



An
Bord
Pleanála

Inspector's Report ABP-300867-18.

Development	Two-storey detached house
Location	Sea Lodge, Strand Road, Killiney, Co. Dublin.
Planning Authority	Dun Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	Reg. Ref. D17A/0350
Applicant	Rory Rees Brennan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v. decision
Appellant	Rory Rees Brennan
Observer	None
Date of Site Inspection	21/6/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.1978 ha, is located on the east side of Strand Road – a residential road running parallel to the DART line in Killiney, Co. Dublin. Strand Road is relatively narrow. There are no footpaths along the road only several pull-in bays. The area is characterised by detached and semi-detached houses on large sites between the sea to the east and Strand Road. There is a mix of period dwellings along Strand Road a number of which are Protected Structures. These include two Victorian era castellated granite-faced residences. The Killiney Beach Martello Tower forms part of a private residence.
- 1.2. The site comprises the plot of the property Sea Lodge. There is a hard surfaced area to the front of the property which lies at the end of Strand Road. An outbuilding which was formerly used as stables is situated 20m to the north of the house and also forms part of the site.
- 1.3. The house on site is a two-storey detached dwelling. There is a single-storey extension to the western side of the property. The property is served by a mature rear garden containing a number of large conifers, shrubs and hedging. There is a steep embankment along the boundary with DART line to the west. A concrete wall and fence form the eastern site boundary. To the east, the site abuts Killiney Beach. The property has pedestrian access to coastal walk along the fixed dunes above the shoreline. There are fine views from the rear garden across Killiney Bay.

2.0 Proposed Development

- 2.1. Permission is sought to construct a detached house with an area of 206.9 sqm, within the 0.096 ha garden of an existing house. The proposed dwelling has a contemporary design. The main two-storey linear section addresses the beach, it extends for circa 14m. A circular three-storey section is proposed to the southern end of the dwelling. This includes a roof terrace.

- 2.2. The development involves the demolition of a single storey extension to the side of the existing house, Sea Lodge so as to permit an access drive to serve the proposed dwelling.
- 2.3. Demolition of single storey structure in order to create segregated driveways for access to the two existing and one proposed properties.
- 2.4. At further information stage the proposed design of the dwelling was revised with the circular section of the proposed dwelling omitted and the dwelling was set back to ensure that it was located entirely within residentially zoned lands.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for four reasons;

1. Having regard to the location of the site, within a transitional zonal area between lands zoned 'Objective A' – 'To protect and /or improve residential amenity' and lands zoned 'Objective F' – 'to preserve and provide for open space with ancillary active recreational amenities' and the design and layout of the proposed dwelling proximate to the land use zoning boundary, it is considered that the proposed development would result in an abrupt transition in scale and use and would be detrimental to the amenities of the more environmentally sensitive zone. It is therefore considered that the proposed development is contrary to Section 8.3.2 'Transitional Zonal Areas' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022, thereby materially contravening a development objective set out within the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the environmentally sensitive location and '0/0' land use zoning objective of the site, it is considered that an additional dwelling at this

location along the coastline, where density controls are considered appropriate in the interests of preserving their special amenity, it is considered that the proposed development would detract from the unique character of the area and would set an undesirable precedent for future development in the area. The proposed development would be contrary to the provisions of the land use zoning objective 'O/O' where no increase in the number of buildings is permissible and Section 8.2.3.4 (viii) 'O/O Zone' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would materially contravene a development objective set out within the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.

3. The layout and width of the proposed 'future bicycle line', which passes through a gated site and straddles undesirable angles between existing and proposed dwellings, is considered neither practical or feasible to facilitate the future National East Coast Trail Cycle Route. The proposed development does not provide for a high quality cycle way and it is therefore considered that the proposed development is contrary to the provisions of Policy ST5: 'Walking and Cycling' and Specific Local Objective 93, Map 10 in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would set an undesirable precedent for other developments located along the National East Coast Trail Cycle Route. The proposed development would materially contravene a development objective set out within the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.
4. The Applicant has failed to demonstrate to the satisfaction of the Planning Authority that the proposed development would not interfere with the ecological importance of the Dalkey Coastal Zone and Killiney Hill Proposed

Natural Heritage Area (pNHA). The proposed development would therefore set a poor precedent for future development and fails to comply with the provisions of Policy LHB22: 'Designated Sites' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Report dated 12/1/17 - Further information was requested in relation to the following;
 - (1) Clarify the location of the proposed dwelling on site in relation to 'F' zoning objective. The dwelling may have to be relocated on site to ensure it is located within lands zoned objective 'A'. Plans and elevations of the front boundary including the vehicular entrance arrangements of the proposed new dwelling, existing house and the Pink House.
 - (2) Revised plans indicating the width of the shared entrance of the existing house and proposed house with a maximum width of 4m or a minimum width of 3.1m.
 - (3) Drainage details including revised drawings indicating the existing sewer which it is proposed to connect to and proposal for SuDS.
 - (4) Submit a report in support of the screening for Appropriate Assessment to demonstrate how considerations have been arrived at and include consideration of issues in combination.
 - (5) The site is located within the vicinity of the proposed Dalkey Coastal Zone and Killiney Hill (Natural Heritage Area) pNHA. It is unclear where the pNHA boundary is relative to the site. Submit a report containing an assessment of the potential impacts of the proposed development on the pNHA and any important ecological receptors. Submit a bat survey.

- Report dated 12/1/18 – A response to the further information included proposals to revise the location of the dwelling to ensure it is located within objective ‘A’ zoned lands. However, it abuts objective ‘F’ zoned lands the two-storey design was considered an abrupt transition in scale. The omission of the circular tower portion of the design of the dwelling results in a loss of visual interest. The proposed development would not be consistent with the provisions of the ‘o/o’ zoning objective. Revised plans submitted indicating a ‘future bicycle line’. A 1.5m wide cycleway is proposed through the site to be accessed via gate. The proposed route as indicated between the existing and proposed dwelling was not considered appropriate and therefore would be contrary to the provisions of policy ST5. In relation to drainage, a revised site layout has been submitted indicating proposed foul and surface water drainage. Permeable surfaces are proposed to the driveway and parking area also a soakaway and rainwater harvesting system. An Appropriate Assessment Screening Report, report on the impact on the proposed Natural Heritage Area and a bat survey report were submitted. In relation to the report on impact on the pNHA, it was considered that the report did not recognise the value of the pNHA and the value of its biodiversity and that it did not assess the impacts relative to the value. It was considered that insufficient design details of mitigation measures were provided and that the proposed boundary treatment and indirect impacts were not satisfactorily addressed.

3.2.2. Other Technical Reports

Transportation Planning – Refusal recommended, the proposed development would affect the future implementation and operation of the National East Coast Trail Cycle Route.

Drainage Planning – No objections subject to conditions.

Biodiversity Officer – Insufficient detail has been submitted in relation to the potential impact of the proposed development on the proposed Dalkey Coastal Zone and Killiney Hill Natural Heritage Area pNHA.

3.3. Prescribed Bodies

Iarnrod Eireann – no comments received

National Parks and Wildlife Service – no comments received

3.4. **Third Party Observations**

- 3.4.1. The Planning Authority did not receive any observations/submission in relation to the application.

4.0 **Planning History**

None on site

Adjacent Sites

P.A. Reg. Ref. 13B/0236 – Permission was granted for the construction of first floor extension above existing single storey bedroom to rear and alterations to dormer bedroom to include increase in width and depth of existing dormer window to rear. Retention permission is sought for construction of 16 sqm single storey hall to front entrance at the Pink House to the north of the site.

P.A Reg. Ref. D12A/0221 & ABP Ref. PL06D.240999 – Permission was refused for the demolition of an existing single storey structure, construction of 2-storey house with vehicular access on site within the curtilage of Casa Sara (protected structure), 2a Strand Road, Killiney. Permission was refused for the following reason;

1. Having regard to the zoning objective for the site and to the additional restricting O/O designation which applies to the subject site, as set out in the Dun Laoghaire-Rathdown County Development Plan 2010-2016, wherein no increase in the number of buildings will normally be permitted, it is considered that the proposed development of an additional dwelling would be contrary to this objective. Furthermore, the Board considered that the proposed development would not constitute sensitive infill development within the scope of section 5.3.5 of the said Development Plan, that it would seriously injure the visual amenity of this streetscape which includes protected structures on either side of the subject site and that it would set an undesirable precedent for similar development within this zone. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

P.A. Reg. Ref. D07A/1587 & ABP Ref. PL06D.229139 – Permission was refused for a two-storey guest lodge within the grounds of Vartry Lodge, 10 Strand Road for the following reason;

1. The site of the proposed development is located in an area designated O/O in the current development plan for the area, under which an increase in the number of buildings will not normally be permitted. Having regard to the coastal location of the site adjoining a heavily used public beach, to the prominent position of the proposed dwelling and to the proposal to fell significant trees to permit building work, it is considered that the proposed development would seriously injure the visual amenities of the area, would unacceptably interfere with established views across the site from the public beach, would conflict with the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The main area of the site is zoned Objective 'A' 'To protect and-or improve residential amenity'.
- A section of the site to the east is zoned Objective 'F' 'To preserve and provide for open space with ancillary recreational amenities'.
- Archaeological zone (Ref. 026-014) – lies to the north
- Specific Local Objective (SL093) – To promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route. It should be noted that these coastal routes will be subject to a feasibility study, including an assessment of the route options. Any development proposals shall be subject to Appropriate Assessment Screening in accordance with the requirements of the EU Habitats Directive to ensure

the protection and preservation of all designated SACs, SPAs, and pNHAs in Dublin Bay and the surrounding area.

Chapter 4 – Green County Strategy

- Section 4.1.2.2 refers to Seascape and states that there is a need to protect the character and visual potential of the coast and conserve the character and quality of seascapes.
- 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.
- Dalkey Coastal Zone and Killiney Hill pNHA – Site No: 001206

Chapter 8 – Principles of Development

- Section 8.2.3.4 – refers to Additional Accommodation in built up areas
- Section 8.2.3.4 (vii) infill development –New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.
- Section 8.2.3.4 (viii) 0/0 Zone

5.2. Natural Heritage Designations

- 5.2.1. The nearest Natura 2000 sites are Rockabill to Dalkey Island SAC c.1.5km to the east and Dalkey Island SPA c.3km to the north-east.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged by Manahan Planners on behalf of the applicant Rory Rees Brennan. The main issues raised concern the following;

- The reason for refusal refers to the site being located in an area subject to the o/o zoning policy. The site is located within an area “where density controls are considered appropriate in the interests of protecting their special amenity.” This zoning refers to “locations within close proximity to the DART line where higher density would normally be permitted. The policy provides “small scale, sensitive infill development may be considered in these areas on suitable sites where such development would not detract from the character of the area.”
- This policy seeks to reduce the amount of subdividing of individual properties which can reduce the architectural character of individual properties and the wider area. The site is located in a border area where there is a mixed built form. It is considered the character of the surrounding area is of a higher density than the wider o/o designated area.
- The site is located at the last property along Strand Road. The proposal would not lead to the cluttering of development. The design is considered in keeping with the siting and design of the cluster of houses in the vicinity.
- The report of the Planning Officer refers to the principle of the development as being acceptable having regard to the o/o zoning objective in the original report. However, the assessment changed following the further information request.
- In relation to the zoning objective on the site it is noted that the eastern site boundary was previously formed by a hedge which also defined the eastern boundary of the ‘Pink House’ to the north. In 2005 a concrete zig-zag wall was constructed along the land ownership line of the two properties which was outside the line of the former hedge. The residential zoning extended to the line of the hedge along the eastern boundary. With the making of the

subsequent Co. Development Plan the owners (the applicant's parents) had the option to extend the residential zoning to eastern boundary wall.

However, they were not aware of that option and therefore a portion of the site along the eastern boundary remained zoned objective 'F' to preserve and provide for open space with ancillary active recreational amenities'

- As part of the further information requested by the Planning Authority, they sought that the dwelling be entirely located with the residentially zoned lands. Revised proposals were submitted indicating this with a revised house design which omitted the circular 'tower' element. The Planning Authority did not favour the revised house design particularly with the circular 'tower' portion omitted.
- The original design incorporates two elements the main section of the dwelling which is elongated and features glazing with vertical emphasis and the tower element to the southern end which borrows from the form and design proportions of the historic Martello tower to the north. The proposed tower design is in keeping with the pattern of vertical features in the existing properties along Strand Road.
- In the original design the house was set back 1.5m from the eastern garden wall. In the revised design the dwelling would be set back 2.5m from the eastern garden wall.
- It is the applicant's preference to construct the original design. It is requested that the Board have regard to the site configuration and the specific circumstances which relate to the zoning.
- It is noted that there were no third party objections to the proposal.
- Regarding the indicative route for a cycleway, it is noted that it runs close to the DART line and given issues with ground levels and ownership it may be difficult to provide the cycleway at this location. It is set out in the appeal that it would be more appropriate to locate the cycleway to the beach side of the property.
- If permission were granted it would increase the possibility of providing the cycleway and it would not preclude it. It is suggested that an alternative route

for the cycleway could run to the north to the rear of rear of the adjoining houses and then to the pedestrian tunnel under the DART line or continue north to the car park to the rear of the DART station and then join the public road.

- The request for further information included matters relating to ecological issues. The applicant employed the services of an Ecological consultancy to prepare a report for Screening for Appropriate Assessment, a report on Bat survey and a report on the likely impact on the proposed Natural Heritage Area. As indicated in the report no bats were recorded on site.
- In relation to on site drainage, revised drainage details were submitted including proposals to comply with SUDS.
- It is submitted that there would be no potential impact on Killiney Hill and Dalkey Coastal zone. The proposed dwelling would be sited within an established rear garden of a property where standard domestic grass has been cultivated. The existing block wall serves to prevent adverse impact on the pNHA.
- Regarding the location of the site within a transition zone, the proposed dwelling would be located adjacent to the 'F' open space zoned lands. It is considered that the proposed dwelling can be satisfactorily accommodated in this location without adversely impacting on the amenities of the more sensitive zoned lands.
- It is requested that the Board grant permission for the reasons outlined in the appeal.

6.2. Planning Authority Response

The proposed development is considered unacceptable for the following reasons;

- The site is not considered suitable for the proposed development having regard to the O/O zoning objective and the other zoning objectives adjoining the site particularly having regard to the sites prominent coastal location.
- The development would be located within a transitional zonal area between land zoned objective 'A' 'To preserve and/or improve residential amenity' and

objective 'F' 'To preserve and provide for open space with ancillary recreational amenities'. The proposal would represent an abrupt transition at this location.

- Specific Local Objective (SL093) "To promote the development of the S25 Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route. If permitted the proposed development would set a poor precedent for future development along the National East Coast Trail Cycle Route indicated with the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- The site directly adjoins the Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (pNHA). The applicant has not satisfactorily demonstrated that the proposed development would not harm the ecological importance of the nationally important pNHA.
- It is requested that the Board uphold the refusal reasons as issued by the Planning Authority.

7.0 Assessment

Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Development Plan policy
- Natural Heritage
- Appropriate Assessment

7.1. Development Plan policy

- 7.1.1. The appeal site is subject to two land use zoning objectives and a specific local objective. As indicated on Map 10 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the main area of the site is zoned objective 'A' 'To protect and/or improve residential amenity.' A strip along the eastern side of the site is zoned objective 'F' 'To preserve and provide for open space with ancillary active recreational amenities.' The appeal provides history and context to the existing

zoning on site. The eastern site boundary of the property 'Sea Lodge' was originally formed by a hedge inset a minimum of 2.5m from the location of the current boundary which is formed by the concrete block wall which was built circa 2005. There was an opportunity to have the objective 'F' (open space) zoned lands within the property rezoned to objective 'A' (residential), during the making of the subsequent Development Plan following the revision of the eastern boundary. However, the owners of the property were not aware of the opportunity to have the land rezoned and therefore, there remains two zoning objectives on the site.

- 7.1.2. Under the original proposal the dwelling was partly sited within 'F' zoned lands along the eastern side of the site. The dwelling has a contemporary design with the main two-storey linear section of the property addressing the coast and featuring vertical emphasis glazing. A three-storey circular (tower) section adjoins the southern end of the dwelling. The circular feature was included in the design to echo the character and design of neighbouring properties along strand road and particularly Martello Tower (No. 6) which forms part of a private residence to the north. In terms of the merits of the original proposed design, I consider that it does seek to reflect the design of existing dwellings along Strand road. The three-storey circular element provides visual interest when viewed from the beach. However, I would note that the dwelling would be located closer to the eastern site boundary with the coast than several of the neighbouring dwellings to the north and this would result in the development appearing more prominent in this visually sensitive coastal landscape.
- 7.1.3. The Planning Authority as part of the further information sought that the proposed dwelling be entirely located within the objective 'A' zoned lands. In order to facilitate this requirement a revised house design was proposed. The three-storey circular feature to the dwelling was omitted. The Planning Authority in their assessment of the revised design considered that with the omission of the circular tower feature that the visual interest would be lost and that the elongated dwelling having a length of 17.5m along the eastern boundary would appear visually overbearing when viewed from Killiney Beach. The applicant has stated in the appeal that if the Board granted permission it is their preference that the original design be permitted.
- 7.1.4. The site is also located within an area to the east of the DART line which is subject to O/O zoning where no increase in the number of buildings will normally be permitted. Section 8.2.3.4(viii) of the Development Plan refers to O/O zone and

advises that such locations include areas in the vicinity of the coastline where density controls are considered appropriate in the interests of preserving their special amenity. Many of these locations are however, within close proximity of the DART line where higher densities would normally be permitted and promoted. The zoning provides that small scale, sensitive infill development may be considered in these areas on suitable sites where such development would not detract from the character of the area either visually or by generating traffic volumes that would cause potential congestion issues which would, in turn, necessitate road widening or other significant improvements. Aspects such as site coverage and proximity to boundaries, impacts on drainage, loss of landscaping, the existing pattern of developments, density and excavation impacts will also be critically assessed in determining applications for residential development in the o/o zone.

- 7.1.5. The first reason for refusal issued by the Planning Authority refers to the development representing an abrupt transition to the 'F' zoned lands. The proposed development entails the development of a relatively large two-storey and part three-storey dwelling to a visually sensitive coastal location which adjoins lands zoned to preserve and provide for open space with ancillary active recreational amenities.
- 7.1.6. The dwelling as originally proposed does provide a visually interesting design however it's siting so close to the eastern boundary combined with its scale would not in my opinion constitute sensitive infill development in the O/O zone. While the design response at further information stage has sought to minimise the visual impact of the proposed dwelling, I have serious concerns in relation to the overall scale, mass and height of the proposed development, given its location within a highly sensitive and exposed coastal landscape. Accordingly, I consider that the proposed dwelling given its proximity to the eastern site boundary and combined with its scale and the extent of the east facing elevation, that it would not constitute sensitive infill development in line with the requirements of the O/O zoning objective. Accordingly, I consider that the proposed development would detract from the unique character and seriously injure the visual amenities of the sensitive coastal site and would set an undesirable precedent for future development in the area.
- 7.1.7. Specific Local Objective (SLO) no. 93 relates directly to the site. It seeks to promote the development of the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route. It should be noted that these coastal routes

will be subject to a feasibility study, including an assessment of the route options. Any development proposals shall be subject to Appropriate Assessment Screening in accordance with the requirements of the EU Habitats Directive to ensure the protection and preservation of all designated SACs, SPAs, and pNHAs in Dublin Bay and the surrounding area.

- 7.1.8. Section 2.2.7 of the Development Plan refers to Walking and Cycling and policy ST5 refers to the provision of walking and cycling networks across the County in accordance with relevant Council and National policy guidelines. It is Council policy to promote and improve facilities for cycling including for commuting, short utility trips, recreation trips and trips to schools/colleges. The development of the National East Coast Trail Cycle Route would facilitate coastal recreational cycle trips.
- 7.1.9. The Indicative line of the proposed National East Coast Trail Cycle Route is indicated on the map running along the open space zoned lands to the south and crosses the appeal site and runs along the western side of the site and joins Strand Road. As stated on the note on Map 10. of the Development Plan – the provisional alignment of the S2S/National East Coast Trail Cycle Route is diagrammatic only and may be subject to change.
- 7.1.10. As indicated on drawing no: 201 Rev no: P.03, submitted at further information stage, the future cycle track would enter the site via a gate entrance to the western corner from Strand Road then cross the site with a narrow angled turn between the existing dwelling and proposed dwelling and the track at this point would have a minimum width of 1.5m.
- 7.1.11. The planning authority in the assessment of the proposal considered that the revised proposals submitted by the applicant to address SLO no. 93 which comprised the provision of 1.5m wide cycleway through the site with access from the gated vehicular access to the western side of the site and with the route through the site following the eastern boundary with the beach was not in accordance with indicative line as per map 10 of the Development Plan. The report from the Transportation Planning Section which assessed the proposal submitted at further information stage stated that it would not be feasible or practical for the future National East Coast Cycle Route to pass through a gated site with the track at undesirable angles between the existing and proposed dwellings. The proposed width of 1.5m was not

considered sufficient for use by cyclists and pedestrians. It was noted in the report that a width of 4m is the dimension which is favoured by the National Transport Authority. It was concluded that the proposal would materially contravene the Development Plan Objective and that it would set an undesirable precedent.

7.1.12. In the appeal it is stated that the indicative route runs close to the DART line and that location on site has raised ground levels and therefore it may be more appropriate to locate the cycleway to the beach side of the property. The appeal also refers to an alternative route for the cycleway which could run to the rear of the subject properties and adjoining properties then to the pedestrian tunnel under the DART line or continue north to the car park to the rear of the DART station and then join the public road.

7.1.13. While, I note the arguments in the appeal referring to the indicative route of the cycleway, I do not consider that the applicant has demonstrated that the indicative line of the proposed National East Coast Trail Cycle Route can satisfactorily be accommodated on the site. The proposed gated access, the limited width of the track at 1.5m and the location of the track running between two houses is not a design proposal which would satisfy the requirements of the National Transport Authority. Accordingly, the proposed development would materially contravene Specific Local Objective no. 93 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022

7.2. **Natural Heritage**

7.2.1. The appeal site directly abuts Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (pNHA). A pNHA is an area deemed to be of special interest containing important wildlife habitat and often containing rare or threatened species. They may also be selected on the basis of their geology or geomorphology.

7.2.2. While, pNHA's do not have any statutory protection yet they are protected under the provisions of the Dún Laoghaire-Rathdown Co. Development Plan 2016-2022 which recognises their ecological value. Section 4.1.3.1 and policy LH19 of the Development Plan seeks 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 which includes the protection of proposed Natural Heritage Areas (pNHA).

- 7.2.3. Dalkey Coastal Zone and Killiney Hill proposed Natural Heritage Area (pNHA) [Site no: 001206] is of ecological and geological interest and is of international, national and regional importance. It stretches from Scotsman's Bay to south of White Rock at Killiney Beach. It includes the Dalkey Island group and Dalkey Sound, before extending inland to encompass Killiney Hill. The site is valuable for its marine and coastal elements, as well as the terrestrial habitats of heath, grasslands, mixed woodlands and exposed rocks that occur on Killiney Hill and the islands. The site contains a number of rare plant species including clovers, Bloody Crane's-bill and Wild Madder.
- 7.2.4. The further information requested by the Planning Authority sought the submission of a report with an assessment of the impact of the proposed development on the proposed Natural Heritage Area. A report titled 'Impact on Proposed Natural Heritage Area' was prepared by Scott Cawley. It was noted in the report that while the location of the proposed development is not within a designated a NHA or pNHA the lands lie in close proximity to the Dalkey Coastal Zone and Killiney Hill pNHA. Potential impacts are listed as pressure from contaminated surface water, loss of habitat and disturbance of QI species. It is highlighted in the report that the pNHA was designated primarily for its importance to breeding bird population and habitats including exposed rock outcrops, coastal heath and mixed woodland. None of the aforementioned habitats were recorded in the vicinity of the site.
- 7.2.5. The appeal site comprises the curtilage of an existing property. While, I note that the extent of the pNHA within the subject site coincides with the 'F' zoned lands on site it comprises the eastern section of the rear garden of 'Sea Lodge' and it is separated from the rest of the pNHA by the concrete boundary wall and does not contain any habitats for which the pNHA is designated. Furthermore, the proposed dwelling as revised would not be sited within the 'F' zoned lands or the pNHA on site.
- 7.2.6. It is outlined in the report that there would be no adverse effect on bird species for which the pNHA is designated. In relation to mitigation measure it is proposed to implement a number of measures during the construction phase to minimise the likelihood of contamination generated during construction entering the pNHA. Specific measures listed in the report include, the use of silt traps, silt fences and filter measures particularly when undertaking works to the surface water and foul water drainage network. Use of exclusion zones and barriers to prevent sediment

washing through the site boundary is also proposed. The prevailing weather and environmental conditions will be taken into account when planning construction activities to minimise the risk of run off and fuels and chemical would be stored in a bunded area.

- 7.2.7. Regarding the matter of coastal protection and the effects of climate change, it was concluded in the report that no adverse effects are envisaged resulting from the proposed development. The adjacent coastline is not subject to coastal erosion. It is noted that there is a buffer of 30-40m of natural fixed dune vegetation between the upper shoreline and the site which would protect the site from the predicted increases in high tide and storm tide levels.
- 7.2.8. The lack of detail in relation to boundary treatment and mitigation measure was highlighted in the assessment of the report of the Biodiversity Officer dated 11/1/18. The report referred to the lack of recognition of the important habitats which are adjacent to appeal site, including the fixed dunes and mobile dunes. They are supporting habitats of the pNHA and provide a stepping stone to the coastal habitats of the Natura 2000 sites.
- 7.2.9. The proposed scheme does not involve the removal or alteration of the existing site boundary. The applicant has stated that they are amenable to the attachment of a condition requiring that they furnish the planning authority with a list of species proposed to be planted on site on the advice of a suitably qualified ecologist. Such planting would include native coastal grassland species to ensure that there is no risk of spreading non-native species into the pNHA. It was concluded in the report prepared by Scott Cawley that the proposed development would not have an adverse effect on the pNHA.
- 7.2.10. Having regard to the details submitted including the plans and the contents of the report prepared by Scott Cawley concerning the 'Impact on Proposed Natural Heritage Area', I note that the proposal would not involve any works or development within the pNHA, that it is not proposed to alter the existing site boundary and a comprehensive set of mitigation measures are proposed for the construction phase. Accordingly, I am satisfied that it was been demonstrated that the proposed development would not have an adverse effect the Dalkey Coastal Zone and Killiney Hill pNHA.

7.2.11. As part of the further information response a Bat Assessment Report was submitted. The subject lands and built structures were surveyed for bat activity. The survey took place on the 11th and 13th of September 2017. The storage shed on site was considered to have potential to accommodate bat roosts, however no bats were recorded in the structure. Three bat surveys were recorded on site during the course of dusk surveying. It is noted that there was no evidence of roosting bats during the surveys and it was deemed highly unlikely that roosting bats are present. The proposed development would result in the loss of foraging/commuting habitats along the boundary wall. As set out in the report, if bats are encountered during any works the activity would be suspended and the advice of a suitably qualified and licenced bat ecologist would be sought. It was concluded in the report that as the bat activity recorded was low and that the built structures on site had low roost suitability that the proposed development was not considered to have a perceptible impact on the local bat population. Accordingly, I am satisfied that the proposed development would not impact upon roosting bats.

7.3. **Appropriate Assessment**

- 7.3.1. A report Screening for Appropriate Assessment was prepared by Scott Cawley and submitted as part of the response to the further information request.
- 7.3.2. The closest Natura 2000 sites to the appeal site are Rockabill to Dalkey Islands SAC (003000) c1.5km to the north-east and Dalkey Island SPA (004172) c3km to the north-east. Other Natura 2000 sites within 15km of the appeal site include South Dublin Bay and River Tolka SPA (004024), South Dublin Bay SAC (000202), Bray head SAC (000714), Ballyman Glen SAC (000713), Knocksink Wood SAC (000725), Wicklow Mountains SAC and Wicklow Mountains SPA (004040).
- 7.3.3. The appeal site adjoins the coast and therefore there is a connection between the subject site and the European sites located in the Irish Sea and specifically in Killiney Bay. With the exception of the Rockabill to Dalkey Islands SAC and Dalkey Island SPA, I am satisfied that the other sites within 15km of the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out as a result of separation distance from the appeal site and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated sites and the appeal site.

7.3.4. The current conservation objectives for Rockabill to Dalkey Islands SAC (003000) are as follows:

- To maintain the favourable conservation condition of Reefs an Annex I Habitats [1170] in Rockabill to Dalkey Island SAC.
- To maintain the favourable conservation condition of Harbour porpoise an Annex II Species [1351] in Rockabill to Dalkey Island SAC.

7.3.5. The current conservation objective for Dalkey Island SPA (0041720 seeks to maintain or restore the favourable conservation condition of the coastal bird species listed which are the Roseate Tern, Common Tern and Arctic Tern.

7.3.6. The possible impacts of the proposal on the conservation status of the designated site include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduced species density and decrease in water quality and quantity. The subject proposals would not have the potential for loss or fragmentation of protected habitats. Having regard to the Source-Pathway-Receptor model, there would be a direct pathway in terms of the marine connection between the proposed development and the Natura 2000 sites at Dalkey Island. Potential impacts could arise during the construction phase specifically in terms of runoff from surface water occurring on the appeal site. Having regard to the small scale and nature of the proposed development and the presence of a marine open water buffer between the appeal site and the Natura sites at Dalkey Island, the proposed development would not be likely to have a significant effect on the European sites.

7.3.7. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Rockabill to Dalkey Island SAC (Site Code: 003000) and Dalkey Island SPA (004172) or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

8.0 Recommendation

8.1. I recommend that permission is refused.

9.0 Reasons and Considerations

1. Having regard to the 0/0 zoning objective which applies to the subject site, as set out in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, wherein no increase in the number of buildings will normally be permitted, it is considered that the proposed development of an additional dwelling would be contrary to this objective. Furthermore, the Board considered that the proposed development would not constitute sensitive infill development within the scope of section 8.2.3.4(viii) of the said Development Plan, that it would detract from the unique character and seriously injure the visual amenities of the sensitive coastal location and would set an undesirable precedent for future development in the area.
2. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2016 – 2022, particularly Policy ST5 which refers to the provision of walking and cycling networks across the County and Specific Local Objective no. 93 which refers to the development the S2S Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route as detailed on Map No. 10 of the Development Plan, it is considered that the layout and width of the proposed ‘future bicycle line’, which passes through a gated site and straddles undesirable angles between existing and proposed dwellings, is considered neither practical or feasible to facilitate the future National East Coast Trail Cycle Route. The proposed development would materially contravene a development objective set out within the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 and would therefore be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

23rd of July 2018