



An  
Bord  
Pleanála

## Inspector's Report ABP-301684-18

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<b>Development</b>	Retention of revisions to the access road to Shankill House from Rathmichael Haven and development of new entrance gates, stone gate posts and stone entrance walls.
<b>Location</b>	Shankill House, Ferndale Road, Shankill, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/1015
<b>Applicant(s)</b>	Charton Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split Decision
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Charton Homes Ltd.
<b>Observer(s)</b>	No observers
<b>Date of Site Inspection</b>	15.08.2018
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site has an area of 0.92 hectares and currently accommodates Shankill House, a two storey over basement period house. The site is accessed off Ferndale Road via an entrance defined by granite walls and pillars. The site is bound to the north and west by Rathmichael Haven and Rathmichael Dales, to the south by Hillfield Road and to the east by Ferndale Road. There are a number of outbuildings and a stable yard adjacent to the main house.
- 1.2. The principal elevation of the house addresses the eastern portion of the site towards Ferndale Road. There is hard landscaped parking area and grassed lawn located to the east of the dwelling. A mature laurel hedge bounds the lawn area. A gravel access road has been constructed connecting to Rathmichael Haven, a quiet tree lined cul de sac, located to the north. A timber gate and fence demarcate the entrance from this road. The dwelling is largely screened by existing mature trees and not visible from Ferndale Road. The site boundaries are defined by mature trees and fencing.
- 1.3. There is a separate application, now under appeal (Planning Authority Reference D18A/0230/ABP Reference 301786-18) for the construction of 17 no. dwellings, new boundary treatments, revisions to vehicular entrance to the east of Ferndale Road, all associated site development and landscaping and engineering works to the south of Shankill House. The Board may wish to consider the two appeals concurrently.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the retention and revision to the access road to Shankill House from Rathmichael Haven (originally permitted under file ref. D14A/0110) and the development of new entrance gates, new stone gate posts and stone entrance walls as well as associated site and landscaping works. Shankill House is a protected structure (RPS 1829).
- 2.2. The development as proposed also alters the development boundary of the site from that approved under the parent permission (D14A/0110). It is detailed in the

application documentation that the boundary is revised to more closely correspond to the natural features in the landscape including an established laurel hedge and wall. A revised landscape plan to reflect the change to the boundary treatment is also proposed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 A Split Decision was issued in respect of the development.

3.1.2 Permission was granted for the retention of revisions to the access road to Shankill House from Rathmichael Haven (originally permitted under file ref. D14A/0110) and for the proposed development of new entrance gates, new stone gate posts and stone entrance walls. Conditions were standard in nature.

3.1.3 Permission was refused for the proposed site works, specifically the reduction in the curtilage of the protected structure for the following reason:

*“Having regard to the proposed reduction in the size of the curtilage of the protected structure it is considered that the reduction would materially affect Shankill House, a protected structure, would seriously interfere with the setting of the protected structure and would contravene materially the landscaping scheme as agreed by compliance with condition no. 2 of Planning Permission ref. reference D14A/0110.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (18.01.2018 and 27.04.2018)**

- Notes that planning permission was granted for an access road from Rathmichael Haven under D14A/0110. It is considered that the access road to be retained is acceptable and will not unduly interfere with the setting of the protected structure.
- The walls and gate posts are to be constructed from granite stonework and the gates are to be made from galvanised steel gates painted in black. The design of the gates, pillars and walls is acceptable.

- In agreement with the Conservation Officer and An Taisce, the Planning Authority have serious concerns relating to the reduction of the curtilage of the protected structure and interference with its setting.

### 3.2.2. Other Technical Reports

**Drainage Planning (11.01.2018):** No objection subject to condition.

**Transportation Planning (13.12.2017):** No objection subject to condition.

**Conservation Officer (16.01.2018 and 26.04.2018):** Recommends refusal due to the reduction in the curtilage of Shankill House. The report notes that to reduce the curtilage further as proposed would only serve to erode the appreciation and amenity of the Protected Structure. Refers to Policy AR1 which states “*Protect Structures included in the RPS from any works that would negatively impact on their special character and appearance*”. The current proposal will have an adverse impact on the sylvan setting and character of the Protected Structure and, therefore, not in accordance with the aforementioned policy.

### 3.3. Prescribed Bodies

**An Taisce (06.04.2018):** State that the idea that curtilage around a protected structure, and in particular this protected structure (Shankill House) should be withdrawn for fear that the lands may not be maintained does justify separating part of the lands which is important to the setting of the protected structure. Urge that applications D17A/1015 and D18A/0203 should be considered together.

### 3.4. Third Party Observations

**Patrick Hurley, Willow Cottage, Rathmichael Haven, Rathmichael, Co. Dublin**

- 3.4.1 Refers to the parent permission D14A/0110 and notes that permission was granted for wrought iron entrance gates and stone walls and gate posts. Notes that timber posts and fence have been erected on the site. States the unauthorised timber structure is out of character with the area and refers to enforcement proceedings.

## 4.0 Planning History

4.1 The site has an extensive planning history. There have been three applications on the site of particular relevance:

### **Application Reference D14A/0110**

4.4.1 Permission was granted in June 2014 for a development consisting of the construction of new wrought iron entrance gates to a height of 1.8 metres, new stone gate posts, new stone walls and a new access road from Rathmichael Haven into lands at Shankill House on a site of approximately 1.32 hectares. Condition no. 2 of this decision is of note and stated:

*“Prior to the commencement of development the applicant shall agree in writing with the Planning Authority a revised Landscape Plan that includes a range of additional and appropriate planting, including the use of native tree species at a range of specified sizes, that is, transplants, feathered, multi stem and extra heavy matures.*

*Reason: In order to improve the setting of the protected structure.”*

4.4.2 It is detailed in the Planning Authority Planner’s Report that this condition was imposed on foot of recommendations of the Parks and Landscaping Department and Conservation Officer who were of the view that the proposed internal boundary fence should be planted to create a softer setting for Shankill House and provide a stronger distinction between the curtilage of the protected structure and the permitted residential development to the south.

### **Application Reference D15A/0403**

4.4.3 Permission granted in October 2015 for a development comprising the construction of 10 no. 5 bed 2 storey detached houses ranging in size from c. 360 sq. metres to c. 480 sq. metres. New boundary treatments including the provision of a new boundary around the curtilage of Shankill House, all associated site development, landscaping and services provision.

### **Application Reference D18A/0230**

4.4.4 Permission refused by the Council in May 2018 for a development comprising the construction of 17 no. 4-5 bed, 2 storey detached houses ranging in size from c. 278

sq. metres to c. 309 sq. metres and 4 garages, new boundary treatments, revisions to vehicular entrance to the east of Ferndale Road, all associated site development and landscaping and engineering works to create connections to main services. The reasons for refusal related to:

- Traffic hazard as a result of the level of intensification on Ferndale Road and that development was premature due to the lack of adequate pedestrian and cycle facilities and would set an undesirable precedent.
- Having regard to the distance to social and community facilities to support the development, to the nature and standard of the local public road network, and the distance to a high quality public transport route, it is considered that future occupants of the proposed development would be primarily reliant on private car as a mode of transport, contrary to Policies ST2 and ST3 of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022.
- The development would be premature pending the significant infrastructural shortcomings in the area being addressed in addition to the upgrading of the existing local network to facilitate increased traffic and pedestrian levels as well as facilitating better linkages to the public transport infrastructure in the area.
- Boundary treatment works considered inappropriate.

4.4.5 Reason for refusal no. 4 stated:

*“Having regard to the proposed reduction in the size of the curtilage of the protected structure it is considered that the reduction would materially affect Shankill House; a protected structure, would seriously interfere with the setting of the protected structure and would contravene materially the landscaping scheme as agreed by compliance with condition No.2 of Planning Permission Ref. D14A/0110, contrary to the Sections 6.1.2 Archaeological Heritage and 6.1.3 Architectural Heritage of the Dún Laoghaire Rathdown County Development Plan, 2016-2022.”*

4.4.6 The decision has been appealed to the Board – Appeal Reference ABP 301786-18.

4.4.7 The Conservation Officer’s report in respect of this application is of note and states:

*“It is our considered opinion that the curtilage afforded to Shankill House under Ref. D14A/0110 provided a greater and more respectful curtilage and setting to the protected structure and as such was more sympathetic and in keeping with best*

*conservation practice. This is our preferred boundary demarcation. To reduce the curtilage further as proposed would only serve to erode the appreciation and amenity of the Protected Structure. In the interest of protecting Shankill House and its setting, the least impact on its setting is the boundary approved under D14A/0110.”*

4.4.8 The planner’s report further noted:

*“Shankill House has an established setting under earlier permitted developments – ref D14A/0100- this amounts to an area of 1.32 ha. Previous planning reports by the Council have concluded that the retention of this area free from development serves to protect views of the principal elevation of the dwelling and its relationship to the stable yard to the south.*

4.4.9 Other applications pertaining to the site include: D08A/0213, D08A/0180, D08A/0181, D07A/1190, D05A/1709 and D05A/0168.

4.4.10 Under application D15A/0809/Appeal Reference PL06D.246294 permission was refused by the Board for a development comprising 50 no. dwellings. Reasons for refusal related to the lack of community facilities and poor connectivity from public transport.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned Objective A – *To Protect and/or Improve Residential Amenity.*

5.1.2 Shankill House is listed in the Record of Protected Structure (RPS 1829).

5.1.3 There is a specific local objective (126) pertaining to the site which states:

*“To refuse planning permission for any new developments which include on site wastewater treatment facilities within this catchment, until groundwater issues in the area are resolved or ameliorated.”*

### **Architectural Heritage Protection Guidelines**

5.1.4 Chapter 13 sets out guidance regarding curtilage and attendant grounds. It states:

*“By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors. The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure.”*

5.1.5 The guidelines note:

*“In many cases the curtilage of a protected structure will coincide with the land owned together with it but this is not necessarily so. For example, in the case of a town house, the main house, the area and railings in front of it, cellars below the footpath, the rear garden and mews house may be considered to fall within its curtilage even where the mews house is now in a separate ownership.”*

5.1.6 It is further detailed:

*“Proposals for new development within the curtilage of a protected structure should be carefully scrutinised by the planning authority, as inappropriate development will be detrimental to the character of the structure.”*

### **5.3 Natural Heritage Designations**

5.3.1 The nearest Natura 2000 site is the Rockabill to Dalkey Island SAC located c. 3.7km to the east of the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- Notes that there is a concurrent appeal in respect of a development for 17 houses on the adjoining site – Planning Authority Reference D18A/0230 (Appeal Reference ABP 301789-18) and that when viewed together, represent the vision for the lands which is a mutually compatible scheme for both sites.
- The refusal relates to the curtilage of the protected structure. The DLRCC decision is based on planning boundaries submitted with previous applications and does not take into account the legal (blue line) boundary of Shankill House



or the fact that part of the curtilage of a protected structure can be held in separate ownership.

- The proposal provides for the relocation of an area of land that was previously within the red line boundary permitted under D14A/0110 into the red line boundary of the adjoining concurrent application for 17 dwellings. This area is to remain as public open space and will remain part of the curtilage of Shankill House – just in different ownership.
- Clarifies the extent of the curtilage to Shankill House proposed under planning applications D14A/0110 and D15A/0403. States that under the current application, a larger planning and legal boundary for Shankill House is proposed. Notes that the curtilage now includes the area of land to the west of the entrance where the septic tank is located. The application seeks to finalise a boundary between the curtilage of Shankill House and the attendant grounds that makes planning and conservation sense.
- States that planning permission Reg. Ref.D15A/0403 provided the actual boundary line between Shankill House and the residential scheme of 10 houses to be located beyond the Laurel hedge, wall and planting. It is detailed that the area where the boundary has been moved will remain as permanent landscaped open space maintained by a management company. Submit that maintaining existing and proposed planting in a single area of public open space is preferable. The overall aim of the two planning applications is to create a softer setting for Shankill House and to provide a stronger distinction between the curtilage of the protected structure and the adjoining residential scheme.
- Consider that Shankill House is adequately served by garden areas. Additional land is not required. The area of curtilage proposed to be retained to serve Shankill House is generous. The curtilage has increased due to the acquisition of land to the west of the entrance.
- The proposal will not impact on the visual curtilage and setting of Shankill House. The concurrent application – D18A/0230 allows for a very large area of public open space to be provided within the adjoining scheme thereby protecting the setting of the protected structure. The proposed red line revision does not reduce the extent of landscaping and planting to be undertaken. The

landscape plans submitted under D18A/0230 provide for a heavily landscaped area of open space and boundary planting to serve the scheme which will protect and improve the setting of Shankill House.

- Submits that the boundary fence should be positioned such that Shankill House is not simply provided with an area of land for the sake of it. A balanced planning assessment must be carried out and if the objective is to protect the visual setting of Shankill House, then this is being achieved by the current proposal.
- Notes that applicant has carried out significant conservation repair works to the existing protected structure.
- Refers to the Architectural Heritage Protection Guidelines and guidance set out regarding the curtilage of a protected structure. Notes that in the case of Shankill House, there is nothing to identify where the curtilage should be located relative to the attendant grounds. Refers to section 13.1.2 of the Guidelines which states that in many cases, the curtilage of a protected structure will coincide with the land owned together with it but this is not necessarily so. Notes in this context, the area of land that DLRCC wishes to remain within the curtilage of Shankill House can remain so, even though the adjoining scheme is in separate ownership.
- Considers that the development is fully compliant with the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- Notes that in the event that the Board concur with DLRCC decision, that the Board could impose a condition requiring the applicant to revert to the 2015 boundary for both concurrent planning appeals or request revised plans under section 37 of the Act. State if permission is refused, that the applicant will proceed to construct the development as permitted under D15A/0403.

## 6.2. Planning Authority Response

- Notes that under condition 2 of D14A/0110 the applicant was required to submit a landscape plan, including the use of native tree species for agreement with

the Planning Authority. A compliance submission in relation to this condition was approved in September 2017.

- Under application D15A/0403, the curtilage of Shankill House was reduced from that previously shown in D14A/0110. However, the area agreed for woodland tree planting as per condition 2 of D14A/0110 was contained within the reduced site as shown on plans submitted with D15A/0403.
- The current application further reduces the curtilage of the protected structure and the area agreed under condition 2 of D14A/0110 would not be within the curtilage of the protected structure. In order to achieve an appropriate setting to the protected structure, it was considered that the site should be extended in order to include the area of woodland planting as agreed as compliance with condition no. 2 of D14A/0110.
- It was unclear from the application the rationale for the reduction of the site and, therefore, further information was requested in this regard. No amendments were made to the redline boundary on foot of this request.
- It is still the opinion of the Planning Authority that the proposed development would materially affect Shankill House, a protected structure, would seriously interfere with the setting of the protected structure and would contravene materially the landscaping scheme as agreed by compliance with condition no. 2 of Planning Permission Reg. Reference D14A/0110.

### 6.3. Observations

- No observations.

### 6.4. Further Responses

#### **Department of Culture, Heritage and the Gaeltacht (08.08.2018)**

- If it is accepted by a planning authority that a reduced curtilage would not significantly affect the character of a protected structure, the extent of this curtilage should be researched and formally agreed not just in terms of aesthetic contribution to the character of the main building and any other structures within the curtilage, but also allow for its sustainable future use. This

curtilage should then be maintained in future proposals unless sound reasons are agreed with the planning authority for altering it.

- To the north, south and west the demesne lands associated with Shankill House have been built on with modern housing. The present curtilage is concentrated to the east and south of the house. The Planning Authority has expressed an opinion that the area to be left as curtilage in permitted development D15A/0403 would be acceptable. It is not clear if that curtilage was agreed formally with the developer.
- The applicant seeks retention of a revised boundary (D17A/1015) and to use this revised boundary for housing development (D18A/0230). The revisions decrease the curtilage remaining to the protected structure, with unauthorised boundary now at the line of the ha ha wall and laurel hedge bounding the front garden instead of extending to and including the entrance driveway, and include a very limited amount of ground to the east which does not extend as far as the shelter belt running diagonally north west to south east. In both D15A/0403 and D18A/0230 three houses would be sited between Ferndale Road and the rising parkland fronting the house, with none between the shelter and the house.
- The area removed from the curtilage marked D15A/0403 would become public open space in D17A/1015 and the curved layout of the current entrance driveway would be altered northward to allocate larger front garden to the proposed houses than in D15A/0403, further decreasing the remnant curtilage. The outcome of revising the boundary permitted in D15A/0403 is to give priority to the proposed housing and limit the options for boundary landscaping with the curtilage to safeguard the amenity of the protected structure for a sustainable use(s).
- In conclusion, the redrawn boundary has benefited the lands proposed for development and adversely affected the amenity remaining to the protected structure, assigning this part of the curtilage to public open space and permanently dividing it from the protected structure.
- Should the Board consider the proposed design of D18A/0230 to be acceptable in principle, the Department recommends that the boundary demarcating the

curtilage revert to that permitted by D15A/0403 with two revisions. These revisions would retain the lands up to and containing the diagonal shelter belt within Shankill House curtilage and include the square of land to the north of Shankill House bounding with Rathmichael Haven.

## 7.0 **Assessment**

7.1 The main issues in this appeal are those raised in the grounds of the appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed.

7.2.1 The proposed development comprises the retention of an access road to serve Shankill House as well as permission for new entrance gates, gate posts and entrance walls. The subject access road was previously approved under Planning Authority Reference D14A/0110. The principle of this new access to serve the dwelling has, therefore, previously been established. The proposed amendments to the access road are minor in nature and are considered acceptable from a planning perspective. The proposed gate posts and walls are to be constructed of granite and the new entrance gates comprise black galvanised steel. I note that the design is acceptable to the Conservation officer and I am satisfied that this element of the proposal is satisfactory. The principle issue to consider, therefore, is the proposed reduction in the site boundary and its impact on the curtilage of Shankill House.

7.2.2 It is noted that there is a concurrent application located directly to the south of the site – Appeal Reference ABP301786-18 and in this context, the Board may wish to consider both appeals in tandem. The issues can be dealt with under the following headings:

- **Curtilage of the Protected Structure**
- **Appropriate Assessment**
- **EIA Screening**

### 7.2 **Curtilage of the Protected Structure**

7.2.1 The first party appeal relates specifically to the decision of the local authority to refuse permission for the reduction in the size of the curtilage of Shankill House. It is detailed by the applicant that there is a concurrent application for a development

comprising of 17 houses directly to the south of the site (now under appeal – appeal reference ABP301786-18). It is proposed to include as part of this application, an area of open space which corresponds to the open space area that was previously defined as the curtilage under application D14A/0110 deemed necessary to protect the setting of Shankill House. It is detailed that the relocation of the site boundary will ensure that the open space area, now located on the housing development side, will be retained and maintained by a management company. This will give greater surety regarding its future upkeep.

- 7.2.2 In considering the appropriateness of this approach, it is necessary to consider the planning history of the site. Under Planning Authority Reference D14A/0110 permission was granted for a new access road and entrance gates and walls. In their assessment of this development, it was determined by the Planning Authority that it was necessary to soften the appearance of the boundary treatment to the access road with supplementary landscaping and planting in order to provide a more appropriate setting for Shankill House and a stronger distinction between the curtilage of the protected structure and the permitted residential development granted under D05A/0168 to the south.
- 7.2.3 Condition 2 was attached to the decision which required the applicant to submit a detailed landscape plan for this area. A compliance submission in respect of this condition was submitted and agreed by the Planning Authority.
- 7.2.4 Subsequent to this decision, the Planning Authority granted permission for a development comprising of 10 no. dwellings to the south of the site – Planning Authority Reference D15A/0403. The development boundary of this permitted development differs from that approved under D14A/0110. Under this application, part of the landscaped area agreed by way of compliance under condition 2 of D14A/0110 is located within the development boundary of the 10 houses and forms part of its open space provision. The balance of the open space land remains within the curtilage of the protected structure, forming a buffer along the permitted access road.
- 7.2.5 Under the current application, it is proposed to locate all of the landscaped area agreed under condition 2 of D14A/0110 within the development boundary of a separate proposal for 17 houses, located to the south of the site – application

reference D18A/0230. The landscaped area forms part of the open space to serve this proposed development. The new boundary is defined by the existing laurel hedge.

- 7.2.6 The applicant sets out a number of arguments in support of this proposal, noting that there is no clear curtilage to Shankhill House and that although the two land parcels may be in different legal ownerships, an appropriate curtilage will be retained. It is also detailed that the proposal is advantageous as it will ensure that the open space area is effectively managed and also that moving the boundary will provide for the proper retention of existing landscape features.
- 7.2.7 I note that applicant's arguments that the open space area forming the curtilage of Shankhill House as previously agreed under D14A/0110 will be retained, albeit incorporated into a separate development proposal. Whilst I acknowledge that the development of this open space area as one entity under the ownership of one management company would be advantageous, I am of the view that the complete severance of the curtilage as proposed in the current application as part of a separate site for future development is not appropriate from a planning perspective. This view is endorsed by the submission from the Department of Culture, Heritage and the Gaeltacht who are opposed to the permanent division of the open space forming the curtilage of the protected structure.
- 7.2.8 Under application D14A/0110 there was a clear conservation, landscape and planning rationale for the provision of this landscaped buffer zone that would soften the entrance driveway and provide a clear distinction between the original house and new development area to the south. Whilst the extent of this curtilage was reduced in the subsequent 2015 application pertaining to the 10 dwellings, a large buffer zone was retained within the red line boundary of the original house and its independent access with the balance of the lands forming the open space area serving the 10 dwellings. Under the current proposal, the landscape buffer area will be completely severed and will only be developed and landscaped appropriately as part of a future separate planning application to the south.
- 7.2.9 There is no certainty that this separate development to the south will proceed or be developed in its current format. The Board should note in my assessment of Appeal Reference ABP301786-18, that I have raised significant concerns regarding the

principle of the development as proposed. In this context, a scenario could arise where the proposed access road and entrance arrangements are completed in the absence of an appropriate landscape buffer zone, as these are outside the site boundary. Due to the revision in the extent of the curtilage associated with Shankill House, there are limited opportunities to appropriately landscape the boundary between the protected structure and the development site to the south, thus potentially compromising the amenity and setting of the house. This in my view is a piecemeal approach to the future development of the site and in this context, the proposed reduction in the curtilage would be contrary to the proper planning and sustainable development of the area. I consider that any reduction to the curtilage should provide for a sufficient buffer and landscape zone within the site boundary of Shankill House, however, the boundary as currently proposed is too constrained.

7.2.9 If the Board are minded, the applicant could be requested to submit revised drawings indicating a revision in the red line boundary to retain a more appropriate landscaped buffer zone adjacent to the access road.

### 7.3 **Appropriate Assessment**

7.3.1 Having regard to the nature and scale of the proposed development, retention of amendments to a previously approved access road and development of associated gates, gate posts and entrance wall within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 7.4 **EIA Screening**

7.4.1 Having regard to nature of the development comprising a retention of amendments to a previously approved access road and development of associated gates, gate posts and entrance wall and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.



## 8.0 Recommendation

- 8.1. I recommend the Board make a split decision. Grant permission for the retention of revisions to the access road to Shankhill House from Rathmichael Haven (originally permitted under file ref. D114A/0110) and for the proposed development of new entrance gates, new stone gate posts and stone entrance walls in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. Refuse permission for the proposed site works and reduction in the site area and curtilage of Shankhill House based on the reasons and considerations marked (2) under.

## 9.0 Reasons and Considerations (1)

Having regards to the residential zoning of the site set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the planning history of the site, it is considered that the revised access road to be retained and the proposed new entrance gates, stone gate posts and stone entrance walls would be acceptable in terms of visual amenity and in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on the 3<sup>rd</sup> day of April 2018 except as may otherwise be required in order 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.

2. The width of the new vehicular entrance onto Rathmichael Haven shall be a maximum of 3.5metres.

**Reason:** In the interest of pedestrian and traffic safety.

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of adjoining property in the vicinity.

## 11.0 Reasons and Considerations (2)

It is considered that the proposed reduction in the size of the curtilage and site area relating to Shankhill House would have a material and adverse impact on the setting and character of the protected structure and would be contrary to the proper planning and sustainable development of the area.

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**Erika Casey**  
**Senior Planning Inspector**  
**13th September 2018**