale, layout and orientation of the dwelling on this Plot has adequate regard to the residential amenities of adjoining properties including the dwellings immediately to the north east and east. The pattern and scale of development proposed would be acceptable in the context of the suburban location of the site and would not be out of character in what is mature residential area.

10.6.4 The approved layout includes Block E (Plots 12-15), which is a three-storey block featuring two no. one bed apartment units on the ground floor and two no. three bed duplex units at first and second floor. The block has a ridge height of 10.905m. The location of the Block 3 is well within the site boundaries and has no significant or adverse impact in regards to existing adjoining development due to its position within the site. The proposal was revised during the processing of the application with Block E replacing an initial proposal for two no. two-storey semi-detached dwellings. It would appear the alteration is to provide a higher density of development relative to the public open space. I would consider that either the original or approved option would be acceptable in this case.

10.6.5 I would consider that the revisions required, including omitting windows to dwelling no.s 1 and 10, set out under Condition no.s 7 and 8 should be applied in the event of grant of permission. I would consider the overall design and scale of the proposed/approved development to be acceptable in the context of its location within an established residential area. I would consider the design and scale of the proposed new residential units to have adequate regard to the existing pattern of development and the residential amenities of existing dwellings, and such would not result in an overbearing impact or an unacceptable loss of privacy or light levels. I would consider that such facts taken in conjunction with existing and proposed boundary treatment, lead me to conclude that the proposed/approved development is acceptable in the context of the amenities of adjoining properties.

10.6.6 The issue of overall quality of design and in particular the distribution of public open space was raised both by the appellants and during the course of the application. As noted earlier the level of public open space provided is compliant with the quantitative standards set down under the County

Development Plan. The provision of public open space is confined to certain areas of the site and the layout does not provide public open space within the paddock area where the bulk of the new residential units are proposed. I would consider there are a number of factors that dictate the proposed layout. I would first note that existing protected structure is a factor and in particular the need to retain the walled garden on site, which the applicant is proposing to do. I would also note that the provision of more public open space within the paddock area would prove difficult without perhaps reducing the separation distances between the proposed units and the site boundaries, which would be undesirable. I would consider that the layout proposed is dictated by these factors. Notwithstanding such, I would consider that the layout proposed would not be unacceptable in regards to overall quality and the residential amenity of the proposed units. The development is provided with ample levels of both private and public open space. Overall I would consider that the design and layout provides for a residential development of acceptable quality.

10.7 Traffic:

- 10.7.1 The proposal entails retaining the existing vehicular access serving the site to access the refurbished Stanford House. To access the new residential units proposed, a new 5m wide access and service (with 1.8m footpaths each side) is to be provided to the south of the existing access. The approved proposal also entails a separate pedestrian access. It is proposed to reduce the height of the stone wall along the front boundary by 300mm to facilitate improved sightlines.
- 10.7.2 The new vehicular access is to serve 15 new residential units (approved scheme). Based on the design speed of the road and the requirement for sightlines of 45m (Design manual for Urban Streets and Road). The layout of the proposed access, in conjunction the existing footpath layout along the public road and the small reduction on the height of the stone wall would facilitate the provision of the sightlines in accordance with the recommendation of the Design manual for Urban Street and Roads.
- 10.7.3 I am satisfied that the existing road networks has sufficient capacity to cater for the level of traffic likely to be generated by the proposed/approved development and that the layout of the entrance and internal road networks is of a satisfactory standard in the context of traffic safety and convenience. The overall layout of the internal service road and footpaths provides adequate facilities for both vehicular and pedestrian traffic and as noted above the level of car parking provided on site is compliant with the minimum requirements set down under the County Development Plan.

10.8 Appropriate assessment/Environmental Impact Assessment:

10.8.1 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in light of its conservation objectives. In light of the conclusion of the assessment of the implications for the site, and subject to the provisions of paragraph 4, the competent national authorities shall agree to a plan or project only after they have ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

10.8.2 A Stage 1 Screening Assessment was carried out in regard to the potential for the proposed development to impact upon the integrity of each of the designated Natura 2000 sites identified within 15km of the site. The screening report outlines a description of the site and proposal. The application documentation includes an Appropriate Assessment Screening which confirms that no conservation designation applies to the subject site. The screening report indicates all designated Natura 2000 sites within 15km of the site with nine identified within this radius.

South Dublin Bay SAC (Site Code 000210).

Rockabil to Dalkey Island SAC (Site Code 003000).

Ballyman Glen SAC (Site Code 000713).

Knocksink Wood SAC (Site Code 000725).

Wicklow Mountains (Site Code 002122).

Bray Head (Site Code 000714).

North Dublin Bay SPA (Site Code 000206).

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

Dalkey Islands SPA (Site Code 004172).

Wicklow Mountains SPA (Site Code 004040).

North Bull Island SPA (Site Code 004006).

The qualifying interest of the designated sites is set out in the screening report. The possible impact of the proposal on the conservation status of the designated site include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduced species density and decrease in water quality and quantity. It is noted that the appeal site/proposal is remote from the designated site and there is no direct or indirect links to the site including a hydrological link. It is therefore concluded that there are no direct, indirect or cumulative impacts on the designated sites and that a Stage 2 Appropriate Assessment is not required.

10.8.3 The Board as a competent authority is obliged, as noted earlier in this section "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment. As noted earlier there are nine Natura 2000 sites within 15km as outlined above. In the case of all such sites and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated site and the appeal site/project. The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of the designated site. I would also consider that the project would not have any likely effects in conjunction with other plans or projects on any designated Natura 2000 site. In this regard it is reasonable to conclude that on the basis of information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have effects on any designated Natura 2000 and that a Stage 2 Appropriate Assessment is not therefore required.

10.8.4 One of appeal submission states that the site is a Special Area of Conservation and also that the proposal should be subject to an Environmental Impact Assessment due to the ecological characteristics of the site. Firstly contrary to the appellants' claims in this case the site is not a designated Natura 2000 site and the issue of appropriate assessment is dealt within the previous sections of this report. In regards to Environmental Impact Assessment the proposal consists of refurbishment of an existing dwelling and the construction of 15 new residential units (approved development), which is well below the threshold level of 500 units that requires Environmental Impact Assessment. Notwithstanding such fact the appeal site is on lands zoned for residential use that has no specific designations that mark it out as being of significant ecological value or sensitivity. I would consider that the proposal does not merit or require an Environmental Assessment to fully assess the appropriateness of such in the context of the proper planning and sustainable development of the area.

10.9 Other Issues:

10.9.1 The documents submitted include tree survey report outlining the type, number and condition of trees on site as well identifying trees to be retained, those to be removed as result of development works and those to be removed due to being of low value/poor condition. The proposal also includes a comprehensive landscaping scheme for the site including additional planting. The level of existing trees to be removed and retained on site is acceptable and the proposal includes details of tree protection measures to be implemented. The landscaping proposal would appear to be satisfactory.

10.9.2 The approved layout includes a 1.8m wide pedestrian path running along the south western boundary of the site and linking up with an existing path/laneway. There is an existing gateway at the south western corner of the site facilitating access to such. One of the appellants raises objections to such on the basis that it would impact adversely on residential amenity (loss of privacy/light overspill) and no rights to access the existing path/laneway. I would be satisfied that boundary treatment including existing and proposed is sufficient to protect the amenities of the adjoining dwelling and that the provision of a pedestrian path would have no significant impact on such. In regards to access and consent to do so, there is an existing gate at this location facilitating such access. Notwithstanding such if there is a conflict regarding right of access such is a civil matter and not a planning consideration. I am satisfied that the provision of a pedestrian pathway is in the interests of the proper planning and sustainable development of the area as it increases permeability.

10.9.3 One of the appeal submission raises concerns regarding drainage proposals and notes that the site is prone to waterlogging. The drainage proposal was deemed to be satisfactory by the Council's Drainage Division. In regards flood risk such is not located with any flood zones and there are no historic incidences of such on this site.

RECOMMENDATION

I recommend grant of permission subject to the following conditions.

Having regard to the setting of the site surrounding a protected structure, to the re-instatement of substantial grounds around the protected structure, to the proposal to re-instate the protected structure in a sensitive manner and to the pattern of development in the area comprising low density housing, the proposal would be acceptable in terms of residential amenity and traffic safety, would not damage the setting of a protected structure and 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 26th day of February 2016 and the 27th day of April 2016, 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 proposed development shall be amended as follows:

(a)The window serving bedroom no. 3 of House Type D1 on Plot 10 at first floor level; on the south western elevation shall be omitted.

(b) The window serving the playroom of House Type C on Plot 1 at second floor level; on the north eastern elevation shall be omitted.

(c) The door to the dressing room at first floor level shall be retained.

Revised drawings showing 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 interest of residential amenity and conservation.

3.All windows identified on the submitted plans as featuring obscured glazed should be fitted with such and retained with such glazing unless authorised by a future grant of permission for normal glazing.

Reason: In the interests of residential amenity.

4. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. Proposals for an estate/street name, house and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with

the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

11. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

14. Prior to commencement of development, the applicant shall submit full details of a properly constituted Owner’s Management Company for the written agreement of the planning authority. This shall include a layout map of the development showing those areas to be maintained by the Owner’s Management Company. Membership of this Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit. All roads and services within the privately managed areas shall be completed to the planning authority’s taking in charge standards.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. Prior to undertaking works to be carried out on the public road (including on footpaths, road markings and signage), the applicant shall obtain a Road Opening Licence from the Road Maintenance and Control Section.

Reason: In the interest of the proper planning and sustainable development of the area.

16. All works to conserve the fabric of Stanford House shall be carried out in accordance with best conservation practice and in accordance with the Department of the Environment’s Conservation Guidelines under the professional supervision on site of an Architect or other appropriately qualified person with specialised conservation expertise to ensure adequate protection of the retained and historic fabric during the works. The conservation architect shall, prior to commencement of

work, submit a work programme to the planning authority for agreement, which shall detail all work to be carried out to the protected structure. The conservation architect shall certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In order to safeguard the special architectural or history interest of the building.

17. Prior to commencement of development, details of the materials, colours and textures of all the external finishes for Stanford House and associated outbuildings, shall be submitted to, and agreed in writing with, the planning authority. Samples of materials to be used shall be made available on site for inspection by the planning authority. Works to the Protected Structure shall be undertaken concurrently with the adjoining development. A schedule for the phasing of the development shall be submitted to the planning authority for its written agreement prior to commencement of development.

Reason: In order to safeguard the special architectural or history interest of the building.

18. Prior to the commencement of development or any related construction or tree felling on the site, the applicant shall lodge a Tree Bond to a minimum value of €10,000 (ten thousand euro) with the planning authority to ensure the protection of trees on the site and to make good any damage caused during the construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, empowering the planning authority to apply such security, or part thereof, to the satisfaction protection of any tree or tress on or adjoining the site or the appropriate and reasonable replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

Reason: To protect the sylvan charter of the site.

19. (a) Prior to the commencement of development, the developer shall engage the services of a qualified Arborist as an Arboricultural Consultant, for the entire period of construction activity. The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site on a monthly basis, to ensure the implementation of all of the recommendations in the submitted tree report.

(b) After the period of three years post practical completion, the developer shall submit an Arboricultural Assessment Report and Certificate, signed by a qualified Arborist, to the planning authority's Parks and Landscape Services. Any remedial tree surgery, tree felling works recommended in that Report shall be undertaken by the developer at their own expense, under the supervision of Arborist. The Tree Bond shall not be released as and until the Report, Certificate and any remedial

works have been fully undertaken, to the satisfactory of the planning authority's Parks and Landscape Services.

Reason: To ensure the protection and long term viability of trees to be retained on site.

20. 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 and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. 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 the 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 ensure the satisfactory completion of the development.

Colin McBride

12th September 2016