

Inspector's Report PL06S.248657

Development

Two Dwellings, 4No. parking spaces, private open space serving each dwelling, boundary treatment, and associated site development, site services and landscape works at Bolton Hall (protected Structure), Ballyboden Road, Dublin 16

Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD17A/0096
Applicant(s)	Homehall Developments Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Appellant(s)	Homehall Developments Ltd
Observer(s)	None
Date of Site Inspection	5 th of September 2017
Inspector	Caryn Coogan

1.0 THE SITE

The subject site , 0.06Ha , is located to the rear of Bolton Hall, a protected structure. Bolton Hall is a five bay double fronted building which is an to mid 19th century origin. The lands around Bolton Hall and the building itself have been recently developed into a reisdnetial development. The subject site is to the south west of Bolton Hall along the wall of the former Walled Garden, which has been retained as a feature in the residential scheme.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development consists of 2No. 3 bedroom courtyard style dwellings (c. 131sq.m. and 137sq.m.) of 1-1.5storeys in height on lands near Bolton Hall (a protected structure). The proposal shall provide for private open space areas serving each dwelling, 4No. additional car parking spaces, new boundary treatment including works to existing wall, and all associated site development works.
- 2.2 The site is located in the overall Bolton Hall development (accessed via Ballyboden Road) for which a parent permission was granted under SD11A/0244 (PL06S.241039).

3.0 PLANNING AUTHORITY DECISION

South County refused the proposed development for 4 No. reasons

- 1. The proposed amenity specie to serve the dwellings is 51.8sq.m and 52.4sq. which is below the minimum standard of 60sq.m as set out in the South Dublin CDP 2016-2022, Table 11.2. The shape and location of private open space is unacceptable.
- 2. Dwelling 1 would have a significant overbearing impact on Dwelling 2, and both dwellings would have a significant overbearing impact on Bolton Hall, and the private open space associated with Bolton Hall, and would be overdevelopment of the site.
- 3. Having regard to the substantial development on the site and its relationship to Bolton Hall, the overall setting of the protected structure has been greatly compromised and any further insertions would be detrimental to the site and the setting of the Protected Structure
- 4. The proposed dwellings would affect the connectivity and interrupt the relationship between the main house of Bolton Hall, and would seriously injure the amenities in the vicinity.

3.2 TECHNICAL REPORTS

Planning Report

A summary of the main points raised in the report is as follows:

- There are two dwellings proposed with 3 bedrooms each.
- The site is zoned RES ' To protect and improve residential amenity'
- The relevant planning histories are cited.
- There are planning enforcement files currently live relating to the site
- The protected status of Bolton Hall is stated, and the relevant development plan policies.
- The internal floor areas and plan comply with relevant guidelines.
- Having regard to the location and design of the proposed dwellings the proposal will have a significant overbearing impact on Dwelling No. 2and the private open space associated with Bolton Hall.
- **Conservation Officer** (08/05/17) Recommends a refusal. The overall site has been assessed based on the new developments on the Bolton Hall site. It is considered the setting of the protected structure has been greatly compromised by the new developments on site, and any further insertions would be detrimental, causing an incremental negative impact on the overall site and setting of Bolton Hall. Any new build at this location will impact negatively on the relationship between the main building and associate buildings, and will impact negatively on the overall visual aesthetics of the setting of the current development.
- No objections from **Road Department**. Carparking provision is acceptable.

3.3 THIRD PARTY SUBMISSIONS

A summary of the objections from a number of third party residents is as follows:

- The open space and common areas will be depleted from the estate if this development is permitted
- The subject site is the only usable open space areas within the entire Bolton Hall development
- The ongoing appeal relates to existing structures and does not incorporate open space therefore there is no comparison between both proposals

- Excessive development on the site
- Overlooking
- Ongoing enforcement issues associated with the site

4.0 PLANNING HISTORY

File Ref. No. 16A/0387 / PL06S.247971

Permission granted by planning authority for revisions to the permitted scheme granted under PL06S.241039 at Bolton Hall for the restoration and extension of the single storey Mill Cottage to a two bedroomed two storey unit, and revisions to the Coach House including a single storey ground floor extension within adjacent walled garden. (Case currently undecided).

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. Pl.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 First Party, Homehall Developments Limited

Introduction

The planning authority did not give appropriate consideration to the proposal and the planning history of the site, and the Board is asked to take a balanced view of the proposal.

6.2 **Development Option No. 2**

The scheme submitted during March 2017 is the most appropriate and the applicant is seeking the development be granted without modifications. On appeal the applicant has considered the reasons for refusal and submitted an alternative option for the board to consider which includes:

- A reduction of the proposal from two to one three bedroom dwelling of 102sq.m.
- Overall height has been reduced from 1.5storey to single storey
- Private open space is 81sq.m. which is well in excess of the 60sq.m. prescribed in the development plan
- Distance of 19.6metres are maintained between the proposal and the protected structure
- Appropriate boundary treatment of 1.8metres

The Board is asked to refer to the revised drawings, the specifically note the reduction in scale, mass, layout, and height of dwellings. The revised proposal also addresses all 4No. of reasons for refusal.

Reason 1: It delivers on the appropriate level of private open space

Reason 2: The scheme does not represent overdevelopment and the boundary treatment is appropriate

Reason 3 and 4: David Slattery outlines how the proposal ensures the scale and form ties in with the existing masonry wall, it is appropriate to

the rear setting and context, and it will not interrupt any key views or vistas.

6.3 **Private Open Space**

Each of the proposed dwellings have been afforded a private rear garden area. Dwelling No. 1 has 52.4sq.m. and Dwelling No. 2 has 51.8sq.m. the current dwellings are not typical house designs. They have a courtyard style layout, and the standards for open space areas are not appropriate for these dwellings. Each dwelling is afforded with a south facing deck, grassed lawns, planting, gravel area and paving slabs. An existing wall has been retained as a backdrop at the request of the conservation Officer.

6.4 Reason No. 1

The planning authority has not taken a balanced view on the matter of private open space. The planning authority has opted to give weight in the refusal to the matter of inadequate private open space, and this could have been addressed by further information or condition. The proposed dwellings area not typical house design, they are a courtyard style, and the typical open space standards are not appropriate for this style of dwelling. The relaxation of the 60sq.m. requirement is appropriate in this instance. The garden design and finish will be to a very high standard, including a south facing deck, paving, grassed areas, planting. The quality of the garden space outweighs the marginal reduction in quantity and a balanced view must be taken.

There is provision within the development plan for a relaxation of the development Management Standards, section 11.3.2, reduced open space and carparking may be considered for infill development, dwelling subdivision or where the development is specific group like the elderly.

The design team wanted to open up the rear wall to provide additional garden space, however the Conservation Officer was opposed to that idea. The building line associated with the gable of Bolton Hall is maintained to ensure there is no overbearing impact on the main house. However the applicant is amenable to a condition relocating the dwellings forward to ensure and additional c.8sq.m. of private open space.

6.5 Reason No. 2

The contention that the development represents overdevelopment of the site is unjustified in the decision, and the reason is wholly inappropriate. It is evident from the Planner's report that the planning authority considered the height, wide plan and linear plan to be inappropriate in the context of Bolton Hall. It would appear upon further investigation that the key issues here is 7.7m depth of Courtyard House 2 with a boundary treatment of 3.5metres in height along the entire length of the adjoining neighbouring garden. The applicant is amenable to addressing the layout and boundary treatment of the courtyard units, and the Board can attach conditions modifying the height of the side boundary wall.

The existing mature trees to the rear of Bolton Hall form a natural boundary or garden end to the rear of the main house. It is submitted that once the area is fully enclosed by appropriate boundary treatments, a quality private open space area will be delivered at Bolton Hall. The natural desire line for the rear back garden of Bolton Hall, as the trees were put in place to screen the industrial complex on the former site. It is considered that a proposal for a boundary or gable wall to serve the current proposal, which is located outside of the natural tree line and some 13metres from the rear gable of the main house should be considered acceptable.

6.6 Reason No. 3

The planning authority and the Conservation Officer failed to address the arguments forwarded by David Slattery Architects which were lodged with the application. There is no reference made to the report that was submitted with the planning application.

- The overall setting of the Protected Structure has been greatly compromised by the surrounding residential estates, Glendoher Road, Glendoher Close, Glendoher Avenue and Glendoher Drive. On that basis the issue of encroaching development around the site which has reduced its setting and compromised views cannot be used as a reason to sterilise or preclude development within the site. Development within the site must be judged on its merits. It is wholly inappropriate to give weight in a refusal to matters that are outside the remit of the current scheme under consideration.
- The proposed development of 2 x 1-1.5 storey courtyard dwellings is small scale and will not greatly impact on the views and vistas within the wider site of Bolton Hall. A series of photographs were a assessed in the report submitted by David Slattery and these should be reviewed by the Board. The houses will be approximately 12m form the rear wall of the main house and will not be visible form the front setting of the house. The section of the new houses closest to Bolton Hall is single storey only, further mitigating the impact of houses on the setting of Bolton Hall. The existing mature trees planted in the vicinity of Bolton Hall will be retained.
- Lastly the reason for refusal cites Policy HCL 3 and specifically objectives 1 and 2. It is submitted that reference to the proposal contravening the objectives is completely unjustified. The proposal will retain the immediate setting of the main house and are appropriate to the site. The works will not have a detrimental impact on the historic character and setting of Bolton Hall.

6.7 Reason No. 4

The key premise of this reason for refusal relates to the proposal interrupting an assumed relationship between the main house and its associated buildings. Reference is also made to the location of the buildings architecturally devaluing Bolton Hall and materially affecting its setting. It is also stated the front and rear site directly opposite the protected structure should remain as public open space for the enjoyment of Bolton Hall.

The relationship between the main house and the industrial buildings is of minimal significance. There is a line of mature trees to the rear of Bolton Hall which obscures views form the house to the Coach House, and the former walled garden. It is difficult to link the industrial buildings with the main house which stands on its own right as an individual building and does not require any interlinkages to substantiate its significance either architecturally or historically. The buildings were historically connected by there is no visual connection, which is the key point of consideration.

A series of photographs were assessed with the Conservation report and the Board is asked to examine Views 4,5 and 7 which are relevant to this case.

- View 4 (looking south towards subject site) the proposed houses are situated a sufficient distance from Bolton Hall so as to minimise the impact of the development on the character and setting of the Protected Structure. The proposed development will partially obscure views of the Coach House. As the wall from the former walled garden already obscures views, the loss of this partial view does not constitute a major alteration and will not have a significant impact on the character and rear setting of Bolton Hall.
- View 5 (looking south west over the subject site) The side wall of the proposed houses which will be in the foreground of this view will be rubble granite, which will ensure the character of the rear setting of Bolton Hall is not lost. The low height and small scale will ensure minimal impact to the rear setting of Bolton Hall.
- View 7 (view looking north east across the subject site to rear elevation of Bolton Hall) The rear elevation of Bolton Hall has already been altered form the original. The permitted development will partially obscure the view as the boundary treatment of the gardens may interrupt the view. However there will be minimal impact . the proposed dwellings are located against the existing wall to the former walled garden and are sensitively placed within the original layouts of the gardens.

6.6 **OBSERVATIONS**

6.7 **Glendoher & District Residents Association**

There are ongoing enforcement issues relating to the site and no further permissions should be considered until these are resolved. The planning authority refused permission for the proposal, and the reasons are supported by the association. There are a number of outstanding concerns which are been brought to the attention of the Board:-

- The appellant has failed to acknowledge the historical significance of Bolton Hall where the Mill owner lived and the Paper Mill where the Mill Owner worked and gave employment. No buildings should interrupt the original group of buildings significance.
- From previous decisions, the area of 'open space' is conditioned open space and has protection to remain as open space. The applicant is double dipping on an area of common ground. The area has been grassed and is clearly finished off to look like a recreational space.. This is the only functional open space on site.
- The appellant is under contractual obligations with the new owners for this area of land to be retained as open space. The appellant has not sought permission form the owners of Bolton Park to make the application.
- There would appear to be insufficient parking spaces on site, and it is not clear how the management of additional visitors can be accommodated. The original layout and rationale appears to be disregarded by the applicant.
- There is another appeal relating to this property, PL06S.241039.

The proposal for two dwellings or a revised proposal for one dwelling represents a cramped form of piecemeal development and are both contrary to the principles of proper planning and sustainable development.

The letter of objection to the planning application is submitted with the appeal.

6.8 Bryan Hickson, on behalf of a number of residents from Bolton View, Bolton Park.

The applicant has submitted an amended design and the original design to the Board for consideration. This ultimately results in the depletion of the common area which is not of significant to the developers, but it is of significant use to the residents. There has been numerous planning applications at Bolton Hall and density has always been a major concern. Under decision PL06S.241039, House Numbers 19, 20 and 21 were removed from the overall scheme and the area was to be used as open space for the development, i.e. Condition 2(a) of the Board's decision.

The area of the appeal site is the only usable open space within Bolton Park for families and young children. Other areas are sloping, located alongside the main entrance or covered in mature trees. The narrow grass areas to the rear of Bolton Hall are also inappropriate because of their steep slope and proximity to water. It should be noted there are 5 children under the age of 4 living in the estate. The appeal site is approximately 16m x16m and will consume the majority of the common area. Furthermore the future residents of Bolton Hall have not taken up ownership and may be unaware of the proposed development to the rear of their property.

Views of the main house, a protected structure were to be maintained throughout the overall design of the scheme. The new plans will block vistas, both the one and a half and single storey unit. The applicant has failed to acknowledge an important consideration imposed by the Board in 2013.

6.9 An Taisce

An Taisce supports the planning authority's decision to refuse permission

7.0 ASSESSMENT

7.1 Introduction

The development at Bolton Hall is currently under construction and near completion. It was granted planning permission after a long process under **PL06S.241039** for 21No. units on the site. The original application was for 27No. units which was reduced by three units at additional information stage, and then a further three more units by An Board Pleanala by way of condition under PL06S.241039. I have appended the relevant Board decision and associated site layout drawing to this report. The subject site is positioned on circa previous sites No.s 19 and 20 of PL06S.241039, which were removed by the Board by condition. For clarification purposes, the Board has previously removed proposed dwellings from the subject site under an earlier appeal because it was deemed critical to maintain the important relationship between Bolton Hall and the servants quarters.

7.2 **PL06S.247971**

The Board should be aware there is current ongoing appeal with the Board at Bolton Hall and to the immediate south of the subject appeal site.

Revisions to development granted under PL06S.241039 to provide restoration and extension to Mill Cottage, revisions to Coach House, revisions to layout and elevations and site development works.

I assessed **PL06S.247971** and the revisions to the Coach House are completed on site, and the subject of a retention application. The appeal also includes proposals to the Mill Cottage, which is in a ruinous state, to include an additional residential unit addressing the enclosed walled garden area and above the river to the rear.

7.3 **The Original Proposal – Two Dwellings**

The subject site is to the rear of Bolton Hall, which is a double fronted building. The site runs alongside the wall of the former Walled Garden. It

is proposed to construct two semi-detached 1-1.5storey courtyard style dwellings to the north of the wall, orientated north-west, so that their side elevation is presented to Bolton Hall, which creates an irregular and unique layout. The dwellings have ridge heights of 7.5metres and are positioned 12metres.from the rear wall of Bolton Hall.

I note from *David Slattery's Conservation report* accompanying the planning application that the proposed dwellings will not be visible from the front of Bolton Hall, the rear elevation of the main house is of less significance, and has been altered significantly from its original design. There has been a visual impact assessment submitted in the report. Notably views of the Coach House will be obscured from various angles by the proposal in particular the view looking south towards the site from within Bolton Hall, however this view is already somewhat obscured by the retained wall, which appears to have been retained to provide a physical link between the protected structure and the associated buildings, the Coach House and the Mill Building.

7.4 Having visited the site, the Board should note there is a one-way system of entering and egressing the site. The entrance is directly off Ballyboden Road, via tree lined slopes on either side of the access road, creating an immediate sylvan ambience and anticipation of grandeur created by the presence of Bolton Hall directly in view. The entire approach and views around the entire newly constructed estate are very stylish and contemporary. It clear a lot of thought and expense has been given to the detail and finish of the estate. The treatment of the grounds around Bolton Hall itself is commendable, with railings, pebble stone paths and the retention of mature trees which create strong architectural statements themselves. I viewed the subject site from various angles within the development and I am not in favor by the proposed two dwellings footprint and building envelop at the proposed location. The front elevations totally detract from the views of the relationship between Bolton Hall and the Coach house building, the side wall orientated towards Bolton Hall will detract from the aspect of the main house. Whilst I accept the relationship of Bolton Hall to the surrounding curtilage, has been altered radically under the existing development, there is a flow to the legibility of the rear of Bolton Hall, along the remains of the Walled garden to the Coach House and the mill buildings. In my opinion, the proposed two dwellings are going to look out of place when viewed from within and to the rear of Bolton Hall, on the approach into the estate to the north west. In addition, views from the Coach House and the Mill Building towards Bolton Hall will be completely blocked by the proposed development. The original concept granted by the Board under PL06S.241039, of maintaining open space around Bolton Hall, with the new residential developments on the periphery of the site, is very effective and creates an elegant and spacious scheme. The current two dwelling proposal, provides a completely alien design and layout to the existing scheme, and rather than enhancing the scheme, it looks like an attempt to cram two additional dwellings on the current building compound area, as opposed to leaving the scheme as permitted under the original Board decision.

- 7.4 In terms of the planning authority's reasons for refusal, I believe inadequate private open space can be dealt with by amendments to the design/ layout in line with the development plan standards because there is ample space surrounding the subject site to incorporate additional space. In any event, if the Board were to relax the standard of the required 60sq.m. and permit the proposed 51.8sq.m. and 52.4sq.m. respectively, the surrounding grounds, and landscaping afforded to the individual dwellings is to a luxurious standard and far beyond 'basic' quantifiable standards. Therefore, I am not overly concerned about Reason for Refusal No. 1.
- I would concur with the planning authority's views in reasons for refusal 3, 7.5 and 4. The north eastern elevation of the proposal when viewed from Bolton Hall is unacceptable and completely irregular to the former and current curtilage of Bolton Hall and its relationship to the older industrial buildings to the south and south west. The applicants are well aware from a protracted planning process that the relationship of Bolton Hall to the contiguous grounds has been a contentious planning and conservation issue, especially in the general vicinity of the subject site. The applicants have failed to provide logical justification for inserting two houses at this sensitive location on the site. I note from point 4.1 of the accompanying Planning Application Report, the applicant believes the planning authority and the Board are open to considering some form of development to the rear of Bolton Hall. I do not agree with this viewpoint, in addition, the Report fails to acknowledge the significance of the proposed development of the Mill Building into a residential unit, which had not been included in previous planning histories until a recent standalone planning application for the conversion and refurbishment of same (this is the case currently with the Board). The applicant has also failed to acknowledge that the applicant's design team and the planning process has resulted in an outstanding layout that respects the protected structure, retains the old physical and natural features of the site, and makes for a high quality and above standard living environment. The current proposal is cutting corners and squeezing a restricted building envelop onto a sensitive site, which in my opinion will ultimately detract from the setting of Bolton Hall and the overall completed scheme.
- The applicant has submitted on appeal, the planning authority has not 7.6 considered the report prepared by David Slattery. I have examined the report which concludes the proposal will have minimal impact on the views towards and from the protected structure. I note a lot of the photography used in the visual assessment of the Slattery report was taken with a wide angled lens during the construction period of the site, when the site was extremely busy and resembled nothing like the original and current site. The existing site context and appearance is crucial to examining the impact of the proposed development on Bolton Hall. The setting of Bolton Hall has been greatly compromised by the new residential development, however, the open space surrounding the protected structure, the separation distances form the new residential units and the retention of notable site features has maintained a relationship between the house and the industrial buildings, and provided a respectable open space setting around the main house ensuring its

prominence on the site when viewed form the front, rear and side. The Conservation Officer's Report of 8th of May 2017 supports this view. The subject site should be retained as open space as per the terms and conditions of **PL06S.241039**.

7.7 Appeal Option

On appeal the applicant has submitted an alternative design which it considers, addresses the concerns of the planning authority in the decision to refuse permission. The revised proposal includes for:

- <u>One</u> single story dwelling (102sq.m)
- 81sq.m of private open space
- 19.6metres from the protected structure with appropriate boundary treatment.

It is submitted the overall scale and massing has been significantly reduced, and that no views or settings will be interrupted by the proposal. The new walls will be masonry to respect the existing character, and the monopitch roof will allow to the masonry walls to read as primary forms. It is submitted the scale and design of the dwelling is similar to the lean two structures that existed within walled gardens. The dwelling will be screen from view by the existing wall been retained on site. It is submitted the connection between Bolton Hall the former Coach and Mill Buildings is based on an assumption, and having regard to that assumed relationship the revised design will not affect that relationship. It is also submitted that the revised proposal provides a greater separation distance from Bolton Hall to the front building line and front façade to the road.

Again a subjective issue, and in my opinion, the proposed monopitch dwelling looks completely out of place at the proposed location in the context of Bolton Hall and the setting. The applicant appears to be adamant about incrementally adding dwellings to the completed development, and this current proposal does not resemble a dwelling house or the architectural style of the surrounding developments. It is stated that the lean-to format is to resemble the lean-to structures which were historically included within walled gardens. These were not habitable structures, and in a lot of instances were conservatory type buildings. Option 2 appears to be a quick fix attempt to address the reasons for refusal on the original inappropriate two dwelling proposal on the site. Yet, the principle of a dwelling at this location is contrary to the original permission for the entire development. It is my opinion, the proposed dwelling will undermine the visual aesthetics of the scheme and the rear of Bolton House. Notwithstanding, the reduction in the footprint, the scale and separation distances of the proposal, it is considered the setting of Bolton Hall view viewed from the approach road and to the north will be greatly undermined by the irregular structure, resulting in an incremental negative impact on the overall site and setting of Bolton Hall. Any new building on the subject site would affect the connectivity and interrupt the relationship between the Main House and associated buildings which was

maintained by retaining the wall and excluding dwellings at this location under the earlier planning permission.

8.0 **RECOMMENDATION**

I recommend the planning authority's decision to refuse planning permission be upheld for the following reasons.

REASONS AND CONSIDERATIONS

- 1. The proposed development would materially contravene Condition 2 (a) of the Appeal reference PL.06S.241039 whereby the proposed site is designated for use as public open space as per the parent permission in order to protect the open character and setting of the protected structure, and would therefore be contrary to the proper planning and sustainable development of the area.
- 2. Having regard to the substantial residential development on the site and its relationship to Bolton Hall (protected structure RPS Ref.286), the outstanding planning appeal currently under consideration PL06S.247971, the revised proposals presented on appeal, it is considered any development on the subject site would interfere with the relationship of Bolton Hall and the Paper Mill, would intrude onto the open space setting around the main dwelling, and by its design and layout would have an unacceptably adverse effect on the visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Caryn Coogan

Planning Inspector

18/09/2017