



An
Bord
Pleanála

Inspector's Report ABP-300487-17

Development	Two new plastered concrete piers with wrought iron gates and associated site and landscaping works.
Location	Riversdale, Riversdale Avenue, No. 75 Bushy Park Road, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3998/17
Applicant	Eugene McQuillan
Type of Application	Permission.
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Insignia Investments Ltd.
Date of Site Inspection	14 th March, 2018.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site subject of the application is that of Riversdale, constructed in the 1960s which has recently been extended and renovated. Riversdale is attached to Riversdale House a historic property located at the end of Riversdale Avenue, a *cul de sac* off Bushy Park Road. Riversdale is attached to the front of Riversdale House facing towards the entrance and driveway off Riversdale Avenue. Riversdale House the original historic house is steeply elevated above the embankments of the River Dodder which it overlooks.
- 1.2. There is one existing historic entrance at end of Riversdale Avenue. Historic wrought iron gate piers and a gate, which are possibly original are located at this entrance. Areas of scrubland are located on the inner side of this entrance.
- 1.3. A third structure, a single storey structure “The Barn” possibly for some time also formerly used as a dwelling house is located inside the entrance onto the driveway at the end of Riversdale Avenue.
- 1.4. Approximately twenty metres inside this entrance, fencing, coniferous and deciduous trees and shrubs are located at the front of Riversdale and Riversdale House and to the rear of trees and shrubs at the rear of “The Barn”.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority of 5th October, 2017 indicates proposals for the erection of two plastered and capped concrete gate piers, wrought iron gates across the driveway in front of Riversdale and Riversdale House and at the rear of “The Barn” along with landscaping and site development works. In the written submission accompanying the application it is stated that it is intended to erect salvaged, restored 3.5 m wide wrought iron gates which would be inward opening and which would serve both dwellings. (Riversdale and Riverdale House) The lodged plans also indicate proposals for a new hedge and for retention of existing trees and fencing.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, the planning authority decided to grant permission subject to six conditions all of which are of a standard nature.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer in his report indicated satisfaction with the proposed development and points out that the entrance driveway is in private ownership and that there are no views towards Riversdale House from the public road

Third Party Observations

- 3.2.2. A submission from the appellant party indicated objections based on negative visual impact on the open context at the site and detracting from the visual amenities of Riversdale House.

4.0 Planning History

P. A. Reg. Ref: 3580/16: Permission was granted for extensions and renovations to Riversdale.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016 – 2022 according to which:

The site is within an area subject to the zoning objective Z2: *“To protect and or improve the amenities of residential conservation areas”*.

Riversdale House is included on the record of protected structures.

The location adjoins the zone of archaeological constraint for several recorded monuments.

6.0 The Appeal

Grounds of Appeal

- 6.1. An appeal was received from Insignia Investments Ltd., the owner of “The Barn”, the single storey structure inside the entrance off the end of Riversdale Avenue. According to the appeal the proposed piers and gates would be visually objectionable in the context of the open nature of the group of houses in the enclave not least Riversdale House itself which is a protected structure. The proposed development would seriously detract from the views toward Riversdale House in an open setting to which there is free access at present.

Applicant Response

- 6.2. A submission was received from Collins Maher and Martin on behalf of the applicant on 24th January, 2018 according to which:
- There is no free access to Riversdale House because the driveway is not a public path or roadway.
 - The design of the proposed development is in sympathy with the two houses and could not be described as visually objectionable.

It is requested that the planning authority’s decision to grant permission be upheld.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The issues central to the determination of the decision and considered below are:
- Impact on visual amenities, open character and integrity of Riversdale House, (a protected structure) and,
 - Entitlement to public access to view Riversdale House.

7.2. Impact on visual amenities, open character and integrity of Riversdale House, a protected structure.

7.2.1. Agreed details of the curtilage for the purposes of the clarification as to the extent of the area around Riversdale House subject to statutory protection are not available. However, it is reasonable to assume that historic curtilage for Riversdale House extends over the entire driveway and enclave occupied by the three existing structures and comes within the area subject to statutory protection, irrespective of whether either Riversdale and The Barn are of special architectural heritage interest. In consideration proposals for development, statutory protection would therefore be applicable to the space along the driveway as far as and including the entrance at the end of Riversdale Avenue in front of the third structure, "The Barn" (in the ownership of the appellant) which may have had a former use as a habitable dwelling. This area is interlinked and immediate to the context and setting of Riversdale House, notwithstanding the lack of visibility from the public realm (other than from the opposite side of the River Dodder) is characteristic of the design and layout of grounds of historic properties.

7.2.2. As noted during the inspection, significant original ornate wrought iron fabric in the form of the gates and piers which is likely to have been constructed by skilled craftsmen is intact at the entrance directly off Riversdale Avenue. The proposed erection of the gate and piers shown in the application is considered sensitive in design and material and, relatively inconspicuous although it is acknowledged that gates and piers form a barrier that closes the vista along the driveway. However, an appropriateness in the design and materials for the proposed gates and piers which includes incorporation of salvaged materials, which is welcome, ameliorates the visual impact particularly in that the original entrance gates piers and driveway are not subject to any proposals for material alteration to facilitate the development. As a result, it is agreed that the proposed development is acceptable and the planning authority decision to grant permission is supported. Bearing the foregoing in mind, there is no objection to the proposed development.

7.3. Entitlement to public access to view Riversdale House.

7.3.1. It is noted that details as to Title, or Burdens on Title in relation to the entrance driveway for the three properties are not available. Any dispute over entitlements as

to a right of access to the front of Riversdale House would be a matter for resolution through the legal system.

7.4. Appropriate Assessment

- 7.4.1. Having regard to and to the nature of the proposed development and to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In conclusion, it is considered that the proposed development is acceptable subject to inclusion of a condition with requirements for a compliance submission for the proposed entrance piers and gates with incorporation of historic wrought iron at the entrance.

9.0 Reasons and Considerations

- 9.1. Having regard to the inclusion of Riversdale House, which is included on the record of protected structures, to which 'Riversdale' is attached and, to the configuration of the existing historic driveway, to the original ornate cast iron entrances gates and piers and to the design and materials for the proposed entrance gates and piers, it is considered that, subject to compliance with the conditions set out below, the proposed development would not sever or interfere with the integrity, context, character or visual amenities of Riversdale, a protected structure and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and particulars and, by the plans and received by the planning authority on, 27th July, 2017 and 20th September 2017 except as may otherwise be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in

writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

Jane Dennehy
Senior Planning Inspector
3rd April, 2018.