



An
Bord
Pleanála

Inspector's Report ABP 301796-18

Development	Conservation work to Dal Riada House (protected structure). Erect 9 two storey terraced houses.
Location	Dal Riada, Grove Avenue, Blackrock, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0223
Applicant(s)	Red Block Construction Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	Applicant v Refusal
Appellant(s)	Red Block Construction Limited
Observer(s)	<ol style="list-style-type: none">1. Residents of the Elms,2. Shane Geraghty and Others,3. Maureen Dolan,4. Barry and Marie Byrne,5. Laurence P Behan.
Date of Site Inspection	1 st August 2018
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.554ha and is accessed from Avoca Avenue in Blackrock, County Dublin. The site accommodates Dal Riada house which is a protected structure. This is a large two storey over half basement house with a flight of steps from the gravelled entrance drive way to the main door. There is a single storey rear return linked by a short corridor to the main house. Dal Riada was in use by a Roman Catholic religious congregation until recently but is currently unoccupied. Immediately to the east of this single storey return is a modern two storey mews, also unoccupied. This mews adjoins the eastern boundary of the application site. This eastern boundary separates the Dal Riada site from the adjoining site of Tanrego house further to the east. The existing access is from Avoca Avenue to the south (a new access to the proposed new houses is proposed from Grove Avenue) through a splayed and gated entrance which provides a driveway/parking area to the south/front of Dal Riada.
- 1.2. There is a substantial number of trees on site which are concentrated in the southern part of the site to the south and west of Dal Riada. There are trees along the northern boundary but these are largely a type of cypresses with a few deciduous trees closer to the boundary with Dal Riada lodge (the subject of appeal reference (ABP 301754-18). This northern boundary adjoins the houses in the Elms development which accesses Mount Merrion Avenue north of the appeal site.
- 1.3. The western boundary comprises, on its southern section, the site boundary along Grove Avenue, in its middle section the rear of a bungalow at Judeville, and on the north-eastern corner the rear boundary of Dal Riada lodge (ABP 301754-18).

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Conservation works to Dal Riada House, a protected structure, repairs to water leaks in the porch, to mortar pointing to the entrance steps, to rain water goods, to external joinery, refixing of loose roof slates.

- Remove 20th century rear lean-to of the coach house, and localised roof repairs to the coach house.
- Construct 9 two storey terraced three, four and five-bedroom houses in grounds of Dal Riada.
- New access road and gate onto Grove Avenue and associated works.

All at Avoca Avenue, Blackrock, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission because;

1. The proposed development is too close to Dal Riada a protected structure and therefore contravenes section 8.2.11.2(iii) of the county development plan.
2. The scale, height and proximity to the north and west boundary would overshadow and overlook adjoining residential property.
3. The proposed development provides inadequate public open space and thereby contravenes section 8.2.8.2 of the county development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

Drainage Planning requested additional information in relation to the disposal of surface water.

Transport Planning requested additional information in relation to;

1. Traffic speed management on Grove Avenue.
2. Provision of sightlines at the Grove Avenue entrance.
3. Details of internal access roads.
4. Details of pedestrian entrance.

5. Details of 'stop' signage.
6. Details of car parking space layout.
7. Provision for visitor car parking.
8. Details of emergency turning spaces within the development.
9. Public lighting plan.
10. Construction management plan.

Irish Water reported no objection.

Parks and Landscaping Services recommends refusal based on inadequate provision of public open space to serve the proposed development.

The Conservation Division recommend permission for the works to the protected structure and refusal of the 9 houses because of proximity to the protected structure.

4.0 Planning History

Ref D17A/0450 permission refused on this site for works to Dal Riada House and of 8 two storey/dormer houses because of (a) impact on a protected structure and (b) lack of clarity in relation to works to the protected structure.

D08A/0889 permission was granted subject to conditions for three houses on the adjoining site at 'Judeville'.

D16A/0725 works to the adjoining house at Tanrego.

5.0 Policy Context

5.1. **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities.** The guidelines advise that higher densities should be encouraged in urban areas on zoned and serviced lands and in proximity to public transport facilities.

5.2. **Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).** The guidelines deal

specifically with development within the curtilage of protected structures at section 13.5.

5.3. **Development Plan**

The site is zoned 'A' 'to protect and or improve residential amenity' in the **Dun Laoghaire Rathdown County Development Plan 2016-2022**.

Section 8.2.11.2(iii) sets out criteria for development in proximity to protected structures.

Section 8.2.8.2 sets out policy in relation to the provision of public open space.

5.4. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The site is zoned for residential development in the current County Development Plan.
- Development was previously refused on this site because of impacts on Dal Riada and the present application sets out to meet those criticisms. Permission was previously granted for the demolition of Judeville and construction of three houses on the western site boundary.
- A comprehensive architectural heritage assessment has been submitted with this application and the conservation division reported no objection to the works to Dal Riada house. The layout is traditional in that it reflects a 19th century layout of main house and outbuildings. Some elements – for example fenestration – are deliberately chosen not to replicate the features of the historic house. The proposed development therefore does not contravene the policy set out at 8.2.11.2(iii) of the development plan.

- The submitted shadow analysis demonstrates that the proposed development will not impact on adjoining property, especially The Elms to the north of the site. Separation distances should be flexibly applied as set out in the Sustainable Residential Development in Urban Areas Guidelines.
- The proposed development does not set an undesirable precedent.
- The application has balanced the provision of good private open space with the necessity to maintain trees, maintain the setting of the protected structure and provide public open space. Nonetheless the appeal includes an amended layout which provides 345m² of open space close to the public road access and invites the Board to condition a grant of permission accordingly.

6.2. Planning Authority Response

- No further comments.

6.3. Observations

Observations were received from Residents of the Elms, Shane Geraghty and Others, Maureen Dolan, Barry and Marie Byrne, Laurence P Behan.

- There are yellow lines on both sides of Grove Avenue where the access is located and a dangerous junction south of the site entrance at the junction of Grove Avenue/Priory Avenue/Avoca Avenue. If permission is granted on appeal access should be over the existing Dal Riada entrance onto Avoca Avenue.
- The proposed development will negatively impact on Judeville both in its current use and in any future use.
- The proposed unit 5 is 3/4m from the boundary with the Elms giving rise to overlooking and loss of privacy. In places the proposed development is only 1.9m off the boundary.
- Grove Avenue is already a traffic 'rat run' and is subject to on-street commuter parking.

- The proposed access necessitates the loss of mature trees. The loss of the rear garden of Dal Riada would seriously detract from the protected structure.
- Construction traffic will give rise to noise and disturbance.
- The proposed development will devalue residential property in the area.
- The proposed development is out of character with the pattern of development of single houses on large individual plots in the area.
- The proposed development will negatively impact on Tanrego on the eastern boundary.

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I am satisfied that the main issues in this appeal are works to a protected structure, development in the grounds of protected structures, open space, residential amenity and traffic safety.

7.2. **Works to a Protected Structure.**

7.3. The works to Dal Riada house are essentially repair and maintenance and the removal of a 20th century lean-to extension of no conservation interest. The planning authority's conservation officer, while recommending refusal for the new houses, recommended a grant of permission for the proposed works or repair/maintenance to the protected structure.

7.4. Having regard to my site inspection, the material submitted with the application and the reports of the planning authority I conclude that the works to Dal Riada house and the removal of the lean-to are acceptable.

7.5. **Development in Proximity to a Protected Structure**

7.6. The county development plan provides that any proposed development within the curtilage of a protected structure should demonstrate high quality in materials and design. All interventions to the historic fabric should be handled 'truthfully' to make clear what is 'original', and what has changed in order to avoid producing a

facsimile of the past or pretending that something is what it is not. Applications for development in proximity to a Protected Structure must be accompanied by a design statement and proposals will be assessed in terms of the following:

- The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, to ensure that harmony produced by particular grouping of buildings and the quality of spaces and views between them is not adversely affected.
- The quality and palette of materials and finishes proposed.
- Works to the Protected Structure should take place in tandem with the proposed development to ensure a holistic approach to the site.
- Impact on existing features and important landscape elements including trees, hedgerows and boundary treatments.
- Impact of associated works including street furniture, car parking, hard landscaping, finishes, lighting and services.

7.7. The site is essentially a rectangle with the protected structure located in the lower half and addressing the existing entrance off Avoca Avenue. The significant trees are, generally, in the southern part of the site and to the south and west of Dal Riada (see the tree constraints plan by Arborist Associates submitted with the application). Therefore, the chosen location of the proposed housing, effectively along the northern and north/eastern boundaries, is protective of the setting of the protected structure. The location of new access onto Grove Avenue has the added advantage of maintaining the entrance gates/driveway which is integral to the setting of the protected structure and maintaining its significance in the streetscape.

7.8. The closest proposed new house (number 9) is set back about 4.5m from the single storey return to the rear of Dal Riada. House number 9 is separated by a two metre wall from that single storey return at ground floor and there are two bathroom windows on the southern elevation. These should be conditioned to be fitted with obscure glazing to maintain the residential amenity of Dal Riada but I conclude that this arrangement is acceptable to the rear of the protected structure where views of the protected structure from the public realm will not be unduly impacted upon.

- 7.9. The proposed development is modernist in its roof profile, window and door openings and palette of materials. This is in keeping with the advice of the planning authority expressed in the County Development Plan in relation to distinguishing between original and modern elements within protected structures and avoiding pastiche.
- 7.10. The Architectural Heritage Protection Guidelines deal with the issue of new development within the curtilage of a protected structure (section 13.5). The Guidelines note that in certain cases there are formal relationships between the protected structure and other elements within its curtilage; for instance, the relationship with outbuildings or other landscape features. Particular mention is made of the importance of the visual relationship between the protected structure and public street. Although views of Dal Riada are limited by tree cover along the southern and western boundaries the present application places the new housing to the rear of the protected structure in a manner which protects views of its main facades particularly those from the south and east and from the drive way from Avoca Avenue.
- 7.11. I conclude that the proposed development, while an intervention into the site of a protected structure, has had reasonable regard to the character and setting of the protected structure and does not materially contravene the overall policy in relation to development within the curtilage of protected structure set out in the county development plan and the Architectural Heritage Protection Guidelines.
- 7.12. **Open space.**
- 7.13. The planning authority refused permission (reason number 3) because the application does not provide adequate public open space.
- 7.14. The policy of the planning authority in relation to the provision of public open space is set out at paragraph 8.2.8.2 of the development plan. The standard is 15/20m² of open space per person for three or more bed units which are presumed to accommodate 3.5 persons and an absolute minimum of 10% of the overall site. Applying the development plan standards would give rise to a requirement of 630m² (that's 3.5 x 9 x 20) or about 500m² if the threshold of 10% is to be applied.

7.15. The applicant has submitted an amended landscape plan with the appeal which has been circulated for comment to the planning authority although no comment has been received. I consider that this is not a material change to the original application and may be considered by the Board. The amended open space provision gives a total of 345m² in a combination of hard and soft landscaping.

7.16. Having regard to;

- the generous provision of private open space by way of secluded rear gardens provided for all the proposed houses,
- the necessity to strike a balance between protection of mature trees on site and the landscape setting of the protected structure (Dal Riada house),
- availability of other public open space in the area, for example the park at the junction of Avoca Road/Avoca Avenue a short distance to the east of the site,
- the overall aim set out in the County Development Plan and the Sustainable Residential Development in Urban Areas guidelines to increase residential density where appropriate on zoned and serviced lands,

I conclude that the proposed provision of open space is adequate and does not materially contravene the County Development Plan.

7.17. **Residential Amenity.**

7.18. The observations make the point that the proposed development will negatively impact on the amenity of houses in The Elms, the adjoining house to the east 'Tanrego' and existing and proposed development in 'Judeville' on the western boundary.

7.19. The county development plan advises that 22m separation distance be generally maintained at first floor levels for habitable rooms. The Sustainable Residential Development in Urban Areas Guidelines advises that that this requirement be applied flexibly (paragraph 7.4). Proposed units 1, 2 and 3 do not give rise to concern on this point. Unit 4 is about 8m at its closest and has 2-bedroom windows facing onto the rear of houses in the Elms. The units at the Elms at this point have first floor terraces facing south into the application site and I conclude that the

separation distances between the rear elevations of the units in the Elms and the proposed houses averages about 20m. As an additional measure I recommend that proposed house number 4 be conditioned to be similar to numbers 2 and 3 so as to maximise the separation distance off the boundary which, in conjunction with the screening along this boundary, I consider sufficient to protect the amenity of development in the Elms.

- 7.20. Judeville is a bungalow whose rear elevation addresses the boundary with the application site. Permission was granted for the demolition of this bungalow and its replacement with 3 houses but that permission was not implemented and may now have lapsed. The proposed house of interest in this context is proposed house number 1. This house is about 1.5m off the boundary with Judeville which itself is about 3m off the boundary. There are two first floor windows in proposed house number 1 which serve bathrooms and I consider that these windows, if glazed with obscure glass, will not seriously injure the amenity of the Judeville site. The other issue is overshadowing. The appeal included a shadow analysis (see drawing 'Shadow Study' EB01 PL05 Rev 1 received by the Board on 5th June 2018). This demonstrates that there will be a shadow impact on the Judeville site in March. Having regard to the orientation of the application site relative to the Judeville site I consider that this shadow study is accurate. Nonetheless I conclude that the impact is not significant and that the proposed development will not seriously injure the amenity of the Judeville site by reason of overshadowing.
- 7.21. To the east is Tanrego, a large two storey over basement house. It has an annex to the west of the main house which is close to but set off the boundary with Dal Riada and both the main house and the annex are forward of the back elevation of Dal Riada. Proposed units 6, 7 and 8 are 10m off the boundary and unit 9 is 9m off the boundary. Given this separation distance and the absence of opposing windows within 22m of the rear elevations of numbers 6, 7, 8 and 9 I conclude that these houses will not seriously impact on the amenity of the Tanrego site. Having regard to the orientation of the proposed houses west of Tanrego, the modest height (maximum 6.5m) and scale and separation distance off the boundary I conclude that overshadowing impact will be minimal and that the proposed development will not seriously injure the amenity of the property at Tanrego.

7.22. I conclude, therefore, that the proposed development will not seriously injure the amenity or depreciate the value of property in the area.

7.23. **Traffic Safety.**

7.24. The observers make the point that the proposed development will give rise to traffic hazard and that the existing access onto Avoca Avenue is preferable to a new access onto Grove Avenue. The related point is made that the additional traffic movements arising from the proposed development will give rise to congestion in the area.

7.25. As outlined above considerations of protecting the architectural integrity of Dal Riada house make a separate access for the new houses preferable. On the substantive issue of a new access onto Grove Avenue it is noteworthy that there are no yellow lines on this road, there are a number of residential access points already onto Grove Avenue and that the speed limit is 50km per hour. This pattern of development and speed restriction are reflective of the suburban and residential character of the neighbourhood. While there are a number of schools and community facilities in the area I conclude that the additional traffic movements arising from an additional 9 houses will materially impact on traffic patterns or congestion in the area. The revised site layout plan submitted with the application provides for tactile paving, signage and relocation of lamppost at the proposed new entrance onto Grove Avenue which I consider will support the aim of traffic safety on the local road network,.

7.26. I conclude that the proposed development will not endanger public safety by reason of traffic hazard.

7.27. **Part V**

7.28. The application does not include a certificate of exemption from the provisions of Part V. I attach a condition requiring compliance with Part V in the draft order below.

7.29. **Appropriate Assessment Screening**

7.30. Having regard to very modest scale of the proposed development and its location in an urban area where public piped services are available 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.

8.0 Recommendation

8.1. I recommend a grant of planning permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

The proposed development is located within a site with an established residential use and in an area zoned to protect and or improve residential amenity in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

It is considered that the proposed works to Dal Riada house, the protected structure on site, will secure the conservation and protection of the protected structure in accordance with the objectives for architectural conservation set out in the County Development Plan and in accordance with the policy set out the Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

It is considered that the proposed residential development and associated new access from Grove Avenue will not injure the amenity of adjoining residential property or not negatively impact on the setting of a protected structure or endanger public safety by reason of traffic hazard, and, subject to compliance with the conditions set out below will accord with the objectives set out in the County Development Plan and with 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 particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 5th day of June, 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. (a) The glazing of the first-floor windows on the western façade of house number 1 shall be manufactured opaque or frosted glass and shall be permanently maintained as such. The application of film to the surface of the clear glass is not acceptable.

(b) House number 4 shall be the same house type as house numbers 2 and 3 and shall maintain the rear building line of house numbers 2 and 3.

Reason: In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. All rear gardens shall be bounded with 1.8 metre high concrete block walls, suitably capped and rendered, on both sides, or by 1.8 metre high timber fences with concrete posts.

Reason: In the interests of residential and visual amenity.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

10. Prior to commencement of development, the developer shall provide for the following:-

- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate

protection of the historic fabric during those works.

- (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of the Environment, Heritage and Local Government, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

11. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with a landscaping scheme which shall be submitted to and agreed the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open

space areas, and their continued use for this purpose.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

13.
 - (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
 - (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No

work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- (The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh Mannion
Senior Planning Inspector

8th August 2018