



An
Bord
Pleanála

a

Inspector's Report PL06D.248433

Development	Demolition of dwelling and construction of 29 no. dwellings, parking, vehicular entrance, landscaping and associated site works adjacent to Protected Structure.
Location	Dalkey Manor, Barnhill Road, Dalkey, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0117
Applicant(s)	Melmousa Devco Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Melmouse Devco Limited
Observer(s)	Charles Smith & Elizabeth Hogan Bernard & Susan Kernan Peter M. Faulkner

Residents of The Rise
Dalkey Community Council
Trevor & Alison Williams
Niala Reynolds
Brian & Maura Reynolds
Joe O'Shea

Date of Site Inspection

25th July 2017

Inspector

Sarah Moran

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Planning History.....	10
5.0 Policy Context.....	11
6.0 The First Party Appeal.....	12
7.0 Assessment.....	21
8.0 Recommendation.....	39
Reasons and Considerations.....	39

1.0 Site Location and Description

- 1.1. The site is located on Barnhill Road, c. 0.5 km from the centre of Dalkey in south county Dublin. It is c. 50m west of the Dart line and the associated pedestrian / cycle route The Metals, which is a candidate Architectural Conservation Area (ACA). Glenageary Dart station is located c. 1 km to the north west and Dalkey station c. 0.5 km to the east. Barnhill Road is a regional route R119, linking Dalkey to Sallynoggin and Glenageary to the west. There is a footpath along the road frontage of the site and a pedestrian crossing at the nearby bridge over the Dart line. The prevailing pattern of development in the area is low density 2 storey suburban housing.
- 1.2. The site has a stated area of 0.94ha. It comprises an existing 1970s 2 storey house, known as Dalkey Manor, and associated lands, which contain a substantial amount of mature trees and vegetation. The site is a large part of the original grounds of Dalkey Lodge, a 17th / 18th century house with associated outbuildings, which is a protected structure. Dalkey Lodge and its garden are now separated from the site by a temporary metal fence. There is a drainage ditch, which is currently dry, running in a north / south direction across the site, traversing the boundary with Dalkey Lodge. Aside from the frontage to Barnhill Road, which is a high granite wall, the east, west and south site boundaries are modern walls / fences to the rear of existing housing. Ground levels rise by c. 12 m across the site from Barnhill Road to the rear (south) boundary shared with housing in Hillside. The immediate surroundings are as follows:
- 1 storey detached houses within The Rise to the west of the site.
 - 2 storey semi-detached houses within Hillside to the south.
 - 1 storey / dormer detached houses within Old Quarry to the east.

2.0 Proposed Development

- 2.1. Permission is sought to demolish Dalkey Manor and to construct 29 no. houses, which are laid out in a series of terraces around a central spine and public open space. The proposed housing mix is as follows:
- 18 no. 4 bed 3 storey houses (houses nos. B1-B5, C3-C11, D2-D5);

- 1 no. 3 bed 3 storey house (house no. A1);
- 4 no. 3 bed 2 storey houses (houses nos. B6, C2, C12, D1);
- 2 no. 3 bed 1 storey houses (houses nos. C1 and C13)
- 2 no. 3 bed 1.5 storey houses (houses nos. A2, A3);
- 2 no. 2 bed single storey houses (houses nos. E1, E2);

The development has a contemporary design and individual houses are to be finished in a mix of finishes including coloured render, stone, brick, slate and zinc, copper and black metal cladding. The granite wall along the frontage to Barnhill Road is to be reconstructed, with an upgraded vehicular access at the same location as existing. The layout includes 56 no. car parking spaces. The development is to connect to existing site services.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority refused permission on 5th April 2017 for 6 no. reasons relating to:

- RES3 development plan policy to promote higher residential densities. While the planning authority acknowledges the heritage constraints of the site, it is considered that the selected housing typology has unduly constrained the achievement of higher densities.
- Development would fail to provide an appropriate mix of housing typologies to cater for a variety of households within the area and would be contrary to development plan policy RES7.
- Adverse impact on the character and architectural significance of the adjacent protected structure Dalkey Lodge and its mature landscaped setting, contravention of development plan policy AR1. The proposed 3 storey house no. A1 located in close proximity to Dalkey Lodge would have an overbearing impact on the protected structure, would be overly dominant in the streetscape on

Barnhill Road and would significantly detract from the character and amenities of the area.

- Inadequate provision of public open space, substandard form of development which would seriously injure the amenities of property in the vicinity, contrary to minimum open space standards set out in development plan section 8.2.8.2.
- The development, which would include the full removal of all existing vegetation, including trees, would contravene development plan policies LHB19, OSR7 and UD7.
- The development, in particular house no. B6, which is to occupy an elevated position at the southern end of the terrace on the eastern side of the site, and which will be less than 22m from the adjoining property in Old Quarry to the east, would seriously injure the residential amenities of the adjoining property by way of undue visual intrusion. Also house no. C1, in particular its flat roof element, would seriously injure the residential amenities of property in the vicinity, particularly no. 1A Old Quarry to the east, by reason of undue visual intrusion.

3.2. Planning Authority Reports

3.2.1. Planning report, 5th April 2017. Recommends refusal for 6 no. reasons, as set out above.

3.2.2. Transportation Planning, 28th March 2017. Notes that the applicant has not submitted drawings showing achievable sight lines onto Barnhill Road. Requests further information including:

- Vehicular entrance to indicate achievable sight lines to Barnhill Road in accordance with DMURS and other detailed specifications including relocation of an ESB pole and revised entry treatment for pedestrian priority.
- Applicant to undertake a detailed Quality Audit.
- Transport Impact Assessment.
- Internal layout in accordance with Dun Laoghaire Rathdown Council 'Taking in Charge Policy Document' and other detailed requirements.
- Details of SUDs measures.

- Detailed breakdown and revised drawings of the required car parking spaces in accordance with Development Plan standards. To show an additional amount of proposed visitor parking. The 8 no. on street car parking spaces around the perimeter of the green open space are to be capable of accommodating future electric charging points for electrically operated vehicles. 15 no. stands for visitor cycle parking throughout the development.
- Details of vehicular manoeuvres for refuse collection, emergency vehicles and furniture delivery, etc.
- Construction management plan.
- Traffic management plan.

3.2.3. Conservation Officer, 28th March 2017. The following main points are noted:

- The applicant's claim that the development site forms the garden of Dalkey Manor, a 1970s house, is considered to misrepresent the context and planning history of the site.
- A planning application for a conservatory to the rear of Dalkey Lodge dating to 2002, ref. D02A/0029, had a site boundary that included the lands within the current development site. The development site was only recently and arbitrarily created by the erection of a fence.
- Dalkey Lodge is a mid 17th century house set within a mature landscaped setting. The site has other features of heritage interest including outbuildings and substantial mature trees, all of which contribute to the character and setting of the protected structure.
- The development involves clearing the site, despite a landscape report which identifies the presence of historic planting. The proposed layout does not respect the historic significance of the site and therefore conflicts with development plan policies on built heritage and development in proximity to a protected structure.
- It is recommended that the applicant engage a historic garden and landscape consultant to assess the significance of the historic landscape character. The report should be used to inform the appropriate location for development and may necessitate revisions to the site layout. The Conservation Officer concurs with the views of the Development Applications Unit (see below).

- The development would detract from the protected structure Dalkey Lodge.
- House A1 should be omitted from the scheme due to its proximity and impact on the character of the protected structure. There is also concern over the proximity of houses A2 and A3.
- Recommends a further information request for historic garden and landscape assessment, possible revised site layout, visual impact assessment of the development to and from Dalkey Lodge and revised plans to omit houses A1, A2 and A3.

3.2.4. Parks and Landscape Services 31st March 2017. The following points are noted:

- The development is not in accordance with the Council's Tree Strategy, or with development plan policies on biodiversity, and trees.
- The development is an extreme, substantial and unjustified arboricultural impact. Recommends refusal on the grounds that it would result in extremely negative and unacceptable impacts on the arboriculture, local ecology and residential amenity.

3.2.5. Other Technical Reports:

- Waste Enforcement, 15th February 2017. Recommend conditions.
- Housing Department 20th February 2017. Permission to be subject to a condition requiring a Part V agreement.
- Drainage Planning, 16th March 2017. Requires further information in relation to the drainage ditch traversing the site and other drainage details.

3.3. **Prescribed Bodies**

3.3.1. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs Development Applications Unit

Archaeology:

- The development is large scale in extent and close to the zone of archaeological potential established around the town of Dalkey, Recorded Monument DU023-023, which is subject to statutory protection in the Record of Monuments and

Places, established under section 12 of the National Monuments (Amendment) Act 1994. The Department recommends that an Archaeological Impact Assessment be prepared to assess any potential impact on archaeological remains, to be submitted as further information.

Architecture:

- The development site would have been part of the curtilage of Dalkey Lodge prior to the division of the grounds. The original building at Dalkey Lodge allegedly dates to the 1660s (the current kitchen wing). The divider will cut close to this side of the wing and back (south) of the ensemble of house and outbuildings.
- There is insufficient justification for the proposed removal of a historic garden landscape which was until recently the curtilage of a protected structure. The boundary is very close to Dalkey Lodge, leaving it very exposed should the trees within the grounds be removed.
- The application lacks photomontages showing the development in relation to Dalkey Lodge with views from grounds within the Lodge. Ref. Chapter 13 of the *Architectural Heritage Protection Guidelines for Planning Authorities* on development within the curtilage and attendant grounds of a protected structure.
- A brief historic landscape character assessment should identify what of the mature planting reflects the historic landscape management associated with Dalkey Lodge, and which trees and / or hedges are of sufficient quality to merit retention. The housing layout and associated services should be revised such that the development can retain important elements of the designed landscape.
- The proposed location of 2 no. 1.5 storey houses on the boundary with Dalkey Lodge does not respect the already tight boundary to the protected structure. These houses should be omitted.
- The Department recommends a further information request for more details of visual impacts on Dalkey Lodge; historic landscape report; revised site layout to address above issues and omit house A2; revised landscaping proposal retaining important specimen trees and other features and to omit house A3; revised and expanded set of photomontages with reference to Dalkey Lodge.

Nature Conservation:

- The NPWS recommends that permission should be subject to conditions relating to tree removal outside of the main nesting season; trees with bat roosting potential to be felled subject to licence; spring amphibian survey of the ditch within the site; removal of Japanese Knotweed.

3.3.2. Irish Water

Submission dated 17th March 2017. No objection.

3.4. **Third Party Submissions**

- 3.4.1. The planning authority received a total of 23 no. third party submissions from local residents. These objected to the development on generally the same grounds as those raised in the third party observations, which are summarised below.

4.0 **Planning History**

4.1. **D02A/0029**

- 4.1.1. Permission granted to James J. Murphy to erect a free standing conservatory in the rear yard of Dalkey Lodge. The red line site boundary included a substantial part of the subject site.

4.2. **D15A/0051**

- 4.2.1. Permission sought to demolish Dalkey Manor and to construct a specialised 'later living' development consisting of 57 no. accommodation units in a 5 storey above basement block, communal facilities, guest accommodation units, 74 no car parking spaces, 57 no. bicycle parking spaces, garden terrace and public open space, roads, vehicular access from Barnhill Road and ancillary site development works. The application was withdrawn on 24th March 2015.

4.2.2. **D16A/0581**

- 4.2.3. Permission sought by Elizabeth Murphy of Dalkey Lodge to erect a 1.8m high fence, together with a planted hedge on either side to rear boundary and all ancillary works necessary to facilitate the development of the remainder of the site. The planning authority sought the following further information in relation to the following:

- Rationale and justification for the proposed new boundary, having regard to section 13.5.3 of the *Architectural Heritage Protection Guidelines for Planning Authorities* and development plan section 8.2.11.2.
- Comprehensive Tree Report, comprising of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement.
- Revised landscape design and maintenance proposals.

The applicant did not respond to the further information request and the application was deemed withdrawn.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

5.1.1. The site has the zoning objective 'A' "*To protect and / or improve residential amenity*". The following development plan policies and objectives are considered particularly relevant to the proposed scheme:

- Section 2 policies on residential development, including policies RES3, RES4 and RES7.
- Landscape policy LHB32: Historic Demesnes and Gardens. Open Space policies set out in section 4.2.2.
- Section 6 Built Heritage Strategy.
- Urban design principles set out in section 8.1, including policy UD1. Section 8.2 policies on residential development, car parking, open space.

5.1.2. There is a specific development plan objective relating to lands to the north of the site, at 'The Metals' pedestrian and cycle route, ref. Objective 93:

"To promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route."

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located within 15 km of the development site:

Site (site code)	Distance from subject
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	site.
Roackbill to Dalkey Island cSAC (003000)	c. 1.4 km east
South Dublin Bay cSAC (000210)	c. 3.4 km north west
North Dublin Bay cSAC (000206)	c. 8 km north west
Ballyman Glen cSAC (000713)	c. 8.6 km south west
Bray Head cSAC (000714)	c. 9 km south
Knocksink Wood cSAC (000725)	c. 9.6 km south west
Howth Head cSAC (000202)	c. 9.5 km north east
Wicklow Mountains cSAC (002122)	c. 11.7 south west
Baldoyle Bay cSAC (000199)	c. 12.8 km north
Ireland's Eye cSAC (002193)	c. 14.3 km north east.
Glen of the Downs cSAC (000719)	c. 14.9 km south
Dalkey Islands SPA (004172)	c. 1.1 km east
South Dublin Bay and River Tolka Estuary SPA (4024)	c. 3.3 km north west
Wicklow Mountains SPA (4040)	c. 12.1 km south west
North Bull Island SPA (4006)	c. 8 km north west
Howth Head Coast SPA (4113)	c. 10 km north east
Baldoyle bay SPA (4016)	c. 12.8 km north
Ireland's Eye SPA (4117)	c. 13.9 km north east

6.0 The First Party Appeal

6.1. The Appeal

6.1.1. The main points made may be summarised as follows

6.1.2. General

- The appeal queries why the application was not subject to a request for further information by the planning authority, as recommended in several of the technical reports on file.
- It is submitted that the principle of development was agreed with the planning authority at pre-planning stage.
- The applicant has sufficient legal interest in the lands contained within the red line of the application site and is legally entitled to seek planning permission for development on the subject site.

6.1.3. Revised Scheme

- The applicant has submitted a revised scheme for the Board's consideration. This omits houses A2 and A3 at the boundary of Dalkey Lodge, resulting in a total of 27 no. houses.
- Height of house no. A1 reduced from 3 to 2 storey.
- Reduced size of house C1 from 3 bed to 2 bed with a consequent reduction in the parapet wall along the boundary shared with 1A Old Quarry.
- Increased separation distance between unit B6 and the rear of neighbouring property at Old Quarry.
- Revised site entrance details.
- Revised parking provision such that 5 no. additional visitor parking spaces are provided in total.

6.1.4. Density

- The proposed density is acceptable due to the heritage context of the site. The proposed height is conducive to preserving the integrity and special amenity of the adjacent protected structure.
- The Board is referred to the previous application at the subject site for a high density apartment complex, ref. D15A/0051, which received substantial third party objections. On foot of these objections, the applicant considered that the site is not suitable for apartment developments and withdrew the application.
- A balance needs to be struck between the conservation issues and the densification of a low density suburban environment with limited developable residentially zoned land. The proposed design is of high quality and would add to the housing stock in the Dalkey area.
- Notwithstanding the low density of the Barnhill Road area, the proposed density 31 units / ha is significantly higher than the status quo without being overly intensive.
- The appeal notes a permission granted for 14 no. houses at Harrow House, Church Road, Killiney, Co. Dublin, ref. D16A/0334. That development was

considered to be acceptable in principle in the context of its impact on the character and setting of a heritage building, the amenities of adjoining properties, visual amenity and traffic safety and convenience. The Board refused permission on grounds relating to prematurity pending the implementation of a revised design for the proposed Bus Priority Scheme and traffic hazards associated with the site.

- Another permission for an infill scheme noted at D14A/0260, 18 no. dwellings at a density of 30 units / ha on a site less than 1 km from the subject site and within 300m of a train station. The permission was upheld by the Board, despite being a lower density than the standard of 35 units / ha recommended by the development plan.

6.1.5. House Type and Mix

- The planning authority has been unduly harsh in its assessment of the development, which accommodates a total of 8 different house types. This is an appropriate balance suitable in the context of Dalkey and provides an exemplar mix of house types for residents of differing ages and lifestyles.
- The development plan guidance on housing mix does not provide a definitive figure as to how many dwellings, or to what extent new housing development constitutes a required mix in order to be compliant with policy RES7.
- The housing mix of the revised proposal submitted with the appeal is 15% 2 bed houses, 19% 3 bed houses and 66% 4 bed houses.
- The development plan vision for residential development is one that aims to facilitate the enhancement of housing areas; to ensure the provision of high quality new residential environments embracing good layout and design combined with adequate public transport links and within walking distance of community facilities; to provide an appropriate mix of house sizes, types and tenures in order to meet different household needs and to promote balanced communities. The Board is requested to consider that, where there are conflicting priorities, the applicant can only provide amenable alternatives which reasonably adhere to the statutory development plans.

6.1.6. Impacts on the Protected Structure

- The Conservation Officer did not recommend refusal but requested further information on 2 issues.
- The appeal includes a response by Cathal Crimmins, RIAI Grade 1 Conservation Architect, FRIAI, which reviews the development in the context of Dalkey Lodge and states in regard to established planting:

“In essence, the site of the proposed housing is not of historic interest and is not the remnants of a historic garden.”

- The response states that the setting of Dalkey Lodge and the views from same will not be negatively impacted on by the development and considers that:

“The reasons for refusal are conflicting with the demands for high densities being impossible when the setting of historic buildings and retention of landscape features are demanded.”

Also:

“The proposed development as existing does not have a negative impact on the character of the protected structure, nor on the character of Dalkey village.”

- The revised scheme will mitigate the perceived visual impacts on Dalkey Lodge and will result in a significant increase in open space to serve the development.

6.1.7. Open Space Provision

- The original development included an open space measuring 5.3% of the total site area. This, together with the provision of shared surfaces, would provide for a high quality living environment whilst affording significant passive surveillance and quality interface for the central spine of the development.
- The site is close to Dalkey Park, Hyde Park and other areas of open space. It is less than 15 minutes walk from the coast.
- The development meets or exceeds the required private open space for a dwelling of 3 or more bedrooms with a minimum of 60 sq.m. to the rear of the dwelling.

- The revised scheme would result in the provision of 10.37% public open space for the development site, in accordance with development plan section 8.2.8.2.

6.1.8. Removal of Trees

- Only the Parks and Landscape Services Division of the planning authority requested the development to be refused.
- The decision to remove trees at the site was made on professional advice from consulting arborists which reviewed the trees on the site and considered much of the tree population to be defective and of poor quality.
- The retention of trees would impact on the delivery of development densities on the site and road standards as set out in DMURS and appropriate drainage services.
- The revised design includes a number of trees in the public and private open space areas. Trees will be retained which will partially encroach upon by proximate development.
- An example is provided of design interventions in a scheme currently under construction at 'Enderley', reg. ref. D14A/026, PL06D.244307. A tiered design protects trees by averting development around the root protection area. The Parks and Landscape Services Division considered that development to be a creative solution to the challenges posed by a difficult site. Development plan section 8.2.8.6 provides for the retention of existing planted site boundaries. This measure could have been required as a condition of permission.
- Application reg. ref. D16A/0465 involved a refusal of permission for development at the former Oatlands Monastery building and construction of 63 no. residential units. It was refused for one no. reason relating to development plan objective to preserve trees and woodlands at this location. The Board granted permission and did not concur that the proposal would materially contravene the development plan objective to preserve trees and woodlands. The Board considered that the numerous tree protection objectives in map 2 of the development plan lacked specificity in the number, density and location of the trees to be preserved.

- The planning authority have provided contradictory reasons for refusal in terms of residential density and the removal of trees. The applicant has addressed the removal of trees by way of retaining a number of existing trees on the site.

6.1.9. Residential Amenity

- Unit A1 is a replacement dwelling on the site of Dalkey Manor. The revised design reduces its height to 2 storey, which will make it subservient to Dalkey Lodge and less imposing on the streetscape of Barnhill Road.
- The height of unit C1 is reduced from 3 to 2 storey.
- The separation distance between unit B6 and the rear of neighbouring property has been extended from 19m to 22.27m.
- The impact of 3 storey houses in the vicinity of adjoining properties in Old Quarry and the Rise will be reduced by the drop in levels proposed as part of the development.
- The development has been designed in terms of scale, massing, height and finishes to ensure that there is no loss of amenity to adjoining dwellings or to the character of the area. It is compliant with development plan policy UD1 and zoning objective A, also other development plan standards and relevant section 28 guidelines.
- The proposed density of 31 no. dwellings / ha respects the surrounding character of the area and does not impact on the adjacent residential amenity.

6.1.10. Response to Technical Reports

- Submission from JBA Consulting Engineers with reference to the existing open drain traversing the site in respect of potential flooding.
- Details of proposed site entrance by Stephen Reid Consulting Traffic and Transportation Ltd.
- Report by Cathal Crimmins Conservation Architect in response to conservation issues.
- Response to Parks and Landscape issues.

6.2. PA Response

6.2.1. The main points made may be summarised as follows:

- In accordance with section 247 of the Planning and Development Act 2000 (as amended), pre-planning consultations cannot prejudice the performance by a planning authority of any other of its functions and cannot be relied upon in the formal planning process.
- The amended scheme submitted with the appeal does not address the refusal reasons of the planning authority, including 2 fundamental issues:
 - The amended scheme would not provide a wide variety of housing and apartment types and sizes to reasonably match the requirements of different categories of households in accordance with policy RES7.
 - As a direct result of the above, the amended scheme would be contrary to development plan policy RES3, to promote higher densities to ensure that serviced lands within existing built up areas are properly utilised.
- The drainage ditch at the site was the subject of a further information request in the course the previous application at the subject site, D15A/0051. Agreement was reached between the applicant and the planning authority that the ditch / watercourse would be maintained, piped and diverted, as appropriate to the site layout, and would be incorporated into proposed swales before draining to the existing drainage ditch in Dalkey Lodge. The 2015 application was subsequently withdrawn.
- Drainage Planning disagrees with the findings of the applicant that the drain does not appear to be servicing any upstream 3rd party lands. Drainage Planning consider that the purpose of the existing ditch is to accommodate seasonal run off from upstream lands, channel it through the development site and then outfall to the drainage ditch at Dalkey Lodge.
- The proposed layout does not facilitate the incorporation of the ditch into SUDs measures, as was agreed during the 2015 planning process. Drainage planning consider that provision has to be made for the interception of potential runoff from upstream lands and to pipe that runoff to the drainage ditch in Dalkey Lodge. It is accepted that such a pipe would have to be laid between houses in the row C1 to

C13, but the removal of houses nos. A2 and A3 would now facilitate the discharge back to the ditch in Dalkey Lodge.

- The intercepted flow from upstream lands should not be connected into the proposed surface water drainage system as neither the piped system nor attenuation storage tanks have been designed to cater for such flows and the receiving sewer is a combined sewer. Drainage Planning requests a specific condition that provides for the piped interception of flows from upstream lands, the conveyance of such flows through the site and the discharge to the drainage ditch in Dalkey Lodge.

6.3. Observations

6.3.1. A total of 9 no third party observations have been submitted by local residents. The following points are noted.

6.3.2. General

- Applicant does not have sufficient land title to develop the site. There is a contested area at a strip of land known as “The Dyke” to the rear of housing at Hillside to the immediate south of the site.
- Drawings submitted are inaccurate as they do not indicate the full extent of development on adjoining lands.
- Lack of pre-planning consultation with local residents.
- The proposed housing mix will not result in affordable properties.
- Previous permissions in the wider area should not be used to justify the proposed scheme. Each site has its own characteristics and constraints and each planning application must be considered on its merits.
- Concern that the refusal reasons principally relate to density. It is submitted that the subject site is inappropriate for a high density scheme.

6.3.3. Residential Amenities

- Over development of the site and excessive density, contravention of development plan policies on residential development.
- Deficient public open space within the scheme.

- Adverse impacts on residential amenities due to loss of trees, overlooking, overbearing aspect of 3 storey houses, noise pollution, overshadowing, visual impacts, devaluation of property, vibration, substandard access arrangements and surface water run-off.
- Potential anti social behaviour in laneways to the rear of the terraced houses.
- Potential structural impacts on adjacent properties during construction works, other adverse impacts on residential amenities during construction, e.g. noise.
- Inadequate refuse storage areas within the scheme, leading to odours and vermin.
- Residents of no. 1A Old Quarry, located at the south eastern corner of the site, note that their house is the closest to the development, state that the application does not truly reflect potential impacts on their property. Photographs are submitted. House no. C1 would have a particular adverse impact, as stated in the planning authority refusal reason. The revised scheme includes house no. C1, having omitted just one bedroom.
- The documentation submitted with the application gives inadequate consideration to impacts on the amenities of adjoining properties, e.g. lack of photomontages showing impacts on 3rd party sites. There are identified deficiencies in the shadow study. Therefore, an objective assessment of impacts on third party lands is impossible.
- The planning authority did not give due consideration to serious concerns about 3 storey houses in close proximity to Old Quarry and The Rise.
- The plans submitted do not indicate the full extent of adjoining residences as they do not indicate extensions.
- The revised proposal does not go far enough to reduce impacts on surrounding properties.

6.3.4. Visual / Heritage Impacts

- Loss of mature trees at the site.
- Adverse impacts on the protected structure Dalkey Lodge, in particular relating to house A1.
- Need for archaeological investigation of the site and surrounding area.

- Design of development is out of keeping with the surrounding area including Dalkey Heritage Town, adverse visual impacts on Barnhill Road, particularly from house A1.

6.3.5. Traffic and Parking

- Lack of a proper traffic study of the scheme. Development would exacerbate existing traffic congestion in the area. Barnhill Road is a route to several schools in the area.
- Traffic hazard at the site entrance. Inadequate sight distances due to a dip in Barnhill Road east of the entrance, at the Dalkey side of the railway bridge. Proximity of proposed entrance to the entrance to The Rise. Inadequate footpath along Barnhill Road. Concerns about speeding along Barnhill Road.
- Inadequate car parking provision for the development, lack of visitor parking. Development will generate demand for additional on street parking in the area.
- Inadequate separation between road and pedestrian areas within the scheme. Lack of a turning circle within the scheme or scope for larger vehicles and HGVs.

6.3.6. Flooding

- Concerns about flooding in surrounding areas. The development includes a high proportion of hard landscaping, potential for severe run-off to surrounding areas.

7.0 **Assessment**

7.1. The following are considered to be the principal issues for consideration in this case:

- Principle of development;
- Residential design, density and layout;
- Traffic and parking issues;
- Heritage impacts;
- Other matters;
- Conclusion.

These matters may be considered separately as follows.

7.2. Principle of Development

- 7.2.1. The site is zoned as existing residential with an objective to protect / improve residential amenity under the current Dun Laoghaire Rathdown County Development Plan 2016-2022. Development plan policy RES3: *Residential Density* states in relation to infill development:

“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.”

Policy RES4: *Existing Housing Stock and Densification* states:

“It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.”

The proposed development would facilitate the accommodation of additional population on zoned, serviced land in an established suburban area, in accordance with the recommendations of the DoECLG *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) for infill sites. The development is considered to be acceptable in principle on this basis.

- 7.2.2. I note that some of the third party submissions on file refer to a disputed area at a strip of land known as ‘The Dyke’ along the rear (south) site boundary shared with housing within Hillside. The first party appeal submits that the applicant has sufficient legal interest in the lands within the site boundary and is legally entitled to seek permission for development at the subject site. The Board generally does not arbitrate on matters of dispute in relation to private property as they are not strictly planning matters. It should be noted that the granting of planning permission does not entitle the applicant to carry out works if the consent of 3rd parties is required. As per section 34(13) of the Planning and Development Act 2000 (as amended),
- “A person shall not be entitled solely by reason of a permission under this section to carry out any development”.*

7.3. Residential Design, Density and Layout

7.3.1. The design, density and layout of the scheme may be considered with regard to the guidance provided in the following documents:

- *Dun Laoghaire Rathdown County Development Plan 2016-2022*;
- The section 28 ministerial guidance document *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009) and the accompanying *Urban Design Manual*;
- The guidance document *Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities* (2007).

7.3.2. Details of Proposed Layout

The scheme is laid out along a central spine route from the Barnhill Road access. There are houses immediately adjacent at either side of the access. House A1 is 3 storey (reduced to 2 storey in the appeal submission) and located east of the site access, to the side of Dalkey Lodge. House E1 is 1 storey, located west of the site access, to the rear of housing within The Rise. There is a further 1 storey unit, E2, to the south of house E1, also to the rear of The Rise. Houses A2 and A3 are 1.5 storey units located along the rear boundary of Dalkey Lodge. The main area of the scheme is laid out around a central open space. There are 3 rows of primarily 3 storey houses, stepped down to 1 or 2 storey closest to the site boundaries. Dedicated car parking is provided immediately adjacent to all units except for D2-D5 on the western side of the scheme, which have parking spaces adjoining the central green space. Roads within the scheme are laid out as shared surfaces, with street trees at intervals. The revised scheme submitted with the appeal omits houses A2 and A3 and replaces them with an open space and play area.

7.3.3. Open Space Provision

Section 4.20 of the *Sustainable Residential Development in Urban Areas Guidelines* recommends a public open space provision of at least 10% of the total site area for infill sites in urban areas. The development plan also requires this standard. The proposed public open space within the scheme equates to 5.3% of the total site area. The revised scheme has an increased provision of 10.37%, exceeding the 10% requirement. Development plan section 8.2.8.2 requires 15-20 sq.m. of public open

space per person for all developments with a residential component > 5 units. The scheme may be considered with regard to the standards set out in section 8.2.8.2 as follows:

Dwelling type / Presumed occupancy rate	Proposed Scheme	Revised Scheme
3 + bed 3.5 / dwelling	25 no. houses = 87.5	25 no. houses = 87.5
< 2 bed 1.5 / dwelling	4 no. houses = 6	2 no. houses = 3
Total population	93.5	90.5
Total public open space requirement	1,402.5 – 3,272.5 sq.m.	1,357.5 – 1,810 sq.m.
Total public open space provision	493.61 sq.m.	970.15 sq.m.

Section 8.2.8.2 states that a lower quantity of open space (< 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site and such schemes may be subject to financial contributions. Section 8.2.8.2(iii) also states:

“Where a new development is located in close proximity to (within 1km and / or 10 minute walking distance) an established high specification public park, the Planning Authority may, in certain cases, relax standards and seek a financial contribution in lieu of providing the full quantum of open space. Examples may include sites where stands of existing mature trees are required to be retained for amenity value that would otherwise compromise the usability of open space provision.”

With regard to the quality of the proposed open space, the restricted size of the spaces would limit their utility as a ‘kickabout’ area. This is unfortunate given the predominance of ‘family’ type units in the scheme. However, it is accepted that the central open space is overlooked, that high quality landscaping is proposed and that the individual residential units all have private open spaces in excess of the minimum requirements specified in development plan section 8.2.8.4. It is submitted that the development is in close proximity to Dalkey Park (1.1 ha) to the south, also Hyde Park to the north. While neither of these amenities is immediately accessible to the subject site, I accept that it is located in area replete with public amenities. On

balance, I consider that the proposed quantum of public open space is acceptable subject to the omission of units A2 and A3, as it exceeds the 10% minimum.

7.3.4. Impacts on Visual and Residential Amenities

There is existing residential development to the immediate east (Old Quarry), south (Hillside) and west (The Rise) of the development. Potential impacts on the protected structure of Dalkey Lodge are considered separately below.

Old Quarry:

The development would result in a terrace of 5 no 3 storey houses (terrace B) to the rear of the existing 1 storey / dormer houses in Old Quarry to the east of the site. Cross section Y on drawing no. 894-06-001 indicates that the development would be at a lower ground level. Intervening distances generally exceed the minimum 22m, however dwelling no. B6 is c. 19m from the rear of the adjacent house to the east. The first floor of B6 is set back in the revised scheme, such that a 22m distance is achieved. While acceptable distances are achieved, I consider that the rear elevation of the 3 storey terrace B would be visually obtrusive from the rear of properties within Old Quarry, notwithstanding the relative drop in ground levels. The third party submissions state particular concerns about a proposed laneway to the rear of terrace B, due to potential for anti-social behaviour, and to the location of proposed refuse storage at this part of the site. These issues could be addressed by way of a condition limiting access to the laneway and requiring satisfactorily enclosed refuse storage. The shadow analysis submitted does not assess evening shadows, however I consider it likely that there would be some additional overshadowing to the east at this time.

The existing infill house located at no. 1A Old Quarry is situated very close to the site boundary. The closest units to that house are C1 (single storey) and C2 (2 storey). Section D-D submitted with the appeal indicates the relationship in ground levels. The revised scheme includes a reduced scale of house C1 such that the parapet along the boundary shared with 1A Old Quarry is reduced from 27m to under 19m. However, notwithstanding this amendment, I concur with the assessment of the planning authority that the development would have an undue adverse impact on the setting of 1A Old Quarry by way of overshadowing and visual obtrusion.

Hillside:

The proposed 3 storey houses to the rear of Hillside (terrace C) have a lower ground level and achieve satisfactory intervening distances. There is a more varied design than the other terraces, thus presenting a more interesting aspect. They would not result in overshadowing due to their relative orientation. I therefore consider that the development would not have undue adverse impacts on the residential amenity of adjacent properties within Hillside.

The Rise:

The 3 storey terrace (terrace D) at the western side of the site achieves satisfactory distances to the rear of the adjacent bungalows within The Rise. Overshadowing is less of a concern due to the orientation. However, I consider that similar issues regarding visual obtrusion apply as at Old Quarry.

To conclude, I consider that the development would have an undue adverse impact on the residential amenities of adjacent properties within Old Quarry and The Rise by way of visual obtrusion and overshadowing.

7.3.5. Density

The *Sustainable Residential Development in Urban Areas Guidelines* state the following in relation to infill sites in suburban areas:

“In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.”

The guidelines recommend a density of a minimum of 50 units / ha where a site is located within c. 1 km pedestrian catchment of a rail station or other public transport infrastructure. As noted above, the site is c. 0.5m from Dalkey Dart station.

Development plan section 2.1.3.3 specifies a minimum default density of 35 units / ha for new residential developments in the county. Development plan section 2.1.3.3 states:

“The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. This has the potential to reduce the urban and carbon footprint of the County. While it is

acknowledged that there appears to be a current short term market-led demand for own door houses, the Development Plan has a much wider role in determining the 'bigger picture' over a longer time frame. Widespread endorsement of lower density standards would undermine the very development imperatives that are required to provide and support high capacity public transport modes and the promotion of sustainable residential communities."

Development plan section 2.1.3.3 acknowledges the need for a balance between achieving higher densities with the retention of green spaces and states that in some circumstances higher residential density development may be constrained by protected structures and other heritage designations, stating:

"To enhance and protect ACA's, cACA's, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity."

The following is particularly relevant to the location of the subject site:

"There are significant parts of Dalkey and Killiney characterised by low density development. Some of these areas have been identified as areas where no increase in the number of residential buildings will normally be permitted (i.e. the '0/0' zone). However, much of this area lies close to the DART line where higher densities would, in normal circumstances, be encouraged. Sensitive infill development will be considered in these areas on suitable sites, where such development would not detract from the unique character of the area either visually or by generating traffic volumes which would necessitate road widening or other significant improvements."

Development plan section 8.2.3.2(ii) notes that the presence of mature tree coverage at a site may prevent minimum densities being achieved across the entire site.

The development site has a stated area of 0.94 ha. The proposed development therefore represents a density of c. 31 units / ha as submitted or c. 29 units / ha as revised on appeal. This density is low given the proximity of the site to Dalkey Dart station. While the heritage constraints at the site are noted, in this case the low density is due to the preponderance of large family homes within the scheme, which contravenes development plan policies on housing mix, as discussed below. It may be possible to achieve a higher residential density at the development site,

notwithstanding heritage issues, if different types of dwelling units are proposed. This would result in a more efficient use of zoned and serviced land in close proximity to a public transport corridor.

7.3.6. Housing Mix

Development plan policy RES7: Overall Housing Mix states:

“It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.”

The plan notes that many of the new households that will form in the County during the plan period will be below the current average size and will often consist of one or two persons. The overall aim is to have a balance of housing types and tenure in the County that reflects this changing household composition and is responsive to the local context. I also note development plan section 8.2.3.2 (i), which states the following in relation to dwelling size and mix:

“The provision of a range of housing types and sizes in the County is important as CSO trends show an increasing population in the County, with a higher than national proportion in the over 65 age bracket. For example, the 2011 Census indicated that those aged over 65 increased from 13.3% in 2006 to 14.4% in 2011. The national figure showed a decline from 11% to 10% during the same intercensal period. Ensuring mobility within the housing market is to be encouraged.”

The proposed development is dominated by 3 and 4 bedroom houses, i.e. 25 such units in the original 29 unit scheme and in the revised 27 unit scheme. The site is located in a low density suburban area overwhelmingly characterised by detached and semi-detached houses on large plots. I therefore consider that the scheme would not be in accordance with the above development plan policies on housing mix and would therefore contravene the housing strategy for the county, as it would mitigate against the provision of a range of housing types.

7.4. **Traffic and Parking Issues**

- 7.4.1. The development has been considered with regard to the *Design Manual for Urban Roads and Streets (DMURS)*, which was jointly issued by the Department of

Transport, Tourism and Sport and the Department of the Environment, Planning and Local Government in 2013.

7.4.2. Site Access

Despite its narrow width at the site frontage, Barnhill Road is a regional route R119 linking Dalkey to Sallynoggin and Glenageary to the west. Several bus routes run along Barnhill Road, however there is no dedicated bus lane at this location. There is a signalised pedestrian crossing nearby to the east of the site, at the Dart bridge. The development includes a new vehicular access to Barnhill Road, with tight corner radii, defined by a 2m high granite wall. Details of the access were submitted with the appeal. Sight distance is restricted to the west to 42m to the centreline of the road (not the nearside road edge). Sight distance to the east is 45m to the nearside road edge. DMURS table 4.2 specifies a stopping sight distance (SSD) of 49m in the 50 kph zone on bus routes

It is submitted that traffic speeds are generally below 50 kph along Barnhill Road (previous survey data submitted). Any existing ESB / utility poles would be removed to facilitate these sight distances. The traffic survey data indicates traffic volumes of 2-3 vehicles per minute each way during peak hours and 1-2 vehicles each way per minute outside peak hours. The appeal submission also comments that sight distances are restricted at the adjacent entrance to The Rise and suggests the implementation of a traffic calming ramp on Barnhill Road between the Rise and the development site access, to be required as a condition of permission.

The proposed site access achieves limited sight distances due to the presence of a high granite wall, which is to enclose house A1 and provide context to Dalkey Lodge protected structure. While house A1 could be omitted by condition (this matter is considered further below), the retention of the granite wall would be necessary in any case in order to maintain as much as possible of the existing setting of the protected structure. Therefore, given the generally low traffic volumes and speeds along Barnhill Road, the proposed restricted sight distances at the site entrance are considered acceptable.

7.4.3. Internal Roads Layout

The curving nature of the spine road is combined with traffic calming measures and varied paving / road surface to reduce overall traffic speeds, in accordance with the

principles of DMURS. The 5m carriageway width is in accordance with DMURS section 4.4.1. The house frontages have a high solid to void ratio and are close to the street with off street parking areas and landscaping rather than front gardens. Street trees are planted at intervals. This achieves a strong, active frontage with frequent pedestrian entrances, creating a sense of enclosure and also encouraging lower speeds. Footpaths are located at the side of the shared surface and are c. 2m wide, in excess of the minimum 1.8m recommend in DMURS and suitable for a local road. These aspects of the design are satisfactory. However, the layout does not include a turning circle. The applicant has not submitted swept path analyses for refuse collection, emergency vehicles, etc., as requested in the report on file of the Transportation Department. The scheme is considered to be deficient in this respect.

DMURS advocates a shift away from dendritic style housing layouts to highly connected networks which maximise permeability for pedestrians and cyclists. The proposed layout does not provide for any connections with surrounding housing developments. However, there no opportunities to create additional pedestrian connections as the site is entirely enclosed by boundaries to existing residential properties.

7.4.4. Parking Provision

The site layout includes a total of 56 no. car parking spaces, laid out perpendicular to the road carriageway. The proposed perpendicular parking layout is broken at intervals with landscaped areas and is generally in accordance with the DMURS provisions for on-street parking, ref. section 4.4.9. The dimensions of the parking bays are also satisfactory. Development plan table 8.2.3 sets out the following standard for residential development:

Dwelling Type	Development Plan Standard.	Requirement
2 bed unit	2 space per unit	4 x 2 = 8 spaces
3 bed + unit	2 spaces (depending on design and location)	25 x 2 = 50 spaces
Total Requirement		58 spaces

Development plan section 8.2.4.5 states that reduced car parking standards for any development may be acceptable dependent on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial / business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

The development is close to the centre of Dalkey village and is c. 500m from Dalkey Dart station. The proposed parking provision is acceptable on this basis. The revised layout submitted on appeal indicates 5 no. additional visitor spaces. This could be required by condition if the Board is minded to grant permission.

7.4.5. Traffic Impacts

The transportation report submitted with the appeal states that the development is sub threshold with regard to Transport Infrastructure Ireland guidance and that a full TIA is not required. It is submitted that TRICS database information indicates that the proposed 29 unit scheme would generate 10 exit and 5 entry movements during the AM peak hour and 7 exit and 11 entry movements during the PM peak hour on weekdays. This is below the 5% trigger threshold for detailed traffic impact assessment in sensitive areas or where congestion occurs. These points are accepted.

7.4.6. Conclusion

The proposed vehicular access is acceptable in the development site context. The design and layout of the scheme, including the parking provision, are generally in accordance with the guidance provided in DMURS. It is considered that the development is not likely to generate significant amounts of additional traffic such as would result in a substantial increase in traffic congestion in the vicinity and a refusal on that basis. However, the internal layout does not provide for a turning circle to ensure safe access for refuse collection and emergency vehicles. The proposed

roads design and layout and parking provision is therefore considered deficient in this respect.

7.5. Heritage Impacts

7.5.1. Impacts on Dalkey Lodge Protected Structure

Dalkey Lodge is listed by the National Monuments Service, ref. DU023-070, where is classified as a house dating to the 16th / 17th century and described as follows (dating to March 2017):

“According to the deeds this house was first constructed in 1658 just off the Barnhill Road (pers. comm. Marguerite Ryan). It comprises an original small one room deep house at the NW corner of the block greatly extended to the E during the early 18th century by a five bay double pile house with steeply pitched roof, expressed chimneys and centrally placed Gibbs doorway. In the later 18th century the house was again extended to the S. The early house consists of rectangular 2-storey rendered masonry house, 9.4m E-W and 6.7m N-S externally, with a flat-headed entrance at ground floor level and a flat-headed but splayed embrasure at first-floor level. On the south front there are two large flat-headed openings which are not original at ground and first floor level.”

Dalkey Lodge is listed as protected structure no. 1483 in the development plan.

I note the guidance provided in Chapter 13 of the section 28 guidance document *Architectural Heritage Protection Guidelines for Planning Authorities* (2011), in particular section 13.4 regarding gardens, section 13.5 regarding works within the curtilage of a protected structure and section 13.7 regarding development within attendant grounds.

Having inspected the site and with regard to the conservation reports on file, including historic mapping, I am satisfied that the subject site forms a large part of the original grounds of Dalkey Lodge. I note that the conservation report submitted with the application concludes that Dalkey Lodge is one of the oldest houses in the area and that, if assessed by the National Inventory of Architectural Heritage, it would probably be considered of regional importance due to its architectural and historical significance. The historic outbuildings are considered to be of lesser importance but remain within the curtilage of the site.

The existing site has a substantial amount of mature trees and other vegetation, which formed part of the original gardens of Dalkey Lodge. Development plan landscape policy LHB32: Historic Demesnes and Gardens states:

“It is Council policy that historic demesnes and gardens should be identified and protected to reflect and acknowledge their significance as part of the National Heritage. The following houses and gardens are listed: Cabinteely House, Marlay House, Fernhill and Old Conna.”

Aside from the protected structure status of Dalkey Lodge, there is no specific landscape designation relating to the subject site. Open space policy OSR: Trees and Woodland states:

“Trees, groups of trees or woodlands which form a significant feature in the landscape or are important in setting the character or ecology of an area should be preserved wherever possible. They make a valuable contribution to the landscape and biodiversity of the County and significant groups of trees worthy of retention have been identified in the Development Plan Maps.”

There are no specific tree objectives relating to the development site.

The arboricultural report submitted with the application states that the ground works necessary to facilitate the development, including changes in ground level and site services, along with the requirement to maintain minimum residential density at the site, preclude the retention of any of the existing tree population. Due to the overgrown nature of the site, many of the existing trees are substantially beyond any possibility of management and are of dubious protection merit. While some individual trees could be retained in isolation, much of their side and lower canopy is now devoid of foliage. However, the possibility may exist for a small number of trees to be retained into a new landscape, for example in conjunction with new or preplacement planting. The development involves the following tree removal:

- 47 no. category U trees (dead, dying or dangerous)
- 30 no. category B trees (moderate quality)
- 60 no. category C trees, plus 75% of tree line 1 and all of tree line 2 (generally poor quality)

The trees within the existing boundary of Dalkey Lodge are to be retained. The report recommends that specific methodologies are to be adopted during the construction of houses A3 and B1 in order to protect adjacent trees that are to be retained.

I note the following comment in the DAU submission:

“While some elements of this landscape are now outgrown and unmanaged this is not sufficient justification for removal of a historic garden landscape which was until recently the curtilage of a protected structure.”

The submission goes on to recommend:

“A brief historic landscape character assessment should identify what of the mature planting reflects the historic landscape management associated with Dalkey Lodge, and which trees and / or hedges are of sufficient quality to merit retention. At this point the housing layout and associated services should be revised so that the development can retain the important elements of the designed landscape.”

The submission also recommends the omission of houses A2 and A3 at the existing boundary of Dalkey Lodge. These recommendations are echoed in the report on file by the Conservation Officer of the planning authority. In addition, the report on file by the Parks and Landscape Services department of the planning authority, dated 31st March 2017, recommends refusal on grounds relating to an *“extreme, substantial and unjustified arboricultural impact”*.

The appeal includes a response by a conservation architect, which notes planting patterns indicated in historic maps of the site dating to the 19th century, concluding:

“In essence, the site of the proposed housing is not of historic interest and is not the remnants of a historic garden.”

The comment also concludes that the setting of Dalkey Lodge and views from the house will not be negatively impacted upon by the proposed development.

The conservation report submitted with the application notes that the construction of Dalkey Manor, the existing house at the subject site, has had a significant negative impact on the character of Dalkey Lodge. The proposed development, particularly houses A1, A2 and A3 is immediately adjacent to the footprint of Dalkey Lodge itself, including the associated stone outbuildings. House A1 is 3 storey with an assertive

contemporary style and, unlike Dalkey Manor, has a strong visual presence to Barnhill Road. I consider that house A1 has a detrimental impact on the setting of Dalkey Lodge, notwithstanding the proposed reduction to 2 storey in the appeal. I also concur with the views of the DAU and the Conservation Officer of the planning authority that houses A2 and A3 are too close to Dalkey Manor and, at a minimum, should be omitted. In addition, I consider that the proposed site clearance should not be permitted in the absence of a historic landscape character report, as recommended by the DAU.

I therefore conclude that the development would have significant adverse impacts on the setting of Dalkey Lodge protected structure due to the removal of a substantial amount of mature trees and other vegetation within its curtilage and to adverse visual impacts on its setting of houses A1, A2 and A3 in close proximity to Dalkey Lodge and its associated outbuildings. While it might be possible to impose a condition requiring the omission of these units, the site clearance is a fundamental matter which cannot be addressed by way of condition.

7.5.2. The Metals Candidate Architectural Area and Dalkey Village

While the development would be visible from Barnhill Road, I am generally satisfied that the development would not have any significant adverse impact on The Metals candidate Architectural Conservation Area, or on the wider area including Dalkey Village.

7.5.3. Archaeology

The site is close to but outside of the zone of archaeological potential associated with the centre of Dalkey, recorded monument DU023-023. The DAU submission recommends an Archaeological Impact Assessment of the development to be submitted as further information. As noted above, the development involves site clearance and substantial ground works. A condition requiring archaeological investigations, etc. could be imposed if the Board is minded to grant permission.

7.5.4. Ecology

An ecological impact assessment was submitted with the application, based on site surveys carried out on 6th and 14th December 2016 and using data obtained from a

previous site survey in 2014. The site is not located within or immediately adjacent to an SAC, SPA, NHA or pNHA.

Bat surveys were carried out at the site on 29th September 2014, including the inspection of houses within / adjacent to the site and trees within the site. No evidence of roosting bats was recorded. The demolition works are therefore not likely to result in a significant impact on local bats. There are a number of mature trees with roosting bat potential. The removal of vegetation at the site is near-certain to be a permanent, imperceptible negative impact on local bat species. Construction work at the site, including tree removal, would result in a short term negative impact on breeding birds at local level. Works to the drainage ditch could result in short term local impacts on amphibian species. Several non-native and invasive plant species were recorded at the site, including Japanese Knotweed and Cherry Laurel, regarded as 'high impact' invasive species. The removal of these species at the site could result in a negative impact significant at the local level.

Mitigation measures are proposed for the construction and operational stages of the development, including protection of trees and hedgerows during construction, surface water management, measures to control and prevent the spread of invasive species, measures to reduce impacts on bats during construction, restriction of vegetation removal and demolition works to outside the bird breeding season and pre-construction amphibian surveys of the drainage ditch. No significant residual impacts are identified. I note the NPWS comment within the DAU submission, which recommends conditions. I am satisfied that the development would not have any significant adverse ecological impacts, subject to the imposition of conditions requiring the proposed mitigation measures if permission is granted.

7.6. **Other Matters**

7.6.1. Drainage

There is a historic drainage ditch traversing the site in a north / south direction. According to the AA screening report and ecology report submitted by the applicant, it is not known if, or where, the drainage ditch at the site connects up with any surface water features as none are indicated in mapping of the locality. The ditch appeared to be culverted at both ends. It is assumed to ultimately end up in Dublin Bay near Dalkey. It is proposed that surface water will discharge to an existing

combined sewer located on Barnhill Road. The existing drainage ditch would be diverted into this new system, with the additional flow to be taken into account in the attenuation calculations. The development includes SUDs techniques, comprising water butts, attenuation tanks with restricted flow, silt trap and petrol interceptor and permeable paving in car parking areas. Foul water will discharge to the same combined sewer from where it will be transported to Ringsend WWTP for ultimate discharge to Dublin Bay. The predicted P.E. of the development is estimated at 116, which is not anticipated to have a significant effect on the capacity of Ringsend WWTP. The appeal submission includes a comment by JBA Consulting Engineers and Scientists Ltd., which states that the drainage ditch at the site does not appear to be serving any upstream 3rd party lands and can be filled as part of the site development works.

I note that third party submissions state concerns about flooding in the vicinity. In addition, the report on file by the Drainage Planning department of the planning authority, dated 16th March 2017, requires further information on several matters including measures to address the drainage ditch at the site. The planning authority response to the appeal comments that, in the course of the previous application at the site ref. D15A/0051, agreement was reached between the planning authority and the applicant that the ditch would be maintained, piped and diverted, as appropriate to the site layout and would be incorporated into proposed swales (incorporation of SUDS measures) before draining to the existing drainage ditch within Dalkey Lodge. The Drainage Planning department disagrees with the findings of the applicant that the ditch does not serve any 3rd party lands. It considers that the site drainage should include provision for interception of potential runoff from upstream lands, to be piped to the ditch within Dalkey Lodge and not connected to the proposed surface water drainage system as neither the piped system nor the attenuation storage tanks have been designed to cater for such flows and the receiving sewer is a combined sewer. Drainage planning requests a specific condition that provides for the piped interception of flows from upstream lands, the conveyance of such flows through the site and the discharge to the drainage ditch in Dalkey Lodge. It is considered that such a condition should be imposed if permission is granted.

7.6.2. Appropriate Assessment

All designated sites within 15km of the development are listed above. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. No mobile fauna species for which European Sites are designated are known to use the habitats within the subject site. There is a 1.3 km buffer of urban development and open water between the development site and the closest European site (Rockabill to Dalkey Island cSAC), and this will not be impacted by the development. I note the AA screening report submitted by the applicant, dated 27th January 2017, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.6.3. Part V

The applicant made a submission to the planning authority (dated 8th February 2017), which states that they are willing to enter into an agreement with the Housing Department to provide the equivalent of 10% of the units off site subject to an agreement on attributable costs and to the provisions of section 96 of the Planning and Development Act 2000 (as amended). The report on file of the Housing Department confirms that this proposal is capable of complying with the requirements of Part V of the County Development Plan and the Housing Strategy 2010-2016, subject to agreement being reached on land values and development costs. A condition requiring a Part V agreement is recommended in the event of permission being granted.

8.0 Recommendation

- 8.1. Having regard to the above assessment, I recommend that planning permission should be **refused**, for the reasons and considerations as set out below.

Reasons and Considerations

- 1) Having regard to the design, location and height of terraces B and D, it is considered that the development would seriously injure the residential amenities and depreciate the value of adjoining properties within Old Quarry and The Rise by reason of visual obtrusion and overshadowing. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
- 2) The proposed low density development, which is predominantly characterised by family type homes and is located in a low density suburban area overwhelmingly characterised by detached and semi-detached houses on large plots, would contravene development plan policy RES7: Overall Housing Mix, which is to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
- 3) It is considered that, by reason of its design and location in close proximity to the footprint of Dalkey Lodge and to the proposed removal of mature trees and other vegetation within the original grounds of Dalkey Lodge, the proposed development would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

Sarah Moran
Senior Planning Inspector

3rd August 2017
