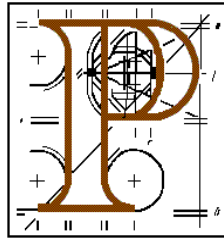


An Bord Pleanála



Inspector's Report

Development

2 No. houses and all associated site works at The Barn, Atmospheric Road, Dalkey, County Dublin.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D16A/0039

Applicant: Bernard & Dawn McCormick

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): W.H. Hastings

Observer(s): Irish Georgian Society

Type of Appeal: Third Party

Date of Site Inspection: 23rd November, 2016

Inspector: Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There is a third party appeal by W.H. Hastings against a decision by Dún Laoghaire-Rathdown County Council to grant permission to Bernard and Dawn McCormick for the construction of two houses at The Barn, Atmospheric Road, Dalkey, County Dublin.
- 1.2 The proposed development would comprise the construction of two houses to the side of 'The Barn', an existing large two-storey house, on a site area of c. 0.2034 hectares. House A would comprise a two-storey over part basement, four bedroomed house with a stated floor area of 242 square metres, with a vehicular access via the existing central entrance on Atmospheric Road. House B would comprise a detached, four bedroomed two-storey house with a stated floor area of 211 square metres, with a new vehicular entrance via Barnhill Lawn. Details submitted with the application included a planning report and an engineering report on traffic, water and drainage services.
- 1.3 Objections to the proposal were received from Andrew Rogals, Imogen Murphy and Caroline Malone, and W.H. Hastings. The issues of concern related to the traffic impact of proposed House B, impact on privacy, and the failure to assess the impact of the proposal on architectural, industrial and cultural heritage.
- 1.4 The reports received by the planning authority were as follows:
- The Conservation Officer had no objection to the proposal.
- Irish Water requested details be submitted on foul drainage to a new point of connection to the public system.
- The Drainage Engineer had no objection subject to one condition.
- The Transportation Planning Engineer had no objection subject to conditions.

The Planner noted the observations made and the reports received. It was considered that the proposed houses would generally be in keeping with the mixed character of the surrounding area. It was also considered that further information was required on the southern boundary and on revised foul drainage as requested by Irish Water and the implications arising for The Metals Architectural Conservation Area.

1.5 On 18th March 2016, Dún Laoghaire-Rathdown County Council sought further information in accordance with the Planner's recommendations. A response to this request was received from the applicant on 14th July 2016.

1.6 The reports to the planning authority following receipt of this information were as follows:

Irish Water had no objection to the proposal.

The Drainage Engineer had no objection to the proposal.

The Planner considered the further information response acceptable and recommended that permission be granted subject to conditions.

1.7 On 9th August, 2016 Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 14 conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 23rd November, 2016.

2.2 Site Location and Description

The site of the proposed development is located approximately 80 metres west of the junction of Barnhill Road and Atmospheric Road and

immediately east of the junction of Atmospheric Road and Barnhill Lawn in Dalkey, County Dublin. The site comprises the side garden of an existing large detached two-storey house, 'The Barn', where a tennis court and outdoor swimming pool are located. There is railing and dense planting along the southern boundary and a wall bounds the western and northern flanks of the site. The site is bounded to the east by 'The Barn' and to the north and west by the cul-de-sac estate road of Barnhill Lawn. Barnhill Lawn is a small estate of detached dormer dwellings. The site fronts onto a shared pedestrian and vehicular lane known as 'The Metals' which extends westwards. The section adjoining the site frontage is called Atmospheric Road. The DART line lies immediately south of Atmospheric Road.

2.3 **Dun Laoghaire County Development Plan 2016-2022**

Zoning

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

The zoning map for this location indicates 'Other Objectives' which include The Metals Walkway/ Atmospheric Road as a public right-of-way.

Architectural Heritage

Policy AR11: Industrial Heritage

It is policy to:

- i. Have regard to those items identified in the Industrial Heritage Survey listed in Appendix 5 when assessing any development proposals.
- ii. Identify further sites of industrial heritage significance with a view to assessing them for inclusion in the Record of Protected Structures.

The Plan refers to the industrial heritage of Dún Laoghaire-Rathdown including some sites of National and International importance, which includes the Atmospheric Railway which was the first of its kind.

The Metals is designated a candidate Architectural Conservation Area (ACA).

Policy AR16: Candidate Architectural Conservation Areas

It is policy to assess candidate Architectural Conservation Areas (cACA) to determine if they meet the requirements and criteria for re-designation as Architectural Conservation areas.

Policy AR17: Development within a cACA

It is policy that development proposals within a cACA will be assessed having regard to the impact on the character of the area in which it is to be placed.

2.4 Planning History

I have no record of any previous planning application or appeal relating to this site.

3.0 FIRST PARTY APPEAL

3.1 The grounds of the appeal may be synthesised as follows:

- * The site of The Barn, including the proposed site, is the site of the former Engine House (Pump House) of the Atmospheric Railway and its associated buildings and ponds. The Atmosphere Railway remains an internationally important industrial heritage site.

- * Any proposal for development on a site with archaeological potential, including sites of industrial archaeological value, should have regard to the objectives of the Development Plan (Section 16.8 is referenced). The application does not include an assessment of the impact on archaeological, industrial or cultural heritage contrary to plan policies and objectives and National Acts, Regulations and Guidelines. The application should be referred to the Department of the Arts, Heritage and Regional, Rural and Gaeltacht Affairs.
- * It is presumably due to the international architectural heritage importance of the industrial sites such as this that the Metals are designated as a candidate Architectural Conservation Area. The development will result in the loss of any remaining architectural and industrial fabric and will forever sever the relationship between this critically important site, the still intact cutting which served the Atmospheric Railway and the Metals. (Policy AR 10 of the Plan is referenced). The impact on the cACA will be profound and negative.
- * It is of concern that no architectural heritage or industrial heritage impact assessment has been submitted.
- * The original Atmospheric Railway cutting is still in place between Castlepark Road and where the former Engine House stood. The fact that these remain undeveloped makes this combined site doubly important. Policy AR 13 is referenced. This policy suggests the site should only be developed for purposes directly related to the interpretation of industrial heritage.

4.0 PLANNING AUTHORITY'S RESPONSE TO APPEAL

4.1 The planning authority considers the proposal acceptable having regard to its context, the site size and the proposed layout.

5.0 APPLICANT'S RESPONSE TO THE APPEAL

5.1 The applicant's response may be summarised as follows:

- * The Metals cACA does not include any part of the subject site. This cACA is linear in nature and does not contain buildings. The provisions of the Plan as they relate to a cACA do not apply.
- * The Pump House of the Atmospheric Railway was partly within the application site but was also across the road now known as Barnhill Lawn. The Pump House and associated lands clearly occupied a greater extent of lands than the current site that forms 'The Barn'. The original boundary and site has long since been altered and the application site has been subject to more recent work when the swimming pool and tennis court were built.
- * The proposal has been designed to reflect its positioning adjacent to the cACA.

The response includes an architectural impact assessment which concludes that the proposal will preserve the setting of the cACA.

6.0 OBSERVATION

6.1 The Irish Georgian Society submitted that the proposed development would result in the severance of a major part of the site of the Kingstown to Dalkey Atmospheric Railway and would have a profound negative

impact on local, regional, national and international heritage. The proposal was, therefore, seen to contravene the policies for the protection of architectural and industrial heritage set out in the Dún Laoghaire-Rathdown County Development Plan. It is requested that the Board refuses the proposed development.

7.0 SUBMISSION FROM PRESCRIBED BODIES

7.1 The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, in response to a request from the Board, submitted that the Board should use its powers to seek detail from the applicant to describe the industrial heritage remains, if any, of the Atmospheric Railway that are on or under the lands within their control. It is recommended that this be undertaken by an industrial heritage practitioner. It is submitted that the findings and recommendations should give the Board sufficient information to decide whether or not any conditions require to be attached to a decision on this appeal to preserve any remaining fabric of architectural heritage character.

8.0 ASSESSMENT

8.1 I note the site of the proposed development is located in a residential area. The site and adjoining lands are zoned 'A' in the current Dún Laoghaire-Rathdown County Development Plan, with the objective to protect and/or improve residential amenity. Residential development on this site is, therefore, permitted in principle in accordance with the Plan.

8.2 The site comprises a side garden of a large detached house. This side garden has been subject to very extensive development in the modern era. There is an outdoor swimming pool at the location in which it is

proposed to construct 'House A' and there is a tennis court at the location in which it is proposed to construct 'House B'. A block wall has been constructed for the full length of the western and northern sides of this site. Fencing has been erected within and along the flank boundaries of the site and there is substantial planting throughout. Overall, it may reasonably be concluded that there have been significant physical changes to this site in modern times. It is my contention that this is a fact which demonstrates that features that may have existed on, over or under land previously associated with the Atmospheric Railway are today not likely to be evident at these locations within the site and that a great many of any historical physical attributes that may have existed on the site that may have been associated with the Pump House no longer exist. I acknowledge, however, the submission from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, which suggests to the Board to use its powers to seek detail from the applicant to describe the industrial heritage remains, if any, of the Atmospheric Railway that are on or under the lands within their control to inform the Board and that this assessment be undertaken by an industrial heritage practitioner.

8.3 I note that a difference of opinion exists between the parties to the appeal over the exact siting of the former Pump House. On the question of the acceptable developability of this side garden, it is reasonable to conclude that the historical context of the site has been fundamentally altered by the development that has taken place on and in the immediate vicinity of the site in the modern era. However, this does not exclude the potential for finding features of heritage value associated with the Atmospheric Railway on this site.

8.4 I further acknowledge that the site adjoins The Metals candidate Architectural Conservation Area. This cACA is a linear route that comprises a right-of-way, part of which is sited along the length of

Atmospheric Road. The site does not extend onto this cACA. I note that there is no dispute in relation to the design, form, character, scale or other attributes associated with the proposed houses. I accept that in their context, which comprises a mix of house types in the wider environs, the proposed houses are acceptable. The proposed houses would not physically intrude on the cACA and could not be construed as being out of character with this cACA, given this context in which they would be placed. I finally note the Council's Conservation Officer's report. No issues in relation to the archaeological significance of this site have been raised and there was no concern in relation to the impact of the proposed development on the cACA other than the restriction of access.

- 8.5 Having regard to the extent of recent development that has occurred on this site, to the lack of any known features of archaeological or architectural significance remaining on this site associated with the Atmospheric Railway, and to the Development Plan provisions that provide for development of this nature on this site, it is considered that the proposed development could be regarded as acceptable. To address the matter of industrial heritage, the Board could reasonably seek further information from the applicant in the form of an assessment of industrial heritage remains on the site by way of further information to inform the Board before the making of a decision. However, I consider the Board could reasonably, by way of condition, require the applicant to undertake an industrial heritage appraisal of the site prior to commencement of development to allow for preservation, protection or recording of features which may exist within the site.

9.0 RECOMMENDATION

I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the current Dún Laoghaire-Rathdown County Development Plan, the nature and extent of development that has taken place on the site and the physical changes made thereto, the lack of any known features associated with industrial archaeology relating to the Atmospheric Railway remaining on the site, the site being located outside of The Metals candidate Architectural Conservation Area (cACA), and to the form and character of the development proposed, it is considered that the proposed development of two houses would not adversely impact on any known features of archaeological significance or adversely affect the character of the cACA, would be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan, 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 to the planning authority on the 14th day of July, 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 conditions.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 and to ensure a proper standard of development.

4. The developer shall facilitate the planning authority in the industrial archaeological appraisal of the site and in preserving and recording or otherwise protecting industrial heritage materials or features, which 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 stripping of top-soil, and
- (b) employ a suitably-qualified industrial heritage practitioner to assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of industrial heritage material on the site, and
- (ii) the impact of the proposed development on such industrial heritage material.

Arising from this assessment, the developer shall agree with the planning authority details regarding any further industrial archaeological requirements (including, if necessary, archaeological excavation).

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 of any remains which may exist within the site.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore

Senior Planning Inspector

December, 2016.