



An  
Bord  
Pleanála

**Inspector's Report**

**PL06S.247971**

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<b>Development</b>	Revisions to a development permitted under Reg. Ref. Sd11A/0244 (ABP Ref. PL06S.241039) at Bolton Hall (a Protected Structure) Ballyboden Road, Rathfarnham, Dublin 16.
<b>Planning Authority</b>	South Dublin Co. Co.
<b>Planning Authority Reg. Ref.</b>	SD16A/0387
<b>Applicant(s)</b>	Homehall Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Appellant(s)</b>	Glendoher & District Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> of May 2017
<b>Inspector</b>	Caryn Coogan

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is just off Ballyboden Road at an entrance serving Glendoher Housing estates, and the subject site which was formerly the house and grounds of Bolton Hall. The site is a small portion of the Bolton Hall site located along the southern axis of the property which is currently under significantly and nearing completion of a residential development.
- 1.2 To the south of the site are a number of dwellings backing onto Bolton Hall from Glendoher Close. The site includes a two storey ruin called Mill Cottage which is perpendicular to the houses within Glendoher Close but faces into a small walled garden. To the rear of Mill Cottage the ground fall significantly to a stream which runs along the western axis of the Bolton Hall site.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development involves revisions to the permitted residential scheme at Bolton Hall (a Protected Structure) is in two parts:
  - (a) The restoration and extension of the single storey Mill Cottage (21.8sq.m.) currently in ruins, to provide for the two storey two bedroom residential unit with associated open space and 2No. carparking spaces
  - (b) Revisions to House No. 18 within the Coach House including a single storey ground floor extension within the adjacent walled garden, minor revisions to the layout and elevations, and revised private open space area.
  - (c) All site development works

## **3.0 PLANNING AUTHORITY DECISION**

- 3.1 Dublin Co. Co. granted permission for the development subject to 9No. conditions. The relevant site specific conditions include
  2. Stated the development shall comply with the relevant conditions attached to P106S.241039.
  3. The permission will expire on 28<sup>th</sup> of May 2018.

4. The development shall comply with the requirements of the Council's Conservation Architect.
5. A development contribution of €21,994

### **3.2 TECHNICAL REPORTS**

No objections to the proposal from Housing.

The file was referred to various bodies and departments and there was no response received.

#### **Planning Report**

A very detailed report covering aspects such as the submissions received, internal report, planning history and planning policy. The assessment can be summarised as follows:

- The site is zoned Residential
- The proposed additional 40sq.m. at the ground level of Unit 18 (Coach House) is to provide for living area to allow for an additional bedroom, and this is acceptable. The private amenity area will remain in excess of 70sqm.m.
- The internal floor area of the dwelling at Mill Cottage complies with relevant standards. The rear amenity spaces is 48sq.m. which is below the required standard of 55sq.m. there is amenity space to the front of the dwelling, and this exception to the standard is acceptable. Exempted developments onto both units must be limited.
- The overall design of both units is acceptable and sensitive.
- No overshadowing or overlooking will take place.
- The development will not impact negatively on the buildings of Bolton Hall, the development will compliment the existing structures.

### **3.3 THIRD PARTY SUBMISSIONS**

A third party submissions opposed the proposal were submitted citing the following concerns:

- Contrary to development plan
- Premature
- Scale, height
- Ownership issues

- Overlooking
- Protected Structure
- Drainage
- Carparking detract from Paper Mill

#### 4.0 PLANNING HISTORY

The planner's report notes the following relevant planning history

**File Ref. No. SD11A/0244/PL.06S.241039**

Permission granted for 24 dwelling units. This incorporated the upgrading and extension of existing two storey Coach House accommodation, stables and single storey out buildings to accommodate 3 No. dwellings.

**File Ref. No. SD05A/0615/PL.217208** Permission granted for a residential development of 26 residential units on the site comprising of 22 new build dwellings and the refurbishment of the existing coach houses and out buildings into 3 no. dwellings and the restoration of Bolton Hall.

**File Ref. No. SD07A/090/PL.226460**

Permission refused for alterations to a permitted residential development plan. Reg. No. SD05A/0615) consisting of 22 no apartments, basement and surface car parking, bicycle parking, bin storage, landscaping and ancillary site works. The reason for refusal related to the size, bulk and siting of the apartments which would obtrude into views of Bolton Hall and the Paper Mill and would seriously injure their setting.

**File Ref. No. 07A/0691**

Permission refused to Michael Burke and John Staunton for alterations to a permitted development comprising of the provision of one dwelling. Permission was refused for two reasons pertaining to materially contravening a condition of the parent permission and substantial loss of trees.

**Adjacent site to 163 Ballyboden Cottage**

**File Ref. No. PI.227059**

Permission granted on appeal for retention of 6.7sq.m. cold room, replacement of bin storage area to rear of Godfather's Pizza retail unit at 165 Ballyboden Road. I note that a condition of this permission specifically stated that no access to the cold-room was to be permitted from the laneway.

#### 5.0 POLICY CONTEXT

- 5.1 The site is zoned Residential – to protect and or improve residential amenity in the current development plan.

5.2 The subject site is within the curtilage of a Protected Structure, Bolton Hall.

## 6.0 THE APPEAL

6.1 The following is a summary of the key points raised in the appeal brought by Glendoher & District Residents Association.

### 6.2 Mill Cottage as an Element of the Overall Bolton Hall Protected Structure

A report by the Conservation Architect assessing the architectural heritage value of existing ruins was submitted with the planning application documentation. As Mill Cottage forms part of the original curtilage of Bolton Hall, it forms an element of the Protected Structure. The Conservation Officer's report states

*The industrial buildings together with the culvert must be viewed as having group significance with themselves, but as not necessarily having a group significance on a larger scale with the House, or other structures on the greater site.*

This appraisal needs to be contrasted with the previous appraisal by An Bord Pleanála that the industrial buildings (of which Mill Cottage forms part of) are connected to the main house in terms of the value as a protected structure. In the Board's earlier decision in 2008, the Board concluded that the 'industrial complex' near the south western boundary of the site formed an intrinsic part of the value of Bolton Hall designation as a protected structure of regional significance was confirmed by the Inspector in a subsequent appeal. It was considered by the Board the most relevant issue pertaining to the protected structures is the intrinsic relationship with Bolton Hall residence has with the other structures located to the south of the appeal. The character and setting of the structures on site should not be compromised and the intrinsic functional relationship that each structure has, should be retained. While both previous appeals relate to different development proposals for the overall site, the principal of the intrinsic relationship that Bolton Hall residence has with the former industrial buildings near the southern site boundary remains unchanged. It is submitted that Mill Cottage does have a significance on a larger scale with the House and others structures on the overall site.

### 6.3 Significance of Mill Cottage as a Protected Structure

The submitted Conservation Architects Report, states that Mill Cottage is a ruinous building with little historic significance. Of the three industrial out buildings the subject building is the most closely linked with the culverted mill stream. The loss of its functional role greatly diminishes the

significance of the building. The function and role of the building as a mill has an industrial archaeological value related to a 19<sup>th</sup> century estate house, there is also the presence of the icehouse which was also related to the management of the house in the 19<sup>th</sup> century. The Conservation Architects report makes no mention of the Ice House. It is also noted the Planner's Report makes no reference to the submission from An Taisce, which expressed concern over the loss of the Ice House.

#### 6.4 Integrity of Mill Cottage as Protected Structure

In earlier planning applications, it was proposed that the ruins of the Mill Cottage would be made safe and would be incorporated in the public open space area along the southwestern site boundary. This is indicated on the site layout of the parent planning permission. The retention of the existing ruins as per the parent Planning permission forms a greater protection of the existing protected structure and its industrial heritage value than the change of the Mill Cottage ruins into a two storey dwelling.

#### 6.5 Overlooking

The planner's report states that no overlooking of adjoining dwellings in Glendoher Close will occur because of the lack of windows on the western elevation of the Mill House. Notwithstanding the design it is considered that overlooking of rear gardens at Glendoher Close may occur due to the (1) difference in ground levels, and (2) proximity of the proposed dwelling to the site boundary.

The height of the existing boundary wall along the rear gardens of the dwellings on Glendoher Close is approximately 2.8metres as measured from the rear garden of No. 34.

The eaves of the two storey dwellings part of the proposed dwelling are at 75.97metres. As the ground level is indicated to be 70.87m and the height of the boundary wall between the site and the adjoining rear garden. It can be concluded from the dimensions given the eaves level will be circa 2.5metres above the top of the boundary wall. As a window is proposed in the south east elevation of the two storey part of the building, overlooking is likely to arise from first floor windows.

#### 6.6 Summary of Appeal Grounds

- It is incorrect to state that Mill Cottage does not have the significance as a protected structure on a larger scale with the house
- The presence of the Ice House adds to the historic industrial significance of the Mill Cottage
- Under the planning application development proposal, the Ice House will be lost.
- As a result in the difference in ground levels and proximity to the boundary wall with adjoining rear gardens of houses in Glendoher

Close, overlooking may arise from the ground floor and first floor windows and doors.

- The significance and historic value of Mill Cottage is best protected by retention as it in ruins set in the public open space area as per the parent permission, and conversion to a single dwelling would be contrary to the proper planning and sustainable development of the area.
- If the Board consider granting the development, it is requested the Ice House is fully surveyed in advance of any works and that the overlooking of rear garden areas is prevented by revised window design and raising the boundary wall.

## 6.7 RESPONSES

6.8 The **planning authority** has no further comment

### 6.9 Applicant's Response

The following is a summary of the responses made to the issues arising from the appeal:

The points raised in the appeal really subjective issues and not based on factual evidence. The Board is asked to have regard to the key points made in response to the appeal and to dismiss the grounds of appeal lodged.

### 6.10 Conservation

A response has been prepared by conservation architect Mr. David Slattery. It is difficult to interlink the subject industrial buildings with the main house, Bolton Hall. In addition, the views from the main house to the industrial buildings in the corner are blocked by trees and the walled garden. The importance of the industrial buildings is also reduced because there is no surviving industrial machinery and it is uncertain the precise function of the buildings.

The appeal also refers to a preceding application made in 2007, which is not relevant to the current proposal as it related to two large apartment blocks. The current proposal will not radically alter the current setting, and this is a key point, similarities cannot be made between the previous and current proposal.

There is some ambiguity as regards the location of the Paper Mill . It is confirmed that it is not located within the boundaries of Bolton Hall, and the structure is no longer in existence.

The appellant refers to the functional role of the proposed building as a mill. There is no evidence to support the claim that the proposed site is a former mill building. The historic maps do not indicate the mill location.

The appellant also makes reference to an Ice House adjacent to the Mill building, and it is noted there was a small overgrown buildings at the time of the parent permission. The undergrowth was removed in 2016 to reveal the building underneath. The building contains 4No. windows, and it may have a small oratory/ folly, but not an ice house. There is no reference to a ice house on historic maps, the arched windows and ceiling would suggest a later use. There is no intention to alter or remove the building, it is of no practical use, and it will be made secure to prevent anti-social behaviour. The works can be described as site development works. There was a meeting in February 2017 between the developers, South Dublin Co. Co. consideration officer and a representative from An Taisce. It was agreed by all parties the best approach for the building which is been implemented under the current proposal, i.e. to make it safe, as per condition No. 4 of the permission.

The mill building will be converted into a dwelling which is more appropriate than leaving unsafe ruins within the open space area. The Mill Cottage is a ruinous structure of little architectural or historic value. The proposal is the reuse, refurbishment and retention of a structure that will enhance the area. The proposed works are within rubble stone walled garden area of Mill Cottage yard and are not visible or will not encroach on historic views from the protected structure.

#### 6.11 **Overlooking**

The proposed works to the cottage have been conceived as a sensitive response to an existing stone structure on the site. There will be no issues of direct overlooking as demonstrated in the submitted sketch. The angles illustrated are correct and will be very unnatural and unlikely to be used. The head height of the proposed French doors and windows is 2090mm. The height of existing boundary wall of 34 Glendoher Close relative to the proposed first floor window is indicated and it will not result in overlooking. This is a suburban environment, there is no direct overlooking, separation distances are appropriate, and there is no impact on existing residential amenities. The Mill Cottage pre-dates the residential development at Glendoher Close, and it is inappropriate to preclude the reinstatement of the building for reasons based on unsupported claims with regard to overlooking.

6.12 Response attached from David Slattery – Historic Building Consultants.

#### 6.13 **Appellant's Response**

It is accepted the development of Mill Cottage will not radically alter the existing setting of Bolton Hall. However the point made in the appeal was that the status of Bolton Hall as a Protected Structure includes the paper mill and other associated buildings. The intrinsic functional relationship that each of the structures have should be retained. It is not relevant whether the Mill Cottage was or was not a functional mill in the past or whether the actual paper mill was located further south.



The Planner's Report makes no reference to the An Taisce submission relating to the Ice House, it is important that the Board seek a submission from An Taisce on this issue. Clearly the presence of an Ice House would add to the historic industrial significance of the Mill Cottage.

The parent permission incorporated the Mill Cottage as part of the open space area.

In terms of overlooking of rear gardens in Glendoher Close, the Board is asked to take into account the level of south east facing window in the first floor bedroom which is much higher than the levels of the adjoining gardens. Why is the window so large when there is a large window in the north west facing elevation. The height of the boundary wall and the existing mill building is indeed greater than 1.5metres and should the Board decide to grant planning permission the Board is requested to attach a condition for the developer to raise the wall to such a height no overlooking will occur from the French doors and windows.

#### **6.14 Planning Authority's Response**

There was nothing further to add to the planning report on file.

### **7.0 ASSESSMENT**

- 7.1 The overall site is 0.0988ha located within the curtilage of Bolton Hall a protected structure. It is located along the southern axis of the curtilage of Bolton Hall. Currently Bolton Hall is a construction site and the residential development permitted by the Board in 2011 for 24No. dwelling units under reference PL06.241039, is near completion. The subject site and proposed development relate to a number of outbuildings associated with the original Bolton Hall (protected structure). Firstly the former Coach House has been converted into a number of residential units. Under this current proposal the ground floor of an end unit, No. 18, has been extended to provide an additional bedroom. The additional bedroom at ground floor is encroaching into an open space area, however, the encroachment is minimal and the open space area available to future residents is acceptable. This part of the application was not a concern for the third party appellants, and I recommend the revision to Unit 18 be granted permission as per the submitted drawings.
- 7.2 The second element of the application involves the Mill Building which is in ruins and is adjacent to the Coach House. The Mill Building is perpendicular to the dwellings of Glendoher Close (where the third party residents reside) and includes a walled garden to the front. Under the permitted development granted by the Board under reference PL06.241039, the mill building was to be retained, tidied up and made secure. The current application seeks to restore the building to provide a two bedroomed unit within a 1.5 storey dwelling unit. The ground floor shall consist of a new kitchen, a living area and shower, toilet and entrance hall with one bedroom. The first floor includes a bedroom and a bathroom. The unit has 48sq.m. of private open space which is below the requirement of 55sq.m. There will be 2No. parking spaces associated with the unit which will be accessed via front courtyard and steps.

7.3 Glendoher & District Residents Association have appealed the decision to grant permission for the development on a number of grounds:

- The Mill Cottage as an element of the overall Bolton Hall Protected structure
- The Significance of Mill Cottage as a Protected Structure
- The Integrity of the Mill Building as Protected structure
- Overlooking of Glendoher Close

The third party appellants claim, there is a 'relationship' between the protected structure, Bolton Hall and the industrial buildings, the Mill Building/Cottage. The character and setting of the industrial structures should not be compromised, and that Mill Cottage does have a significance on the larger scale with Bolton Hall. It is submitted that the Mill Cottage most likely linked with the culverted river along the western boundary of the site. There is no reference in the Conservation Report to the adjoining 'Ice House'. The protection and retention of the existing Mill Cottage ruins as per the permitted development, offers greater protection of the existing protected structure and its industrial heritage value, than a change of use to a two storey contemporary dwelling. On appeal, the applicant has engaged the services of a Conservation Architect. The quotes taken as regards the industrial buildings and previous Board assessments relate to a completely different proposal, in that the quotes refer to a 2007 planning application involving two apartment blocks. This is not relevant to the current proposal.

The current proposal is to reuse an existing ruinous structure which will not radically alter the existing setting of the protected structure.

The Conservation Architect states that historic maps do not indicate a mill at this location although a paper mill did exist beyond the south western boundary of Bolton Hall, outside of the subject site. The building which the appellants claim to be an 'Ice House' was cleared, and it has arched windows and ceiling. The building may have been an oratory, but not an Ice House. There is no intention to alter or remove the building or to cause damage to it during construction, therefore the appellant's concerns regarding the named 'Ice House' are unfounded.

There are extensive ruins in this area of the site, and I consider redeveloping and reusing the Mill Cottage as a townhouse will reduce the amount of ruinous structures adjacent to the public open space area which will benefit the residents of Bolton Hall in the longterm. In addition, I draw the Board's attention to submitted drawings pMC[00] – 01 which illustrates the existing Mill Cottage site, photos and drawings. Drawing pMC[e] -01 illustrates the proposed finished design. The proposed development is modest, discreet, insertion into the existing built fabric. Overall the proposal to redevelop the Mill Cottage compliments the permitted and completed Coach House residential units within the contiguous units.

#### 7.4 **Overlooking**

The appellants are concern about undue overlooking of their rear garden areas especially from the large first floor window in the south-eastern elevation. It should be noted this is an inner suburban location, and the

proposed dwelling is positioned perpendicular to houses in Glendoher Close. There is a tall stone wall along the boundary between the houses of Glendoher Close and the subject site which excited 3metres. The proposed windows have an unusual window design which reflects the existing openings of the ruinous building. The height of the first floor window is to reflect the increase in roof height to allow for modern day living and to meet with Building Regulations. Given the perpendicular angle of the window relative to the adjoining rear gardens, the height of the existing walled garden area, and gable building line of the Coach House residential units, there will be no direct overlooking of rear garden areas from the window on the south-east elevation as suggested on appeal, and the required separation distances are maintained. The appellants have not acknowledged that overlooking occurs within their own development from first floor windows.

I accept there is a significant drop on ground level at the between the subject site and the rear garden areas of Glendoher Close. However, the stone wall boundary is practically up to cill level on the Mill Cottage when viewed form the neighbouring Glendoher development. The feature stone wall is to be retained, and its provides significant architectural character to both developments.

- 7.5 I consider the grounds of appeal to be unsubstantiated and without merit. The proposal is a sustainable form of residential development within a large residential currently under construction and near completion. The entire development has been tastefully executed with notable features of the original Bolton Hall and associated buildings been retained. I believe it is in the interests of residential and visual amenity, and safety, that the existing ruinous structure on the subject site be restored and reused as a residential unit. It has a very dramatic setting within a walled a garden, behind mature trees and the culverted river opening up to the rear of the structure. I believe the proposal will enhance the overall Bolton Hall the development. The provision of a dwelling at this location within the existing frame is a welcome propsoal, as opposed to clearing and making secure the old ruins as granted by the Board under its previous decision.

## **8.0 RECOMMENDATION**

The planning authority's decision to grant planning permission for the proposed development should be upheld by the Board.

## **REASONS AND CONSIDERATIONS**

Having regard to the provisions of the South Dublin County Development Plan 2010-2016, to the pattern of existing development in the area and to the design and scale of the proposed developments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of

property in the vicinity, would respect the existing character of the area, would not interfere with or be detrimental to the setting and status of the adjoining protected structure, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. (a) The proposed development shall be carried out in accordance with the parent planning permission on the overall site at Bolton Hall granted under An Bord Pleanála reference number PL06S.241039, except as required by the conditions thereunder.  
(b) This grant of permission shall expire on 28<sup>th</sup> of May 2018

**Reason:** To ensure the proposed development remains consistent and in accordance with the parent permission relating to the overall site.

3. All works to conserve the fabric of the existing building shall be carried out in accordance with best conservation practice and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2004, 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 specialist 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 specialist 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 historical interest of the building.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed extension, and details of the existing and proposed render finish to the front façade of the existing

dwelling, 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.

**Reason:** In order to safeguard the special architectural/historical interest of the building.

5. 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.

6. 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.

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**Caryn Coogan**

**Planning Inspector**

**19/ May/2017**

