



An
Bord
Pleanála

Inspector's Report ABP-300245-17

Development

Demolition of the existing 2 storey detached dwelling (c. 108sq.m);
Construction of 3 no. 2 bedroom, 2-3 storey terraced houses ranging in size from c.107sq.m to c.150sq.m; South facing courtyards/patios at first and second floor levels; All associated site development works, services provision, car parking, bin stores, open space, vehicular/pedestrian access, landscaping and boundary treatment works. All on a site of c.0.13 Ha at Redan House.

Location

Redan House, Ardbrugh Road,
Dalkey, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County
Council

Planning Authority Reg. Ref.

D17A/0769

Applicant(s)

Torca Developments Ltd.

Type of Application

Permission

Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	Hannah Harris David & Mary Harris Dalkey Community Council June Duffy & Kevin Smyth Redmond O’Hanlon Dalkey Rock Residents Association Mark & Alison Buggy Judith Doherty & Donal Sexton Liam Ó Bharáin & Leonie M. Warren
Date of Site Inspection	27 th March, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located along the southern side of Ardbrough Road, Co. Dublin, approximately 600m north of Dalkey village / neighbourhood centre, where it occupies a prominent and elevated position on the north-facing slope of a rocky outcrop which extends north-westwards from Dalkey Hill. The surrounding area is primarily residential and is generally characterised by a variety of vernacular housing types interspersed with more contemporary / conventional construction whilst the wider topography is dominated by Dalkey Hill which rises steeply to the south and serves as a popular recreational resource for the area. The site itself has a stated site area of approximately 0.13 hectares, is irregularly shaped, and is presently occupied by a vacant, detached, two-storey dwelling known locally as 'Redan House'. It is flanked on either side by historical quarry excavations with the pit floors of same having since been developed for housing. In this regard the lands to the immediate east of the site are occupied by a relatively recently constructed scheme of conventionally designed, two-and-a-half storey, detached dwelling houses known as Dalkey Rock whilst to the west of the site there is an attractive terrace of single-storey cottages which form the Ardbrough Villas candidate Architectural Conservation Area.

N.B. The application for a Certificate of Exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended, refers to a site area of 0.1262 hectares.

2.0 Proposed Development

2.1. The proposed development, as initially submitted to the Planning Authority, consists of the demolition of an existing dilapidated two-storey, three-bay, period property known as 'Redan House' (floor area: 108m²) and the subsequent construction of a contemporarily designed terrace of 3 No. two / three storey dwelling houses ranging in floor area from c. 107m² to c. 150m² with a maximum overall roof ridge height of 9.8m as follows:

- House No. 1: End of terrace (west), two storey, two-bedroom dwelling (floor area: 121m²).
- House No. 2: Mid-terrace, three storey, two-bedroom dwelling (floor area: 107m²).
- House No. 3: End of terrace (east), three storey, two-bedroom (floor area: 150m²).

2.2. The proposed construction has sought to address the difficult site topography by excavating into the hillside / slope and by utilising a staggered floor arrangement over the upper levels of House Nos. 2 & 3. Each individual dwelling house will be provided with 1 No. off-street car parking space with the vehicular access to same obtained from Ardrugh Road. Water and sewerage services are available from the public mains.

N.B (1). The planning application was accompanied by an application for a Certificate of Exemption pursuant to Section 97 of the Planning and Development Act, 2000, as amended, which was subsequently granted by the Planning Authority on 28th September, 2017.

N.B. (2) The Board is advised that the grounds of appeal have been accompanied by a set of revised drawings which detail an amended proposal that seeks to address the concerns of the Planning Authority and third parties.

3.0 Planning Authority Decision

3.1. Decision

On 23rd October, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- Having regard to the design in terms of its scale, height and length of side elevations, in close proximity to site boundaries, and the location of first and second floor windows on the eastern side elevation, it is considered that the proposed development would be overbearing and would overlook adjoining private amenity space, particularly to the east. In this regard the proposed development would be seriously injurious to the residential amenities of the

area and fails to comply with the zoning objective of the site, that being 'Objective A' – 'To protect and/or improve residential amenity' as set out within the Dún Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

- Having regard to the scale, height and bulk of the proposed development, particularly the 3-storey dwellings, it is considered that the proposed development would detract from the visual amenities of the area and seriously injure the character of the existing streetscape. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

In reference to the proposed demolition of Redan House, the report states that the applicant has not adequately justified same, particularly given the absence of any specialist conservation commentary, and notes that the proposal may therefore be contrary to the provisions of Policy AR5: '*Buildings of Heritage Interest*' of the Development Plan. It is further stated that the property makes a positive contribution to the streetscape and that consideration should be given to the retention and rehabilitation of the existing building as part of any future redevelopment of the site.

The report proceeds to note that the overall principle of the proposed development accords with the relevant land use zoning objective, although it should also ensure the protection and / or improvement of residential amenity. In terms of design, it is stated that the density of the proposal is acceptable given the site context and the on-site constraints, however, concerns are raised as regards its overbearing appearance and the potentially detrimental impact on the residential amenity of adjacent properties (by reason of overlooking and overshadowing). Further concerns are raised in relation to the wider visual impact of the proposed development and it is also considered that the proposal would have a detrimental impact on the character of the existing streetscape, including a candidate Architectural Conservation Area.

The report subsequently provides an analysis of open space provision, car parking, and the proposed access arrangements etc.

With regard to appropriate assessment and other ecological considerations, the report states that in light of the site location, its proximity to / relationship with the Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area, the recorded presence of a badger sett within the site confines, and the geological importance of the area, the proposed development could potentially impact on the biodiversity of the area and / or a site of geological / geomorphic importance. It is therefore suggested that a full ecological assessment should be undertaken.

The report subsequently concludes by recommending a refusal of permission.

3.2.2. Other Technical Reports:

Transportation Planning Section: Recommends that further information be sought in respect of the sightlines achievable for vehicles exiting the proposed development onto Ardbrough Road, the provision of a footpath alongside Ardbrough Road, proposals for the relocation of the existing ESB / public lighting pole (Pole No. 5) to the front of the vehicular entrance serving House No. 3, and the submission of a Construction Management Plan.

Drainage Planning Municipal Services Department: Recommends that further information be sought with regard to the proposed surface water drainage arrangements.

Conservation: The Planner's Report makes reference to verbal comments received from the Conservation Section which seemingly raised concerns as regards the demolition of the existing dwelling house on the basis that the structure makes a positive contribution to the character of the surrounding area and streetscape. It was further suggested that the demolition of this structure may be contrary to Policy AR5: 'Buildings of Heritage Interest' as set out in the Dun Laoghaire Rathdown County Development Plan, 2016-2022.

3.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht: States that the rear extent of the application site (i.e. the original garden plot of Redan House), forms a minor salient into the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (Site

No. 001266). It is also noted that the pNHA to the west, in the main Dalkey Quarry, is in the ownership of Dun Laoghaire Rathdown County Council and is part of Killiney Hill Park, while the section of the pNHA to the east in Darcy's Quarry, and the part to the south forming a spur between the two quarries, are understood to be in the ownership of the applicants. Therefore, it is considered that the proposal to erect 1,800mm high security / safety fencing along the southern, eastern & western site boundaries will effectively form the boundary of the pNHA at this location.

It is further noted that there is a badger sett located on the southern boundary of the development site with the pNHA which is known to have been in occupation from at least the 1980s up to 2006 when it was considered to have been a main sett. The report proceeds to state that badger paths at that time led from the sett through the development site into both the main Dalkey Quarry and Darcy's Quarry and that this sett would still be expected to be occupied.

Therefore, the Department has recommended that the applicant be required by way of a request for further information to submit a badger survey of both the proposed development site and any adjacent lands in its ownership to include details of the current status of the badger sett on the southern site boundary, the pathways from this sett into adjacent parts of the pNHA, and the current status of setts known to have been present in the recent past within that part of Darcy's Quarry in the pNHA. This survey report should also consider the potential impact of the proposed security / safety fencing on badger movements across the development site into the quarries and, if necessary, details of any modifications to the fencing which would be required to accommodate such movements.

Irish Water: No objection, subject to conditions.

An Taisce: States that the proposed development site is occupied by the mid-19th Century 'Redan House' which has been unoccupied for some years and was previously the subject of a number of planning applications (i.e. PA Ref. Nos. D98A/0214, D98A/1103, D99A/0758, D00A/0076 & D03A/0011). In this regard it is noted that Dúchas (now the Department of Arts, Heritage and the Gaeltacht) previously stated the following as regards PA Ref. No. D03A/0011:

'The proposed development involves the demolition of Redan House, a mid 19th Century detached dwelling. Despite its omission from the Record of

Protected Structures, it would merit at least “local” worth for architectural quality according to the National Inventory of Architectural Heritage ratings system. This building appears to retain some of its original features such as timber sash windows and natural slate roof. The interior has not been inspected. This Department recommends that any development on this site should incorporate Redan House and should include sensitive conservation, adaptation and extension of the structure and considers that its demolition would detract from the mature residential character of the area’.

Accordingly, it has been submitted that the applicant has not justified the demolition of Redan House.

3.4. Third Party Observations

A total of 10 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- The proposed demolition of a dwelling house / property considered to be of architectural, historical, social and built heritage significance.
- The overall design, scale, height and massing etc. of the proposed development is out of character with the surrounding area / streetscape.
- Detrimental impact on the surrounding landscape / visual impact / obtrusive appearance.
- The inadequacy of the local road network and the potential for traffic congestion.
- Interference with / loss of existing on-street car parking facilities.
- Inadequate car parking provision.
- Excessive density of development / overdevelopment of the application site.
- Detrimental impact on the residential amenity of neighbouring properties by reason of overlooking, overshadowing, loss of privacy, overbearing appearance, noise, nuisance, and increased traffic.
- There are omissions / discrepancies in the submitted plans as regards existing development in the surrounding area.

- Concerns with regard to construction management, including noise, vibration, dust, on-site excavations / rock breaking, health & safety, traffic management, and potential damage to property etc.
- Detrimental visual impact of the proposed development, particularly on those views / prospects available from Killiney Hill Park.
- Dalkey Hill is of geological and geomorphological interest and the subject site is situated on a very small remnant of its natural surface.
- The potential adverse impact on the Dalkey Coastal Zone and Killiney Hill / Rocheshill proposed Natural Heritage Area.
- There are concerns with regard to the impact of the proposal on biodiversity / wildlife considerations, with particular reference to badgers and bats.
- Undesirable precedent for further inappropriate development in the area.

4.0 Planning History

4.1. On Site:

PA Ref. No. D98A/0214. Was refused on 22nd May, 1998 refusing P.E. McCoy permission for 4 No. 3/4 bedroom maisonette apartments on 4 levels associated site development works and the demolition of 1 no. 2 storey dwelling house on 0.4 acres.

PA Ref. No. D98A/1103. Was refused on 19th February, 1999 refusing P.E. McCoy permission for 4 no. apartments on 3 terraced levels over entrance level on c. 0.4 acres with associated site development works and the demolition of one house.

PA Ref. No. D99A/0758. Was refused on 25th November, 1999 refusing P.E. McCoy permission for 4 No. apartments on 3 terraced levels over entrance level on c. 0.4 acre with 7 car spaces and associated site works and the demolition of 1 no. habitable house.

PA Ref. No. D00A/0076 / ABP Ref. No. PL06D.120364. Was refused on appeal on 13th February, 2001 refusing P. McCoy permission for development comprising the construction of 4 No. apartments on three terraced levels over entrance level on approximately 0.4 acres with seven car spaces and associated site works plus demolition of one number habitable house for the following reasons:

- The proposed development, by reason of its height, scale and mass on this extremely prominent site, would constitute a strident and visually obtrusive feature in the landscape which would seriously injure the amenities of the area and of property in the vicinity. The proposal would, therefore, be contrary to the proper planning and development of the area.
- It is a policy of the planning authority, as set out in the current County Development Plan, to protect and preserve areas designated as proposed Natural Heritage Areas. A considerable portion of the proposed apartment building would be situated within an area designated as a Natural Heritage Area of ecological and geological interest and of international, national and regional importance. The proposed development would contravene materially the policies and provisions of the Development Plan in this regard, which policies and provisions are considered reasonable. The proposed development would, therefore, be contrary to the proper planning and development to the area.

PA Ref. No. D01A/0964. Was refused on 29th November, 2001 refusing Mr Liam Brady P.C. permission for the demolition of existing dwelling house and erection of new three storey dwelling house and associated site works for the following reason:

- It is considered that the proposed development by reason of its height, scale and massing would constitute a visually obtrusive feature in the landscape on what is an extremely prominent site. The proposed development would therefore be seriously injurious to the residential and visual amenities of the area and would thereby be contrary to the proper planning and development of the area.

PA Ref. No. D03A/0011 / ABP Ref. No. PL06D.202349. Was refused on appeal on 25th July, 2003 refusing Liam Brady permission for the demolition of existing house and erection of new three-storey dwelling house, car parking and associated works, for the following reason:

- The proposed development, by reason of its height, scale and mass on this extremely prominent site, would constitute a strident and visually obtrusive feature in the landscape which would seriously injure the amenities of the area and of property in the vicinity. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

4.2. On Adjacent Sites:

PA Ref. No. D06A/0041. Application by M. McGill & T. Rowe for permission for rear extension, refurbishment, repair, new vehicle entrance, infrastructure and landscaping works at 5 Ardbrough Villas, Ardbrough Road, Dalkey, Co. Dublin. This application was withdrawn.

PA Ref. No. D06A/0219 / ABP Ref. No. PL06D.217326. Was granted on appeal on 29th September, 2006 permitting M. McGill and T. Rowe permission for the erection of a single and two-storey rear extension, refurbishment, repair, new vehicle entrance, infrastructure and landscaping works at 5 Ardbrough Villas, Ardbrough Road, Dalkey, Co. Dublin.

PA Ref. No. D08A/1079 / ABP Ref. No. PL06D.232031. Was granted on appeal on 16th June, 2009 permitting Michael McGill and Tim Rowe permission for the retention of an excavated basement level, erection of a steel frame structure and permission for alterations to previous planning permission register reference number D06A/0219 (An Bord Pleanála reference number PL06D.217326), for alterations to roof profile, inclusion of a sub floor level, provision of an additional bedroom, alterations to elevations, internal alterations and associated site landscape works at 5 Ardbrough Villas, Ardbrough Road, Dalkey, Co. Dublin.

PA Ref. No. D17A/0259. Was granted on 18th May, 2017 permitting Phelim O'Connor permission for partial removal of the erected steelwork and blockwork walls as were constructed under a previously granted planning permission Ref. D08A/1079/ABP PL06D.232031, to facilitate the construction of a new extension to the rear of the existing cottage, which will broadly follow the existing on site concrete ground slab, again as constructed under planning permission Ref. D08A/1079 / ABP PL06D.232031, save minor alterations in the perimeter plan. The extension will be single storey with part semi-basement (as existing on site) and part gallery level at circa. 1.4m above ground level in the area over the semi-basement. The application includes all required and associated site development and ancillary works. All at 5 Ardbrough Villas, Ardbrough Road, Dalkey, Co. Dublin.

4.3. Other Relevant Files:

PA Ref. No. D09A/0905 / ABP Ref. No. PL06D. 237093. Was refused on appeal on 12th November, 2010 refusing Marie Conlon permission for the construction of three number detached dwelling houses consisting of: House A, to be located on the southern portion of the site nearest Ardbrough Road, comprising a six bedroom, three-storey, detached dwelling house with gross floor area of 523 square metres; House B, located in the centre of the subject site, comprising a five bedroom, three-storey, detached dwelling house with gross floor area 374 square metres; House C, located on the northern portion of the site, comprising a five bedroom, three-storey, detached dwelling house with gross floor area of 374 square metres. The houses are set within the contours of the site with only House A visible from street level at Ardbrough Road. Each house has a north-facing terrace/balcony at ground floor level. Each house is served by two number car parking spaces and connected via an internal driveway to a shared vehicular and pedestrian entrance to be created from Ardbrough Road. The proposed development includes all site development works, services, landscaping and boundary treatments, all on a 0.21655 hectare site at Ardbrough Road, Dalkey, Co. Dublin.

PA Ref. No. D13A/0505 / ABP Ref. No. PL06D.242831. Was refused on appeal on 6th May, 2014 refusing Raymond Gannon permission for the demolition of existing dwelling house and the construction of a new fully serviced three-storey over basement dwelling house and all associated site works at Top Cliffe, Ardbrough Road, Dalkey, Co. Dublin, for the following reason:

- Having regard to the 'A' zoning objective of the site in the Dún Laoghaire-Rathdown County Development Plan 2010-2016 which seeks 'To protect and/or improve residential amenity', the site's prominent position within an elevated corner site to the south of Dalkey Village and to north of Dalkey Hill (the latter of which forms part of the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area), the scale, physical bulk and layout of the proposed house, including the extent of the glazing and balconies, and to the proximity of the proposed house to the boundaries with adjoining residential properties, it is considered that the proposed development would be visually obtrusive and out of character with the prevailing pattern of development in the surrounding area and would seriously injure the residential amenities of properties in the vicinity by way of overlooking, loss of privacy and by being

overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. No. D14A/0260 / ABP Ref. No. PL06D.244307. Was granted on appeal on 10th June, 2015 permitting Allied Land Investments Limited permission for a development consisting of a residential development comprising 18 number dwellings:- five number two bedroom houses (four number house type A, two-storey over basement – 141.5 square metres and one number house type B1, part single and part two-storey – 137.1 square metres; three number three bedroom houses (three number house type D, two and a half storey – 142.4 square metres; and 10 number four bedroom houses (two number house type B, part two and part three storey – 205 .2 square metres, one number house type C, three-storey – 278 square metres, one number house type D1, two and a half storey – 171.6 square metres, one number house type E, three-storey - 177.8 square metres, one number house type E1, three-storey – 183.5 square metres, one number house type E2, part three-storey and part two-storey over basement – 222.7 square metres, and three number house type F, three-storey over basement – 315 square metres). All houses are in terrace format. A basement car park – 370 square metres with eight number private and four number visitor parking spaces and a shared bin store, a public open space area of 589 square metres including an external platform lift, 30 number surface car parking spaces – 28 number private and two number visitor spaces, along with all associated and ancillary site and landscaping works, on a 0.59 hectare site at Cunningham Drive, Dalkey, Co. Dublin, as amended by the revised notice received by the planning authority on the 15th day of September, 2014.

5.0 Policy Context

5.1. National and Regional Policy:

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided

either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. 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 the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

5.2. Development Plan:

5.2.1. Dun Laoghaire Rathdown County Development Plan, 2016-2022:

Land Use Zoning:

The proposed development site is located in an area zoned as 'A' with the stated land use zoning objective '*To protect and-or improve residential amenity*'.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Section 2.1.3: Housing – Supply and Demand:

- *Policy RES3: Residential Density:*

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009)
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009)
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007)

- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013)
- ‘National Climate Change Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).

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

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.

- *Policy RES7: Overall Housing Mix:*

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.

Chapter 4: Green County Strategy:

Section 4.1: Landscape, Heritage and Biodiversity:

Section 4.1.2: Landscape:

- *Policy LHB6: Views and Prospects:*

It is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

Section 4.1.3: Biodiversity:

- *Policy LHB19: Protection of Natural Heritage and the Environment:*

It is Council policy to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas, candidate Special Areas of Conservation, proposed Natural Heritage Areas and Ramsar sites - as well as non-designated areas of high nature conservation value which serve as ‘Stepping Stones’ for the purposes of Article 10 of the Habitats Directive.

- *Policy LHB22: Designated Sites:*

It is Council policy to protect and preserve areas designated as proposed Natural Heritage Areas, candidate Special Areas of Conservation, and Special Protection Areas. It is Council policy to promote the maintenance and as appropriate, delivery of 'favourable' conservation status of habitats and species within these areas.

- *Policy LHB23: Non-Designated Areas of Biodiversity Importance:*

It is Council policy to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. In implementing this policy regard shall be had to the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).

- *Policy LHB27: Geological Sites:*

It is Council policy to protect, promote and preserve sites of Geological and Geomorphological importance, in particular the proposed Natural Heritage Areas (NHAs) and any County Geological Sites (CGS) that become designated during the lifetime of this Plan.

N.B. Dalkey Hill is identified as a 'Geological Site' in Table 4.1.3 of the Development Plan.

Chapter 6: Built Heritage Strategy:

Section 6.1: Archaeological and Architectural Heritage:

Section 6.1.3: Architectural Heritage:

- *Policy AR5: Buildings of Heritage Interest:*

It is Council policy to:

- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
 - ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.
- *Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features:*

It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Section 6.1.4: *Architectural Conservation Areas (ACA):*

- *Policy AR16: Candidate Architectural Conservation Areas (cACA):*

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

Chapter 8: Principles of Development:

Section 8.2: Development Management:

Section 8.2.3: Residential Development:

Section 8.2.3.1: Quality Residential Design

Section 8.2.3.2: Quantitative Standards

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas (vii): Infill*

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.7: *Landscape, Heritage and Biodiversity:*

Section 8.2.7.1: *Biodiversity:*

Section 8.2.8: *Open Space and Recreation:*

Section 8.2.8.4: *Private Open Space – Quantity:*

All houses (terraced, semi-detached, detached) shall provide an area of private open space behind the front building as follows:

- For 1 or 2 bedroom houses a figure of 48 sq.m. may be acceptable in cases where it can be demonstrated that good quality usable open space can be provided on site.
- 3 bedroom houses to have a minimum of 60 sq.m.
- 4 bedroom (or more) houses to have a minimum of 75 sq.m.
- Any provision of open space to the side of dwellings will only be considered as part of the overall private open space calculation where it is useable, good quality space. Narrow strips of open space to side of dwellings shall not be included within any of the above calculations.

In instances where an innovative design response is provided on site, a relaxation in the quantum of private open space may be considered on a case-by-case basis.

Section 8.2.11: *Archaeological and Architectural Heritage:*

Section 8.2.11.3: *Architectural Conservation Areas*

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the immediate vicinity of the proposed development site:

- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 1km to the east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 1km to the east of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 4km to the northwest of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 4km to the northwest of the site.

N.B. This list is not intended to be exhaustive as there are a notable number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

- 5.3.2. In addition to the foregoing, it should be noted that the proposed development site adjoins the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (Site Code: 001206).

6.0 The Appeal

6.1. Grounds of Appeal:

- The design of the subject proposal is appropriate in light of the surrounding pattern of development.
- Several iterations of the proposed development were submitted to the Council prior to the lodgement of the application and the subject design was considered to be acceptable by the Planning Authority.
- The reason for refusal pertaining to the scale and height of the proposed development is unreasonable. In this regard the Board is advised that House Nos. 2 & 3 generally occupy the same building footprint as 'Redan House' whilst the overall height of the proposal is slightly lower than the existing dwelling house and those dwellings within the adjacent 'Dalkey Rock' housing development. Furthermore, it is considered that the design of House No. 1 respects the adjoining units within Ardbrough Villas by stepping down to one / two storeys in height.
- The design and layout of the proposed development is cognisant of the site location adjacent to the Ardbrough Villas Candidate Architectural Conservation Area.

- The side elevations of the proposed dwelling houses are not particularly long for a contemporary terraced scheme whilst the existing and proposed landscaping will serve to visually screen a significant extent of same as detailed in the submitted drawings and photomontages.
- Given the topography of the site, the length of the proposed development is considered to be acceptable whilst the design of the proposal has been set into the rock face as is normal practice in the surrounding hilly area. In this regard it should be noted that there are several examples of long and slender dwellings having been developed along Ardbrough Road, with particular reference to the dwelling house presently under construction to the northeast (please refer to PA Ref. Nos. D15A/0240 & D13A/0172).
- The proposed development is the same distance from No. 1 Dalkey Rock as Redan House. Furthermore, although the proposal extends deeper into the site, the separation distance between House No. 3 and the eastern site boundary increases to c. 9m whilst House No. 1 is separated from Ardbrough Villas by c. 10m on the western site boundary. These separation distances have been achieved having regard to the existing streetscape and thus the proximity of the proposal to the site boundaries is an unreasonable basis on which to refuse permission.
- With regard to the potential for overlooking, the first and second floor windows within the eastern elevation of House No. 3 are of a secondary nature and will not result in any undue overlooking given that the primary windows serving the affected rooms are located within the front elevation of the building. Indeed, the omission of the side windows or the glazing of same in opaque glass could have been conditioned by the Planning Authority.
- The claims relating to an overbearing appearance are exaggerated. Redan House has always been located in an elevated and prominent position whilst the subject proposal will be set into the sloping topography of the site and does not seek to increase the height of the existing building.
- The proposed development complies in full with the applicable land use zoning objective and the requirements of Dun Laoghaire Rathdown County Development Plan in addition to the relevant provisions of national policy

documents including ‘*Quality Housing for Sustainable Communities Design Guidelines, 2007*’ and the ‘*Urban Design Manual: A Best Practice Guide, 2009*’.

- Notwithstanding that the proposed development accords with both local and national planning policy, the grounds of appeal have been accompanied by revised proposals which seek to further protect and improve the residential amenity of properties along Ardbrough Road. In this respect the Board is referred to the amended drawings and the following comparative analysis:

Development Characteristics	Original Proposal	Revised Proposal
<i>Scale (floor area)</i>	c. 121m ² – 150m ² Total Gross Floor Area: c. 378m ²	c. 107m ² – 141m ² Total Gross Floor Area: c. 363m ²
<i>Height</i>	c.9.8m	c.9.5m
<i>Finished roof levels</i>	+90.300	+90.000
<i>Separation distance between House No. 1 and No. 5 Ardbrough Villas</i>	c.10m (at first floor level)	c.13m (at first floor level)
<i>Separation distance between House No. 3 and No. 1 Dalkey Rock</i>	c.14.9m (at ground floor level)	c.17m (at ground floor level)
<i>Rear private garden space</i>	c. 280m ² - c. 529m ²	c.155m ² - c. 280m ²

- House No. 1 has been redesigned in order to increase the first floor separation distance from No. 5 Ardbrough Villas (a candidate Architectural Conservation Area) with the first floor element above the ground floor bedroom having been removed and the house reconfigured internally.
- The stairs located on the eastern side of House No. 3 have been internalised thereby increasing the separation distance between that unit and No. 1 Dalkey Rock. The separation distance between House

No. 3 and the eastern site boundary is also considered to be acceptable given the suburban location of the site and the surrounding pattern of development.

- The first and second floor windows within the eastern elevation of House No. 3 have been removed to enhance the privacy / amenity of adjoining residents at Dalkey Rock whilst the affected rooms will continue to receive adequate sunlight / daylight due to the large windows serving same within the front elevation of the dwelling.
- High level windows have been provided to serve the living room of House No. 1 which will ensure additional lighting without any undue overlooking.
- The courtyards serving House Nos. 2 & 3 will be used as lightwells only with no direct access to these spaces from the houses other than that required for maintenance purposes. These lightwells will be enclosed by walls and thus there will no overlooking of the private amenity space serving No. 1 Dalkey Rock.

It is considered that these amended proposals mitigate against any potential overbearing impact or loss of residential amenity and thus address the Planning Authority's initial reason for refusal.

- The suggestion that the proposed development will *'detract from the visual amenities of the area'* and *'seriously injure the character of the existing streetscape'* is rejected.
- Redan House is in state of disrepair and has been vacant for c. 20 No. years whilst the dilapidated and overgrown condition of the property detracts from the amenity and character of the area. The subject proposal provides for the redevelopment the site for residential use at an appropriate scale and density thereby improving upon its current condition.
- Redan House already occupies an elevated position whilst the overall height of the amended scheme as submitted with the grounds of appeal will be less than that of the original proposal and the existing building.

- The innovative design of the proposed development is a welcome addition to the streetscape which already comprises a mix of architectural styles and can accommodate a modern infill scheme.
- The proposed development accords with Section 8.2.11.3: *'Architectural Conservation Areas'* of the Development Plan which states that *'The guiding principle of ACAs is to protect the special external expression of the buildings and the unique qualities of the area to ensure future development is carried out in a manner sympathetic to its distinctive character'*.
- Map No. 4 of the Development Plan identifies a protected prospect from Killiney Hill, however, this prospect does not have a particular orientation but rather comprises a broad vista of the surrounding area. Accordingly, the subject application was accompanied by a series of photomontages of the proposal with 2 No. views taken from the hill looking northwards and 3 No. views from Ardbrough Road looking east and west towards the site. Additional views from Ardbrough Road and 'The Metals' right of way towards the site were also submitted with the application. These details are considered to be more than reasonable.
- The visual impact of the proposal is minimised through the use of a sedum roof construction on the flat-roof elements. This also serves to provide benefits in terms of surface water runoff and increased thermal performance.
- The contemporary design of the proposal is appropriate having regard to the infill nature of the site and the need to avoid a pastiche or imitative design.
- The surrounding pattern of development is not defined by a single architectural style and includes detached, semi-detached and terraced properties ranging from one to three storeys with varying designs.
- Having regard to the provisions of Policy AR12: *'Architectural Conservation Areas'* and the surrounding pattern of development, it is considered that the contemporary design proposed is suited to the area.
- There are multiple examples of contemporary house designs having previously been approved by the Planning Authority in the surrounding area with which the subject proposal shares common characteristics.

- By way of planning precedents along Ardbrough Road, the Board is referred to the Planning Authority's previous determination of PA Ref. No. D15A/0089 at 'Topcliffe', Ardbrough Road, Dalkey, wherein the Area Planner concluded that the said proposal overcame a previous refusal of permission by reducing the scale of the construction and by centrally locating the proposed house on site in order to provide for a greater separation distance from adjacent dwellings. In this regard it is submitted that the subject proposal has similarly overcome those reasons for refusal pertaining to scale, height, separation distance and possible overlooking.
- With regard to the other issues raised in the report of the case planner:
 - There is a sufficient extent of private open space, landscaped area and green roof proposed to accommodate surface water drainage on site.
 - In the event that further details are required as regards the thickness of the proposed green roof areas, the Board is invited to require the submission of same as a condition of any grant of permission.
 - There are adequate sightlines available along this section of Ardbrough Road having regard to the site location on an urban street in a low speed environment.
 - The submission of a Construction Management Plan can be addressed by way of condition (if necessary).
 - The demolition of Redan House is justifiable given its structural condition / defects. It should also be noted that the house is not a protected structure nor is it located within an ACA.
 - The applicant is amenable to the southern portion of the site being retained as an undeveloped wildlife area in order to act as an extension of Killiney Hill Park pursuant to an agreement under Section 47 of the Planning and Development Act, 2000, as amended, (if necessary).
- Redan House is now beyond repair due to significant structural and visual defects, including extensive wet rot and water ingress. The neglect of the property over the last 20 No. years has resulted in the destruction of any original aesthetic or architectural qualities.

- Given the site location and its proximity to the Dalkey DART station (c. 850m distant), the subject site can be considered as an appropriate location for densification in accordance with Policy RES3 and Section 2.1.3.3 of the Development Plan.
- The infill scheme proposed improves upon the site's current condition and remedies those reasons for refusal pertaining to scale, height, overlooking and a potential loss of residential amenity etc.
- The proposal is cognisant of the prospect on Killiney Hill and has been designed with a sedum roof to visually integrate the scheme into its natural surroundings. The proposed dwellings have also been set back into the rock face to make the most of the site features and to minimise the potential visual impact on the landscape, particularly when viewed from Killiney Hill.
- The design of the scheme allows for future adaptation given the generous internal and external space. Furthermore, the innovative design is both energy efficient and sustainable with the extensive use of glass and the provision of photovoltaic panels and sedum roofs etc.

6.2. Planning Authority's Response:

- Whilst noting the revised design of the proposed development, it is considered that the amendments do not adequately address the reasons for refusal and the issues raised in the Planner's Report remain unaltered with regard to the changes proposed.
- The proposed development remains unacceptable for the following reasons:
 - The revised design continues to provide for three-storey townhouses and the removal of a significant quantum of rock face that forms the roadside boundary. Accordingly, it is considered that the proposal would still have a significant visual impact within the existing streetscape and would detract from the character of the area.
 - Whilst the revisions to the design provide for a set back from the eastern site boundary, it is considered that the 12.05m high, three-storey, eastern elevation will continue to appear bulky and will have an

overbearing impact on the adjacent private amenities within Dalkey Rock.

- An existing historic dwelling will be demolished – whilst the building in question is not a protected structure and is not located within an Architectural Conservation Area, it nevertheless contributes to the character of the street and immediately adjoins a candidate ACA. In this regard it is submitted that *Policy AR5: 'Buildings of Heritage Interest'* of the County Development Plan applies in this instance and that the grounds of appeal have not been accompanied by an adequate justification for the demolition of the dwelling having regard to its historical significance.
- The grounds of appeal have not been accompanied by an Ecological Impact Assessment of the proposed development. Given the proximity of the proposal to the Killiney Hill proposed Natural Heritage Area and the submission received from the Department of Culture, Heritage and the Gaeltacht (dated 29th September, 2017), it is considered that such a report would be essential in order to assess the potential impact on flora and fauna within the site.
- The Board is requested to note the following additional comments with regard to the grounds of appeal:
 - Pre-planning discussions are entirely without prejudice.
 - Any precedents within the surrounding area are very site specific and are not considered relevant to the subject proposal which involves different on-site constraints.
 - No details of the construction methodology have been submitted. Given the composition of the site, there would be a requirement for significant excavation, including rock breaking, which in itself would have an impact on third parties

6.3. Observations:

6.3.1. Hannah Harris:

- The revised proposals submitted with the grounds of appeal have sought to negate the impact of House No. 1 and to divert attention from the inappropriate bulk of the proposed development, including its incongruous and overbearing appearance.
- Although it has submitted that the proposed development will not exceed the roofline of Redan House, the actual construction will be much taller (by a storey) and out of character with the streetscape.
- The applicant's comparison to the long slender dwelling house previously approved along Ardbrough Road under PA Ref. Nos. D13A/0172 & D15A/0240 is rejected as that building is positioned perpendicular to the roadway and extends downwards through the site below the level of the public road. Accordingly, that development it is not as intrusive as the subject proposal.
- Whilst it is acknowledged that there are a variety of dwelling types along Ardbrough Road, several of the examples referenced by the applicant are not situated along this roadway.
- With regard to the dwelling house approved under PA Ref. No. D13A/0172, it should be noted that the siting of that construction relative to the roadway (and the inclusion of Condition No. 7(b) in the grant of permission which ensures that any planting and the boundary wall will continue to allow pedestrian views towards the bay) does not intrude or visually impact on the street.
- Example Nos. 2 & 3 as detailed in Figure No. 6 of the grounds of appeal occupy a particular position on Ardbrough Road where they are not surrounded by a mix of cottages and modest two-storey dwellings. Indeed, there are no three-storey dwellings visible within the immediate surrounds of the subject site / Redan House.
- The visual assessment provided with the grounds of appeal serves to demonstrate the disproportionate scale of the proposed development relative to adjacent housing.
- There are concerns that the proposed development will reduce the amount of sunlight / daylight received by the observer's dwelling house.

- Existing on-street parking arrangements opposite the proposed entrances will serve to reduce the available carriageway width and will inhibit the manoeuvrability of vehicles seeking to access the site. Therefore, the subject proposal represents an overdevelopment of the site which will directly impact on the amenities of local residents.
- The manoeuvring of vehicles attempting to access the subject site will give rise to increased noise nuisance / disturbance.
- Redan House is of architectural and historical merit and it is disputed whether the property is beyond economic repair. At the very least its front elevation should be retained.
- The proposed development will not improve the visual amenity of the area and is out of character with the surrounding pattern of development.

6.3.2. David & Mary Harris:

- The proposed development will have a severe negative impact on the residential amenity and enjoyment of the observers' home and is contrary to the applicable land use zoning objective i.e. to protect and / or improve residential amenity.
- From an analysis of the planning history of the surrounding area, it is apparent that recurrent issues arise given the context and characteristics of the lands in question and that any development should have due regard to the following: sensitive / prominent site positions, the scale, bulk and overbearing impact of the proposal; the proximity of site boundaries; and the need to adapt to the natural topography. It is considered that the subject proposal has not had sufficient regard to the pertinent planning issues evident.
- Redan House should be retained in line with the recommendations of a previous reporting inspector in their assessment of PA Ref. No. D03A/0011 / ABP Ref. No. PL06D.202349. In this regard whilst the property is not currently fit for habitation, it could be returned to its original state. The applicant has sought to prioritise new construction over the renewal of the original building fabric.

- Redan House is of vernacular significance and makes an important contribution to the character of Ardbrugh Road. Therefore, its demolition would be contrary to Policy AR5: '*Buildings of Heritage Interest*' of the County Development Plan.
- The scale, massing and extent of the proposed development fails to harmonise with adjacent housing and will have a negative impact on the character of the streetscape and the residential amenity of neighbouring properties.
- The applicant has sought to justify the height of the proposed development by reference to the existing dwelling houses within Dalkey Rock, however, it should be noted that only the ridge line of the conventionally pitched roofs of those houses will match the roof line of the proposed dwellings.
- The potential impact of the roof line of the proposed development will be considerably in excess of that associated with the pitched roofs of those units within Dalkey Rock. In this regard the Board is referred to the previous reporting inspector's assessment of PA Ref. No. D03A/0011 / ABP Ref. No. PL06D.202349 which stated that '*there is a world of difference between a tapering pitched roof and a continuous flat roof*'.
- In reference to the amended drawings submitted with the grounds of appeal, it is considered that there has been no meaningful reduction in the scale or massing of the development proposed.
- The overall scale, bulk and volume of development proposed will be visually obtrusive.
- The viewpoints selected for the photomontages do not provide for a clear representation of the proposed scheme.
- The proposed development is inappropriate given the site context adjacent to a candidate Architectural Conservation Area and opposite a series of modest single and two-storey dwellings.
- The overall bulk and form of the submitted design is reminiscent of a commercial-type structure.

- Due to the extent of excavation and ground works required, the proposed development will severely compromise the natural topography and character of the landscape, particularly in light of the designation of Dalkey Hill as a geological site in the County Development Plan.
- Inadequate information has been provided in order to permit an appropriate assessment of the available sightlines or the potential for traffic hazard.
- Existing on-street parking arrangements opposite the proposed entrance will serve to reduce the available carriageway width and will inhibit the manoeuvrability of vehicles seeking to access the site.
- In the absence of an ecological assessment, it cannot be established that the proposed development will not have an adverse impact on habitat and biodiversity considerations.
- Rock-breaking activities on site will likely have a detrimental impact on the amenity of local residents by reason of noise and dust nuisance.
- No details have been provided of the methodology of any rock-breaking / excavation activities to be undertaken on site.
- The impact of any chemical rock-breaking will need to be assessed given the ecological importance of the site.
- There are concerns that the extensive rock-breaking required on site could potentially impact on the structural integrity of adjacent dwellings.
- The proposed scheme will result in the devaluation of neighbouring properties and will set an undesirable precedent for further such development.

6.3.3. Dalkey Community Council:

- The planning application has not been accompanied by a conservation report whilst the reconstruction / refurbishment of the existing property has not been given consideration.
- Redan House is of built heritage interest and makes a positive contribution to the surrounding streetscape. Therefore, its demolition would be contrary to Policy AR5: '*Buildings of Heritage Interest*' of the County Development Plan.

- There are concerns that there has not been a full ecological assessment of the application site which is known to include a badger sett whilst bats have also been observed exiting the roof of Redan House.
- The proposal fails to acknowledge the geological importance and sensitivity of the application site.
- Having regard to the site location relative to the Killiney Hill pNHA, it would appear that no consideration has been given to the ecological sensitivity of the site and the potential impact of the proposed development on same. In particular, there are concerns as regards the absence of any detailed landscaping proposals and the impact of the proposed perimeter fencing on the free movement of animal species.
- There are concerns as regards the impact of the proposed construction works on the amenities of the surrounding area, with particular reference to traffic management and any rock-breaking activities.
- Given the need for the demolition of Redan House and the considerable excavation works required, it is suggested that the subject site is not suited to the proposed development.
- Existing on-street parking arrangements opposite the proposed entrance will serve to reduce the available carriageway width and will inhibit the manoeuvrability of vehicles seeking to access the site.
- The overall design, scale and bulk of the proposed building will appear overbearing and will have a detrimental impact on the residential amenity of neighbouring properties.
- The loss of the existing garden area / vegetation to the front of Redan House will result in the proposed construction having an oppressive appearance relative to the houses opposite.
- There are no other new three-storey buildings along Ardbrough Road as close to the pavement as the subject development. Accordingly, the separation distance of c.13-16m between the proposed housing and the existing residences on the opposite side of Ardbrough Road is considered to be inadequate and contravenes the requirements of the Development Plan.

- The windows proposed within the eastern and western elevations will overlook the private open space of adjacent properties whilst the front of the proposal will overlook the existing dwelling houses on the opposite side of Ardbrough Road due to the inadequate separation distance.
- The amended proposals submitted with the grounds of appeal do not alter the overbearing and insensitive nature of the proposed development or its impact on neighbouring amenities.
- The proposed development will have a detrimental visual impact on the surrounding landscape / streetscape and will intrude on the views available from Killiney Hill Park.

6.3.4. June Duffy & Kevin Smyth:

- The overall design, scale and height of the proposal is out of character with the established pattern of development along Ardbrough Road.
- Dalkey Hill and the adjacent quarries are of geological and geomorphological interest and the subject site is situated on a very small remnant of its natural surface / profile.
- The profile of Dalkey Hill has already been impacted to some degree by the development of 2 No. houses at the junction of Ardbrough Road / Torca Road, both of which impinge on the views from above the quarry towards the bay. There are concerns that the insensitive design of the proposed development would further impact on the views available at this location.
- Inadequate provision has been made for on-site car parking.
- The local road network (Ardbrough Road) cannot accommodate the additional traffic consequent on the proposed development which will serve to exacerbate the potential for traffic congestion / hazard.
- The use of existing on-street parking along Ardbrough Road will inhibit the proposed access arrangements.
- Rock-breaking activities on site will likely have a detrimental impact on the amenity of local residents by reason of noise, vibration and dust nuisance.

6.3.5. Redmond O'Hanlon:

- Redan House is of built heritage interest and can be sympathetically repaired, restored and extended in line with the objectives of the Development Plan.
- The overall design and scale of the proposed development is visually intrusive. Furthermore, there are no three-storey dwelling houses in the immediate vicinity of the application site and the reference to housing at the junction of Ardbrough Road / Torca Road is not considered relevant.
- The proposed development will visually dominate the area and will also intrude on the privacy of neighbouring housing.
- The application site adjoins an Architectural Conservation Area and a Natural Heritage Area.
- This is the last remaining unaltered section of landscape in the area and thus should be preserved as much as possible.
- The amount of rock to be excavated in order to accommodate the development is excessive and injurious to public health.
- Due to the restricted width of Ardbrough Road and on-street car parking practices, there is inadequate space available to allow vehicles to manoeuvre to and from the proposed development without giving rise to a traffic hazard.

6.3.6. Dalkey Rock Residents Association:

- Whilst there is no objection in principle to a modest residential development on site, it is considered that the subject proposal would detract from the visual amenity of the Dalkey Hill Natural Heritage Area.
- The overall scale, massing and design of the proposed housing is not in keeping with the surrounding pattern of development.
- The subject proposal would set an undesirable precedent for further development on sites in the immediate area which would undermine the visual amenity of the Natural Heritage Area.
- The proposed development would serve to dominate neighbouring buildings and would have a detrimental impact on the existing streetscape, the privacy of adjacent properties, and the character of the roadway.

N.B. In the interests of clarity, and in order to avoid unnecessary repetition, the Board is advised that this submission has been accompanied by a copy of the original observation lodged with the Planning Authority and that the contents of same have been taken into consideration in the assessment of this appeal.

6.3.7. Mark & Alison Buggy:

- The overall design, scale and height of the proposal will result in an unacceptable overdevelopment of the site.
- The proposed development would have a detrimental impact on the character of the surrounding landscape, with particular reference to the views available from Dalkey Hill.
- The three-storey construction of the proposed development, when taken in combination with the elevated and sloping nature of the site, will be highly obtrusive on the surrounding landscape.
- The overall design of the proposal is out of character with the surrounding pattern of development.
- The proposed development will have a detrimental impact on the amenity of neighbouring properties by reason of overlooking / loss of privacy and overshadowing.
- There are concerns that the excavation works required to accommodate the development will undermine the structural integrity of neighbouring properties.
- There are concerns as regards the impact of the proposed construction works on the amenities of the surrounding area and the health and safety implications associated with same.
- The loss of vegetation / planting consequent on the proposed development will have a negative impact on the Natural Heritage Area as well as local wildlife considerations.
- The proposed boundary fencing will be visually obtrusive and will interfere with the character of the surrounding landscape.
- Mature perimeter vegetation should be maintained as part of any development on site.

- Inadequate provision has been made for on-site car parking and thus the proposal will serve to exacerbate existing traffic congestion along this section of roadway.
- The proposed development will set an undesirable precedent for further such development which would seriously injure the amenities of property in the vicinity.

6.3.8. Judith Doherty & Donal Sexton:

- The submitted proposal is an inappropriate design response to the site location.
- The proposal makes no attempt to reference the established streetscape or the prevailing pattern of development in the area contrary to the provisions of the Development Plan.
- Ardbrough Road cannot accommodate the additional traffic consequent on the proposed development which will serve to exacerbate the potential for traffic congestion / hazard.
- The prevalence of on-street parking along Ardbrough Road will inhibit the proposed access arrangements.
- Inadequate provision has been made for on-site car parking.
- A reduction in the overall density of the proposal would allow for the provision of splayed entrance arrangements and improved sight distance.

6.3.9. Liam Ó Bharáin & Leonie M. Warren:

- The character / streetscape of Ardbrough Road derives primarily from the 19th Century architecture of many of its houses and in this regard it should be noted that Redan House is one of the oldest and most prominent properties along the roadway. Given that Dalkey has been designated as a 'Heritage Town', it is submitted that Redan House should be preserved as a crucial part of the heritage of both Ardbrough Road and Dalkey village.
- Notwithstanding that Redan House has fallen into a state of disrepair and may be structurally unsound, it should be reconstructed in keeping with the established character / architecture of Ardbrough Road. In contrast, the overall

design of the subject proposal would be totally out of character with the site context and the surrounding pattern of development.

- Redan House is of architectural / built heritage interest and in this regard the Board is referred to the comments of both Duchas and a previous reporting inspector in their assessment of PA Ref. No. D03A/0011 / ABP Ref. No. PL06D.202349 wherein it was stated that the existing property should be retained and restored.
- The subject site impinges on a proposed Natural Heritage Area.
- Dalkey Hill is of geological and geomorphological heritage value and forms an important part of the character of South Dublin. Furthermore, Redan House is located on the only remaining part of the natural profile on the northern side of the hill above Ardbrough Road and the proposed development would serve to destroy same when viewed from the east and west.
- There are concerns with regard to the impact of the proposed development on the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area and other wildlife considerations, including bats and badgers present on site.
- The proposed development would have a detrimental impact on the residential amenity of the observer's property by reason of increased overlooking, loss of privacy and overshadowing.
- The submitted drawings fail to accurately detail the observer's dwelling house, with specific reference to that portion of the building covered by a glass roof.
- There are concerns as regards the impact of the proposed rock breaking / excavation works on the amenities of the surrounding properties (including noise, dust and vibration levels) and the health and safety implications associated with same.
- The inadequacy of the proposed parking arrangements will serve to exacerbate traffic congestion in the area.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Impact on built heritage
- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic implications
- Ecological / biodiversity considerations
- Appropriate assessment
- Other issues

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as 'A' in the Dun Laoghaire Rathdown County Development Plan, 2016-2022 with the stated land use zoning objective *'To protect and-or improve residential amenity'*. It should also be noted that the subject site is located within an existing built-up area and that the immediate site surrounds are primarily residential in character with the prevailing pattern of development comprising a variety of vernacular housing types interspersed with more contemporary / conventional construction. In this respect I would suggest that the proposed development site can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Indeed, the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning*

Authorities, 2009' acknowledge the potential for infill development within established residential areas provided that a balance is 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. It is of further relevance to note that the subject proposal involves the demolition of an existing semi-derelict dwelling house and that the construction of replacement housing on lands with an established residential use which are zoned for such purposes would normally be acceptable in principle.

7.2.2. Therefore, in light of the foregoing, including the established use of the site for residential purposes, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. **Impact on Built Heritage:**

7.3.1. With respect to the proposal to demolish 'Redan House', whilst it is apparent from a review of the available information that the Planning Authority has particular concerns as regards this aspect of the development on the basis that it will result in the loss of a structure which is considered to be of local architectural and historical interest, it is of relevance to note that the building in question has not been designated as a protected structure / proposed protected structure nor has it been included within the Ardbrough Villas candidate Architectural Conservation Area. In addition, it is also notable that the existing structure would not appear to be referenced in the National Inventory of Architectural Heritage to date. Furthermore, notwithstanding the concerns previously raised by Dúchas (now the Department of Arts, Heritage and the Gaeltacht) in its earlier assessments of the development proposals considered under PA Ref. Nos. D00A/0076 & D03A/0011 wherein it was indicated that Redan House '*would merit at least "local" worth for architectural quality according to the National Inventory of Architectural Heritage ratings system*' and that '*its demolition would detract from the mature residential character of the area*', it would appear that the Planning Authority was not satisfied that the property was of such built heritage value as to warrant inclusion in any updating of the Record of Protected Structures undertaken as part of the review of former development plans

which culminated in the adoption of the current Dun Laoghaire Rathdown County Development Plan, 2016. In this regard I would further suggest that the Planning Authority has had multiple opportunities to include Redan House in the Record of Protected Structures and has seemingly chosen not to do so and thus I would have some reservations as regards the level of uncertainty introduced in the Planning Authority's assessment of the subject application in relation to the built heritage value of the existing structure.

N.B. (1) I would advise the Board that the reporting inspector in their previous assessment of ABP Ref. No. PL06D.202349 noted that Redan House was then '*proposed for listing as a protected structure*', however, it would appear that the decision was made not to include the property in the Record of Protected Structures.

N.B. (2) If the Planning Authority had opted to designate the building as a protected structure this would have imposed an obligation on the property owner to ensure that the property was not being endangered.

- 7.3.2. Having reviewed the Planning Authority's assessment of the subject proposal, I would suggest that the principle concerns as regards the potential impact of the proposed development on built heritage considerations can effectively be summarised as relating to the loss of the existing building on site (which is considered to be of architectural heritage merit) and the effect of same on the historic character / streetscape of the area, and the overall suitability of the design of the proposed replacement construction given the specific site context.
- 7.3.3. Notwithstanding that Redan House is not a protected structure, I note the provisions of Policy AR5: '*Buildings of Heritage Interest*' of the current County Development Plan which seek to retain (where appropriate) and encourage the rehabilitation and suitable reuse of older buildings / structures which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment, although I would suggest that this objective is somewhat aspirational and perhaps should not be given an unduly restrictive interpretation. In this regard I would accept that the subject property is an example of a mid-19th Century, two-storey, three-bay, detached dwelling house which makes a positive contribution to the overall character of Ardbrough Road. In addition to the foregoing, I would concur with the previous reporting inspector in their assessment of ABP Ref. No.

PL06D.202349 that Redan House *'is a seemingly building with some architectural and historical value, as a type of building now rare in the area'*, although it should be acknowledged that the structure would appear to have deteriorated since and is presently in a seriously neglected condition.

7.3.4. Whilst it is regrettable that the subject application has not been accompanied by any specific analysis of the historical or built heritage value of the property, such as an architectural impact assessment, and although I was unable to gain access to the interior of the building during the course of my site inspection, the survey photographs provided with the planning application would seem to suggest that the interior of the property has been extensively damaged and is of limited architectural significance.

7.3.5. Accordingly, whilst I would accept that the existing building makes a positive contribution to the landscape and architectural treatment of the wider area and that its retention (and refurbishment) would be desirable from a built heritage perspective, in my opinion, it is clear that the structure is in a considerable state of disrepair and that any restoration of same would incur significant financial cost. More notably, the subject application has been accompanied by a structural report prepared by Kavanagh Burke Consulting Engineers which has reviewed the overall condition / integrity of the existing structure and has concluded that the building is in a very poor condition structurally and should be demolished. This report notes that the building has been open to the elements for some time due to missing roof slates and general leaks which has given rise to extensive wet rot in the roof and floors including the ground floor and stairs. Unmitigated water ingress has also resulted in the deterioration of internal partitions and masonry whilst the external render has cracked and debonded in multiple locations. Concerns has also been raised that the formation level of the structure i.e. the foundation level, could have been damaged by exposure to water from leaking gutters and downpipes etc. Therefore, on the basis of the available information, it would appear that the overall structural condition of Redan House has likely deteriorated further since the Board's previous determination of ABP Ref. No. PL06D.202349.

7.3.6. On balance, whilst the demolition of Redan House is regrettable, in view of the fact that the structure has not been deemed to be of sufficient merit to warrant inclusion in the Record of Protected Structures to date, and as the current structural condition

of the property would appear to have deteriorated to such an extent that it poses a risk to public safety, and as the restoration of the property may no longer be feasible, I would suggest that the applicant has put forward a reasonable case for the demolition and replacement of same.

7.4. **Overall Design and Layout / Visual Impact:**

- 7.4.1. The proposed development site occupies a visually sensitive and prominent position on the north-facing slope of a rocky outcrop which extends north-westwards from Dalkey Hill in an area which is characterised by a variety of vernacular housing types interspersed with several notable examples of more modern contemporary construction (such as in the vicinity of the junction of Ardbrough Road / Torca Road) set against the backdrop of Dalkey Hill. In this regard it is of further relevance to note that the site forms part of an attractive streetscape, which includes the Ardbrough Villas candidate Architectural Conservation Area, whilst the existing dilapidated dwelling known as Redan House is particularly visible from vantage points along Ardbrough Road on the western approach to the site. In addition, I would advise the Board that Table 4.1.1 of the Development Plan refers to the prospect '*Dalkey Hill from Ulverton Road, Station Road and the East Pier*' as having been identified for preservation.
- 7.4.2. The proposed development involves the demolition of the existing building on site and the subsequent construction of a contemporarily designed scheme of 3 No. terraced dwelling houses which has sought to address the difficult site topography by excavating into the hillside / slope and by utilising a staggered floor arrangement over the upper levels of House Nos. 2 & 3. Whilst I would acknowledge that the current condition / appearance of Redan House and its grounds is regrettable and serves to detract somewhat from the visual amenity of the wider area, the structure itself is nevertheless in keeping with the surrounding pattern of development and maintains a positive presence within the streetscape, although I would accept that the provision of an appropriately scaled contemporary design could potentially be accommodated on site as a replacement for same.
- 7.4.3. Having conducted a site inspection and following a review of the available information, including the planning history of the area and the photomontages provided with the application, I would have serious concerns as regards the overall

design, scale, massing and height of the proposed development given the site context. In this respect whilst I would accept that the submitted design provides for a transition between the three-storey construction of House Nos. 2 & 3 and the adjacent Ardrugh Villas candidate Architectural Conservation Area by stepping down House No. 1 to two-storeys in height with a mono-pitched roof construction, I am nevertheless of the opinion that the overall scale and height of the proposal would constitute a visually dominant feature in the streetscape which would seriously injure the visual amenities of the area. Indeed, although the overall height of the proposal is generally comparable to the roof ridge line of Redan House, I am inclined to concur with the previous reporting inspector in their assessment of ABP Ref. No. PL06D.202349 that there is a notable difference between a conventionally tapered pitched roof construction and a large expanse of continuous flat roof. Furthermore, when taken in conjunction with the breadth / depth of the construction proposed into the hillside, the height of the proposed structure when viewed from the approaches along Ardrugh Road, will give rise to such an expanse of side elevation as to have an excessively overbearing appearance. The visual dominance arising from the massing of the structure is further evidenced with viewed relative to the existing dwelling houses on the northern side of Ardrugh Road, with particular reference to the single storey properties sited directly opposite the three-storey element of the scheme, which would likely be further exacerbated by topography of the area and the perception that the proposal will 'tower' over lower-lying residences.

7.4.4. Therefore, on the basis of the foregoing, and in light of the sensitivity of the site context, with particular reference to the surrounding pattern of development, the prominent and elevated site location, and the character and setting of the wider streetscape, in my opinion, the proposed development would be visually obtrusive and out of character with the prevailing pattern of development and would seriously injure the residential amenities of properties in the vicinity by way of being unduly overbearing.

7.5. **Impact on Residential Amenity:**

7.5.1. Concerns have been raised that the proposed development could have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking (with an associated loss of privacy) and overshadowing. In this respect I would suggest that particular consideration need to be given to the proximity of the

proposed construction to nearby housing (including the existing dwelling houses to the east within 'Dalkey Rock' and those lower-lying properties along the northern side of Ardrugh Road), the height of the proposed development relative to neighbouring properties, the position and orientation of windows, and the proposed inclusion of courtyard areas to the rear of the construction at first floor level.

7.5.2. Whilst I would acknowledge that the Planning Authority has certain reservations as regards the potential impact of the proposed development on the residential amenity of neighbouring properties, with particular reference to the possible overlooking and overshadowing of the adjacent dwelling house at No. 1 Dalkey Rock to the immediate east of the application site, I would advise the Board that the grounds of appeal have been accompanied by an amended design proposal which has sought to address the foregoing concerns and, in light of the relatively minor nature of the changes involved, I propose to have regard to same in my assessment of the subject appeal.

7.5.3. With regard to the potential overlooking impact of the proposed development (as amended) on the adjacent property at No. 5 Ardrugh Villas to the immediate west of the application site, it is of relevance in the first instance to note that said property is in the ownership of the applicant and is presently undergoing renovation / reconstruction / extension works. In addition, the submitted design would appear to have taken cognisance of the need to provide for a transition between the three-storey construction of House Nos. 2 & 3 of the proposed development and the single storey terrace of Ardrugh Villas by stepping down the overall height of Proposed House No. 1 to two-storeys with a mono-pitched roof construction. This is reinforced by the staggered western elevation of House No. 1 whereby the first floor gable has been recessed behind the building line of the ground floor construction. Provision has also been made for a separation distance of c. 12.8m between the proposed two-storey construction and the directly opposing gable end of No. 5 Ardrugh Villas. Furthermore, the first floor windows within the western elevation of House No. 1 have been positioned at a height over floor level and serve a combined kitchen / living / dining area as opposed to a bedroom and could be finished in obscure / opaque glazing (if required by the Board) in order to address any overlooking concerns without depriving this space of the additional daylight / sunlight received through this fenestration given the limited daylighting otherwise offered by its north-

facing orientation. The lightwell serving Bedroom No. 1 will also be adequately screened to avoid any undue overlooking of Ardrugh Villas as detailed in the rear sectional drawing detailed on Drg. No. 1673-P-201A (received by the Board on 17th November, 2017) and whilst I would accept that the elevated nature of the private open space to the rear of the proposed development could potentially result in the overlooking of adjacent spaces, I am inclined to suggest that regard should be had to the historical use of this area as open space serving Redan House and that any concerns could potentially be mitigated through the proposed use of safety / security fencing supplemented by an appropriate scheme of landscaping.

- 7.5.4. In response to concerns as regards the potential for overlooking of No. 1 Dalkey Rock, the amended proposals have omitted all windows from within the eastern elevation of Proposed House No. 3, save for that which serves Bedroom No. 3 as this opens into an enclosed lightwell and thus does not have any view towards the adjacent property. Similar to Proposed House No.1, any views from the rear garden area over the private open space of the neighbouring residences should be considered in light of the historical residential use of subject property and the ability to mitigate same through suitable screening measures.
- 7.5.5. In respect of the dwelling houses located directly opposite the proposed development site along the northern side of Ardrugh Road, I would acknowledge the concerns of the occupants of those residences as regards the potential for a loss of amenity / privacy given that the proposed development will result in a considerable increase in the overall expanse and height of fenestration orientated directly towards their properties when compared to the existing construction i.e. Redan House. Notably, the proposed development will follow the front building line established by the existing dwelling on site thereby maintaining a comparable separation distance, whilst it is also of relevance to note that the front elevation at first and second floor levels of House Nos. 2 & 3 will be recessed back approximately 1.5m further into the site thereby increasing the separation from the properties opposite to c. 14.5m. On balance, whilst I would concede that there is a separation distance of 15.8m between the first floor kitchen / living area of House No. 1 and the two-storey dwelling house opposite in addition to a distance of 14.5m between the first / second floor bedroom and kitchen / living windows of House Nos. 2 & 3 and the single storey bungalows opposite, I would have reservations that there would certainly be a perception (at

least) by the occupants of the properties opposite that they would be overlooked by the proposed units, notwithstanding the intervening presence of a public road. In this regard, I note that the two-storey and single storey dwellings directly opposite the site all have rooflights / glazed areas within their roofs serving unidentified accommodation and that the privacy of these spaces could potentially be undermined by the additional expanse and increased height of those windows proposed within the front elevation of the new construction.

- 7.5.6. In assessing the potential impact as regards a loss of light or overshadowing, it is necessary to consider a number of factors including the height of the structures concerned, their orientation, the separation distances involved, and their positioning relative to each another. Accordingly, having considered the submitted information, in my opinion, it is unlikely that the proposed construction, by reason of its overall height, positioning and proximity to those dwelling houses to the immediate east and west, will give rise to such a diminution in the amount of direct sunlight / daylight received by those neighbouring properties as to warrant a refusal of permission. In this respect I would further advise the Board that the subject site is situated in an urban area where some degree of overshadowing would be not unexpected and that the rear garden areas of the properties at No. 1 Dalkey Rock and No. 5 Ardbrough Villas will likely continue to benefit from adequate levels of sunlight / daylight, particularly from a southern aspect. However, with regard to the single storey housing located on the opposite side of Ardbrough Road, I would have some reservations as regards the potential overshadowing impact of the proposed development and would suggest that it would have been beneficial if a shadow impact analysis had been undertaken as part of the subject application.
- 7.5.7. With regard to the potential impact of construction activities on the residential amenities of surrounding property (in reference to construction traffic, noise & dust generation, and general nuisance), whilst I would acknowledge that the proposed development site is within an established residential area and that any construction activity could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.5.8. In relation to any damage to property attributable to constructional activities undertaken on site (e.g. vibrational impacts associated with any rock-breaking activities etc.), I am inclined to suggest that this is a civil matter for resolution between the parties concerned.

7.6. **Traffic Implications:**

- 7.6.1. The proposed development includes for the provision of 3 No. off-street car parking spaces in accordance with the requirements of Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan (i.e. 1 No. space per 2-bed unit) with each of these parking bays to be accessed via an individual entrance arrangement / driveway onto Ardrugh Road. However, concerns have been raised that any such proposal will result in the loss of existing on-street car parking spaces and will also serve to interfere with the existing on-street parking practices adopted by the occupants of those dwelling houses located opposite the application site along the northern side of Ardrugh Road due to the limited carriageway width available at this location and the associated difficulties in attempting to manoeuvre vehicles to / from the proposed parking spaces.
- 7.6.2. Having conducted a site inspection, it is clear that the carriageway width of Ardrugh Road in the vicinity of the application site is quite limited and that the available space for manoeuvring traffic is diminished further by the prevalence of on-street car parking attributable to either an absence of (or a reluctance to use) on-site parking facilities for those dwelling houses located along the northern side of the roadway which is likely exacerbated by visitors to the area. Whilst I would accept that the proposed access arrangements would effectively serve to prohibit car parking along the southern side of Ardrugh Road (i.e. the site frontage), which would otherwise theoretically be available to local residents for on-street parking purposes, it would appear that the historical practice in the area has been to park along the opposite (northern) side of the roadway from the application site and thus there is no 'direct' loss of on-street parking along the site frontage. It should also be acknowledged that the proposed development will provide for sufficient on-site car parking in accordance with the Development Plan and thus will not place any further demand on existing on-street car parking.

- 7.6.3. However, in light of the narrow carriageway width alongside the site frontage, I am inclined to concur with the contents of several of the observations lodged by local residents in respect of the subject appeal that, in order to ensure there is adequate free space of movement to accommodate the manoeuvring of vehicles to and from the on-site car parking facilities proposed to serve the housing units, it may be necessary to control / prohibit car parking activities in the immediate vicinity of same along the northern side of the roadway. Whilst I would accept that any such loss of on-street car parking would likely be perceived as detrimental to the historical parking practices / amenities of nearby residents, it should be noted that the roadway in question is a public road, the purpose of which is to accommodate the free flow of traffic, and that there is no definitive right to on-street parking, particularly as there are no marked parking bays / spaces delineated along this section of roadway. I would further suggest that the subject proposal, which satisfies its parking requirements through the provision of on-site car parking facilities, could potentially avoid a situation whereby the existing dwelling house on site could theoretically be renovated and made habitable in the absence of any requirement to provide off-street car parking thereby further exacerbating traffic congestion / parking difficulties along Ardrugh Road.
- 7.6.4. With regard to the adequacy of the sightlines available from the individual driveways / off-street parking arrangements serving each of the proposed dwelling houses, with particular reference to vehicles reversing from same onto the public roadway, and the ease of manoeuvrability to / from same, it should be noted that the proposed access arrangements are essentially directly comparable to those serving existing housing in the immediate site surrounds. Furthermore, I am inclined to suggest that the sightlines available are within acceptable limits given the limited traffic volumes and low traffic speeds along this particular section of roadway. Therefore, on balance, it is my opinion that the proposed access arrangements are generally satisfactory and will not endanger public safety by reason of traffic hazard.
- 7.6.5. In relation to the overall traffic impact of the proposed development, whilst I would acknowledge the restricted carriageway width of Ardrugh Road at this location, having regard to the limited scale of development proposed and the likely traffic volumes and speeds along this section of roadway, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional

traffic volumes consequent on the proposed development and that the subject proposal does not pose a risk to traffic / public safety.

- 7.6.6. Therefore, on balance, I am satisfied that the proposed car parking and associated site access arrangements are acceptable and that the subject proposal will not endanger public safety by reason of traffic hazard.

7.7. **Ecological / Biodiversity Considerations:**

- 7.7.1. From a review of the available information, it would appear that the southernmost extent of the proposed development site forms a minor salient which extends into the Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (Site Code: 001206) as detailed in the submission received from the Department of Culture, Heritage and the Gaeltacht. In this regard concerns have been raised that the proposal to erect 1.8m high security / safety fencing along the southern, eastern & western site boundaries will effectively serve to form a barrier to the pNHA and that this could potentially impact on wildlife considerations, with particular reference to the free movement of species such as badgers which are known to reside in the area (*N.B.* Reference has been made to a badger sett located on the southern site boundary, which was occupied from the 1980s until 2006, and that badger paths were previously evident from the sett through the development site into both Dalkey Quarry and Darcy's Quarry within the pNHA. It has also been submitted that this sett would still be expected to be occupied by badgers). Accordingly, the Department has recommended that the applicant be required to undertake a badger survey of the proposed development site and adjacent lands with a view to establishing the current status of the badger sett on the southern site boundary, the pathways from this sett into adjacent parts of the pNHA, and the current status of setts known to have been present in the recent past within that part of Darcy's Quarry within the pNHA. This survey should also consider the potential impact of the proposed security / safety fencing on badger movements across the development site into the quarries and, if necessary, detail any modifications to the fencing which would be required to accommodate such movements.
- 7.7.2. In response to the foregoing, the applicant has indicated in the grounds of appeal that it is amenable to the southern portion of the site being retained as an undeveloped wildlife area in order to act as an extension of Killiney Hill Park

pursuant to an agreement under Section 47 of the Planning and Development Act, 2000, as amended, and in this regard I would refer the Board to the amended site layout plan (Drg. No. 1673-P-020A) received on 17th November, 2017 which provides for the repositioning of the fence line that will define the southernmost extent of the rear garden areas associated with the proposed dwelling houses.

- 7.7.3. In my opinion, the aforementioned proposal by the applicant, which effectively provides for the southernmost extent of the application site to function as public open space in conjunction with Killiney Hill Park with no new boundary provision, is a suitable response to the concerns raised and is acceptable in principle.

7.8. **Appropriate Assessment:**

- 7.8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.9. **Other Issues:**

7.9.1. **Geological Considerations:**

The proposed development site is located on the north-facing slope of a rocky outcrop which extends north-westwards from Dalkey Hill and in this respect it should be noted that Dalkey Hill has been identified as a 'Geological Site' in Table 4.1.3 of the Development Plan. Moreover, Policy LHB27: 'Geological Sites' states that it is the policy of the Planning Authority to protect, promote and preserve those sites which are considered to be of geological and geomorphological importance in the county, including any County Geological Sites (CGS) that become designated during the lifetime of this Plan.

Whilst I would acknowledge the geological / geomorphic significance of the wider Dalkey / Killiney Hill area, having regard to the site context (including its historical use), the surrounding pattern of development / topography, the scale of development proposed, the likely extent of any excavation / rock-breaking works, and the amended proposal as detailed in the grounds of appeal to preserve a significant part of the wider site area from any development works, on balance, I am not of the

opinion that it has been demonstrated that the impact of the proposed development on geological considerations would warrant a refusal of permission.

8.0 Recommendation

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development, by reason of its overall design, height, scale and massing on this prominent and elevated site, would constitute a visually obtrusive feature in the landscape which would be out of character with the prevailing pattern of development in the surrounding area and would seriously injure the residential amenities of properties in the vicinity by way of being overbearing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

21st June, 2018