



An
Bord
Pleanála

Inspector's Report ABP-301954-18

Development	Demolish existing single-storey house and construct a two-storey house, connect to public sewerage and all associated works.
Location	Main Street, Rathcoole, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0115
Applicant(s)	Angelina McGuirk.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Angelina McGuirk.
Observer(s)	None.
Date of Site Inspection	21 st September 2018.
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.06ha, is located on the south side of Main Street, Rathcoole, Co. Dublin – at its western end. There is a single-storey cottage on the site with pitched concrete tile roof and pebble-dash walls. There are two single-storey, modern extensions to the rear of the house (one flat-roofed and the other hipped and slated), and a small porch extension to the front. There are separate vehicular and pedestrian access points to the site from Main Street. There is on-site parking to the side and rear of the house – the entire rear garden area having been paved. There are stone wall remains of what must formerly have been an outbuilding to some sort on the western boundary. There is a narrow footpath in front of the site.
- 1.2. To the east and south, the site abuts a two-storey residence/hardware shop/yard of modern construction – the boundary with which is a 1.2m high concrete block wall. To the west, the site abuts the curtilage of the ‘Seanchlós’ three-storey block of apartments – the boundary with which is largely an old stone wall 2.0-2.5m high (but part of the wall is mass concrete). The apartment block is located at a slightly higher level than the appeal site. The northern boundary of the site with Main Street comprises a 1.0m high stone wall (pebble-dashed on the street side) and backed by a trimmed Griselinia hedge (2.5m high). The cottage is not particularly visible when approaching along Main Street from the west, but it is visible on the approach from the east.

2.0 Proposed Development

- 2.1. Permission was sought on 9th April 2018, to demolish an existing single-storey house and construct a two-storey house with pitched roof and plastered walls. The house to be demolished has a floor area of 87m², whilst the proposed house has a floor area of 208m². Connections to public watermain and foul and surface water sewer are to be maintained.
- 2.2. The application is accompanied by the following documentation of note-
 - Architectural Heritage Impact Assessment – dated March 2018.

3.0 Planning Authority Decision

By Order dated 5th June 2018, South Dublin County Council issued a Notification of decision to refuse planning permission for four reasons, which can be summarised as follows-

1. Loss of a vernacular house which contributes to the village streetscape, and would materially contravene HCL Policy 4 Objectives 1-3 (Architectural Conservation Areas) and Policy 5 Objectives 1-3 (Older Buildings, Estates and Streetscapes), and would adversely affect the character of Rathcoole Village Architectural Conservation Area (ACA).
2. Design, form, scale and height of building would be overbearing in appearance and would adversely affect the visual amenity of the streetscape and would significantly detract from and materially affect the character of Rathcoole Village ACA.
3. No landscaping proposals were submitted with the application.
4. Development would set an undesirable precedent for other similar-type developments within the ACA.

4.0 Planning History

SD08A/0204: Permission refused for demolition of this house and two sheds, and construction of a two-and-a-half storey building, consisting of two shop units, office units and car-parking.

5.0 Policy Context

5.1. Development Plan

The relevant document is the South Dublin County Development Plan 2016-2022.

- The site is zoned 'RES' - To protect and/or improve residential amenity.
- The site is located with an Architectural Conservation Area (ACA), although the building itself is not a Protected Structure. Policies HCL4 and HCL5 deal with this issue.

- The site is located with a zone of archaeological potential associated with Rathcoole village – DU021-030.

5.2. Natural Heritage Designations

The site is located within the centre of the village of Rathcoole. There are no natural heritage designations in the vicinity of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from PDES Planning Consultants, agent on behalf of the applicant, Angelina McGuirk, received by An Bord Pleanála on 28th June 2018, can be summarised in bullet point format as follows-

- The house on site has been much altered and does not retain any original or notable fabric. It does not have any architectural quality which would contribute to the ACA.
- The building on site does not contribute significantly to the character and townscape of Rathcoole.
- There are a number of contemporary buildings granted permission in the vicinity, and these set a precedent for other similar-types of development. [Photographic examples are submitted to support this point].
- The proposed development will not be overbearing.
- Contemporary architecture has been permitted on similar road-frontage locations within the village.
- The National Planning Framework supports better use of underutilised land. New homes are to be provided within existing urban settlements.
- The Regional Planning Guidelines for the Greater Dublin Area (2010-2022) support development of lands which are serviced and close to public transport.

- The Architectural Heritage Protection: Guidelines for Planning Authorities (2011), refer to development in ACAs and to undistinguished buildings. It is the contention of the appellant that the building on site does not contribute to the streetscape or setting, and is flanked by buildings which do not contribute to the area.
- The Development Plan zones the site for residential use.
- There is no prohibition on development within ACAs. The building on site has been heavily altered. The boundary walls and the position of the building on site are its major contribution to the ACA.
- The infill development proposed is sympathetic to its setting.
- The house on site is not a Protected Structure.
- There is clearly a mixture of architectural styles in Rathcoole.
- Boundary treatments are to be retained.
- Site is not large enough to allow for extension to the existing house to provide for required residential accommodation.
- There will be no adverse impacts on surrounding residential property.
- The reason for refusal of development on this site in the past (SD08A/0204) did not refer to the demolition of the building on site – but rather the design of the new building. The PA has not been consistent in this regard.
- The design of the proposed building is acceptable – in the context of a streetscape with widely different architectural styles. [Two photomontages are provided for reference].
- In order to meet the requirements of the Roads Department of SDCC for a new access, the roadside boundary wall of the site would be compromised. The wall should be retained as contributing to the character of the ACA.
- The house on site is habitable.
- Reference is made to refusal of permission on grounds that a bat survey was not submitted. [I note that this was not referred to in the reasons for refusal, and I do not propose to summarise this part of the appeal].

- The proposed building is lower than adjacent buildings to east and west, and would not be overbearing.
- There will be no loss of residential amenity for the occupants of the building to the east. The height of the proposed building is consistent with the height of the adjoining building.

6.1.2. The appeal is accompanied by the following documentation of note-

- SDCC Planner's Report ref. SD08A/0204.
- Structural Report for existing dwelling (undated – but completed post-inspection of 13th November 2017).
- Site layout plan – incorporating landscaping proposals. [Note that this coloured drawing more correctly shows the proposed house relative to the cottage to be demolished].
- Two colour photomontages of proposed house.

6.2. **Planning Authority Response**

There is no response from SDCC.

7.0 **Observations**

7.1. No observations were received from members of the public.

7.2. By letters dated 3rd August, An Bord Pleanála referred to appeal for comment on or before 30th August 2018, to-

- Fáilte Ireland.
- An Taisce.
- The Heritage Council.
- An Chomhairle Ealaíon.

7.2.1. There were no responses received.

8.0 Assessment

8.1. Development Plan & Other Guidance

- 8.1.1. The site is zoned for residential use; and the proposed development is in accordance with the zoning.
- 8.1.2. Chapter 9 of the Plan deals with Heritage, Conservation and Landscapes. HCL4 Objective 1 seeks to avoid the removal of structures which positively contribute to the character of an Architectural Conservation Area (ACA). I would agree with the contention of the PA that the cottage on site does positively contribute to the character of an ACA – particular regard being had to the modern constructions to east and west of it – and both of which are also within the ACA. The cottage is a low structure, partially hidden behind a high Griselinia hedge. However, were this hedge to be removed, the cottage would be considerably more visible from Main Street. The hedge largely hides the cottage from view on the approach from the west. However, on the approach from the east, it is clearly visible across the forecourt of the adjoining hardware shop. The house on site is already in residential use. I would agree with the contention of the PA that it could be sensitively extended to provide increased floor area. I would see no difficulty with the removal of the two, modern extensions to the rear of the cottage, to facilitate enlargement. HCL5 Objective 1 seeks to retain existing houses that, whilst not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting or streetscape value. The late 18th/early 19th Century house does contribute to historic character of the village and certainly does have streetscape value – being located close to the roadside boundary of the site. HCL5 Objective 3 encourages the retention, rehabilitation, renovation and re-use of older buildings where such buildings contribute to the visual setting, collective interest or character of the surrounding area. The cottage, is a singular house-type on the Main Street and contributes to the collective interest of buildings which flank the Main Street.
- 8.1.3. I would concur with the assessment of the PA that to permit demolition of this house would set an undesirable precedent for demolition of other structures within an ACA, which are not Protected Structures. Planning permission should be refused on grounds of contravention of policies set down in the Development Plan to protect the

character of Architectural Conservation Areas and to preserve the built fabric, where appropriate, within such areas.

8.2. **Layout & Design**

- 8.2.1. Leaving aside the issue of architectural conservation, I would consider that the proposed two-storey house would be acceptable in terms of layout and design on this site. The building line of the new house largely conforms to the existing building line of the cottage on the site. The three-storey apartment building on the site to the west is on a site which is slightly elevated above the level of the appeal site. The hardware/residence building to the east is a two-storey building of similar height and bulk. First floor windows in the gable elevation of the residential unit above the hardware shop, will overlook the rear garden of the proposed house, as they do at present for the existing cottage. The bulk of the proposed house will not unduly affect the daylight/sunlight at the adjoining hardware/residence to the east – regard being had to the set-back from the common boundary. The design of the house would not be out-of-keeping with what exists to east and west of it. Private open space will be provided to the rear to the house. It is proposed to erect a timber fence atop the 1.2m high boundary wall with the yard of the hardware store in order to protect privacy in this amenity area to the rear of the house.
- 8.2.2. I note that one of the reasons for refusal related to non-submission of a landscaping proposal. This was rectified by way of submission of such a proposal with the 1st Party grounds of appeal. Part of the roadside Griselinia hedge is to be removed to improve sight visibility at the entrance. I would be satisfied that the landscaping proposals are acceptable – should the Board be minded to grant planning permission for the development.

8.3. **Architectural Heritage**

- 8.3.1. The Architectural Heritage Impact Assessment, which accompanied the application to SDCC, stated that the house dates to the end of the 18th century or the beginning of the 19th century. It features on the first edition of the OS maps of 1837. It is not a Protected Structure. The site is located within the Rathcoole Architectural Conservation Area (ACA), which extends along the length of Main Street –

encompassing some, but not all, of the sites flanking the street. The building is not included in the National Inventory of Architectural Heritage (NIAH).

- 8.3.2. The Architectural Conservation Officer for SDCC contends that the building contributes significantly towards the townscape of the village – situated at a pivotal junction, where it forms a significant focal point at the western access to Main Street. I would be inclined to agree with this assessment, notwithstanding that the house is partially hidden behind a high *Griselinia* hedge.
- 8.3.3. The site is located within a zone of archaeological potential associated with Rathcoole village – DU021-030. The file was referred by SDCC to the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht. The DAU recommended archaeological monitoring of demolition and groundworks. This would seem to be reasonable, and a condition should be attached to any grant of permission relation to archaeological monitoring.

8.4. **Water**

The existing house is connected to the public watermain and foul and surface water sewer. There is no change proposed. The Water Services Department of the Council had no objection to the proposal.

8.5. **Access & Parking**

- 8.5.1. The Roads Department of the Council recommended that the footpath in front of the site be widened by setting back the front boundary wall. An additional information request was recommended. Setting back the front boundary wall would improve sight visibility at the existing vehicular access. This would involve demolition of an old stone wall which contributes to the character of the Architectural Conservation Area, and I would consider that such demolition would not be warranted in this instance – particular regard being had to the desirability of retaining the original cottage on the site.
- 8.5.2. It is proposed to retain the existing vehicular and the pedestrian entrances. The high hedge to the front of the existing cottage already inhibits sight visibility to the west for exiting vehicles. The 1st Party appeal document included a landscape drawing which showed part of this hedge removed, in order to improve sight visibility to the west. It

would be possible to require, by way of condition attached to any grant of planning permission, compliance with this submission. Adequate on-site parking is proposed for a house of this size – up to four spaces.

8.6. Other Issues

8.6.1. Development Contribution

Planning permission was refused, and so no development contribution was required. The Development Contribution Scheme for SDCC requires payment of a development contribution on a per sq.m basis. An exemption is applied in the instance of residential extensions of up to 40m². In this instance, it is proposed to demolish a house of 87m² and construct a new house of 208m². If the Board is minded to grant planning permission for this development, a condition requiring payment of a development contribution in accordance with the Development Contribution Scheme.

8.6.2. Appropriate Assessment

Having regard to the limited nature of the development (replacement of a house on a site within the built-up area of the village, and to the proximity 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 an European site.

8.6.3. Waste

If the Board is minded to grant permission, there would be a considerable amount of construction and demolition waste arising. A condition should be attached to any grant of planning permission relating to the handling and disposal of such waste.

9.0 Recommendation

I recommend that permission be refused for the Reasons and Considerations set out below.

10.0 Reasons and Considerations

1. The proposed development would adversely affect an architectural conservation area. The Rathcoole Architectural Conservation Area has been included in the current Development Plan for the area. Within this Plan, it is the policy of the Council, as set out at HCL4 Objective 1, HCL5 Objective1, and HCL5 Objective 3, in particular, to avoid the removal of structures that positively contribute to the character of Architectural Conservation Areas, to retain existing houses (whilst not listed as Protected Structures) which are considered to contribute to the historic and local character within the county, and to encourage the retention, rehabilitation, renovation and reuse of older buildings where such buildings contribute to the collective interest or character of the surrounding area. Demolition of a habitable house, which is capable of sensitive extension, would materially contravene the above-referenced policies of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Michael Dillon,
Planning Inspectorate.**

24th September 2018.