



An  
Bord  
Pleanála

## Inspector's Report ABP-302285-18.

### Development

Part demolition of the existing wall along Stocking Lane, the construction of a 3 to 4 storey development of 19 residential units. Development also includes the proposed new vehicular entrance off Stocking Lane to the ground floor enclosed car parking area, associated rear gardens for houses at podium levels, private balconies for apartments, public open space. Both Prospect House and the Gate Lodge to remain intact, all associated signage, landscaping, lighting, drainage, site works and ESB substation. Prospect House is a protected structure.

### Location

Prospect House, Stocking Lane, Rathfarnham, Dublin 16.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD18A/0181.

### Applicant(s)

Sequana Assets Ltd.

<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Sequana Assets Ltd.
<b>Observer(s)</b>	Guy Montgomery J & S McCarthy P. Pendlebruy D & A O'Rourke T & T Brady Barbara Murphy Susan Shannon Con J. Denvir Brenda Weir W. Edlin & G. Mitchell Joe Brannick David Kelly Prospect Manor Residents Assoc.
<b>Date of Site Inspection</b>	08/10/2018.
<b>Inspector</b>	A. Considine.

## 1.0 Site Location and Description

- 1.1. The subject site is located within the jurisdiction of South County Dublin and is accessed off Stocking Lane, Rathfarnham, Dublin 16. The surrounding area comprises primarily residential development and the M50 is located approximately 200m to the south. The site is located approximately 9km to the south of Dublin City, and approximately 3km south of Rathfarnham village.
- 1.2. The proposed development site comprises the lands associated with Prospect House, which is a protected structure and includes a gate lodge, and stable yard. The boundaries to the site comprise a high level stone wall and the existing entrance to the site includes a curved wall and a gate which accesses the avenue to the main house. The gate was locked on the date of my site inspection. The gate lodge is a single storey building with a slate roof which is under threat from ivy and trees.
- 1.3. Prospect House itself is a large detached five bay, two storey over basement Georgian house which was built in c1821-1835. The house has a smooth rendered finish to the front elevation with slates to the rear. The front of the building faces north, while the entrance is located to the west.
- 1.4. The proposed development site comprises the walled garden associated with Prospect House, and the overall proposed development site includes the protected structure. The rear yard and outbuildings associated with the house are excluded from the proposed development site. The site has a stated area of 0.517ha.

## 2.0 Proposed Development

- 2.1. Permission is sought for the part demolition of the existing wall along Stocking Lane, the construction of a 3 to 4 storey development of 19 residential units consisting of:
  - 9 houses (8 no. 4-bed and 1 no. 3 bed)
  - 8 apartments (4 no. 3 bed, 2 no. 2 bed and 2 no. 1 bed) and
  - 2 duplex units (3 bed)

Development also includes the proposed new vehicular entrance off Stocking Lane to the ground floor enclosed car parking area, associated rear gardens for houses at podium level, associated private open space in the form of balconies for apartments

and landscaped public open space. Both Prospect House and the Gate Lodge to remain intact. All with associated signage, landscaping, street lighting, drainage, site works and ESB substation for the proposed development at this site Prospect House (a Protected Structure RPS No 340), all at lands at Prospect House, Stocking Lane, Rathfarnham, Dublin 16.

2.2. The application was accompanied by the following documents:

- Plans, particulars and site notices including completed planning application form.
- Cover letter
- Part V proposal
- Design statement & 3D visualisation
- Architectural Heritage Impact Assessment
- Engineers Report and drawings
- Fire Strategy
- Mechanical & Electrical Strategy Statement
- Preliminary Tree Survey & Report
- Landscape Design.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The Planning Authority decided to refuse permission for the proposed development for 9 stated reasons, summarised as follows:

1. Over-development of the site and detrimental impact on the protected structure.
2. Impacts on residential and visual amenity of both existing and future residents.
3. Poor and inadequate standards of private amenity space.

4. Non-compliance with DMURS as it relates to the provision of public open space / children's play area.
5. Non-compliance with the Sustainable Urban Housing Design Standards for new Apartments for a number of reasons.
6. Inefficient and ambiguous details in relation to the road layout.
7. Insufficient detail submitted in relation to landscaping and non-compliance with Policies of the CDP in this regard.
8. Insufficient details submitted in relation to water services including layouts.
9. Insufficient details submitted in relation to noise impact and mitigation.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Report from the Planning Authority formed the basis of the decision of the PA to refuse permission for the proposed development. The report considered that the height and scale of the proposed development is out of context and incongruous with the existing setting. The report also notes concerns with regard to a number of aspects of the proposed development and ultimately recommended that the proposed development be refused.

In terms of appropriate assessment, the report notes that the applicant did not submit an AA screening report. It is further noted that the documentation submitted with the application is deficient in a number of areas such as water, surface water and foul water, which could have a significant bearing in terms of a full and comprehensive Appropriate Assessment. The report concludes that a Stage 1 AA could not be undertaken and that further information would be required.

#### 3.2.2. Other Technical Reports:

**Conservation Officer:** The report concludes that the proposed development is unacceptable and completely inappropriate within the context of Prospect House, a protected structure, and its curtilage, by reason of height, scale, mass and overall design. The result would be a development which dominates the protected structure and would further diminish the setting of Prospect House. The proposal to retain

Prospect House and the Gate Lodge unchanged, without carrying out work to them is totally unacceptable and any development of the site should include the re-use and suitable adaption of the buildings. Refusal is recommended.

**Roads Department:** Several issues with the proposed development including anomalies between drawings submitted, swept path analysis is inadequate, footpaths, lack of pedestrian connectivity and lack of information with regard to traffic numbers associated with the proposed development. Further information required.

**Water Services:** Further information required with regard to surface water proposals.

**Parks & Landscape Services:** The report raises a number of concerns and requires further information be submitted.

### 3.2.3. Prescribed Bodies

**Irish Water:** Concerns raised in relation to the foul drainage layout. Further information required.

**DoCH&G:** Requests that pre-development archaeological testing be undertaken. Further information is requested in the form of a Bat Survey.

**An Taisce:** Objects to the proposed development due to the height of the buildings compared to the surrounding 2 storey houses and the development would completely overshadow and dwarf the Protected Structure.

**EHO:** Further information required in relation to the potential for noise nuisance from traffic on the M50 Motorway.

### 3.2.4. Third Party Submissions

There are 87 submissions in relation to the proposed development, including one in Irish, and the issues raised reflect those submitted in the observations to this appeal. I have read all of the submissions made to the Planning Authority relating to the proposed development. I have summarised these issues further below in Section 6.4 of this report and the issues raised fall under the following headings:

- Height, scale and density and impact on general, visual and residential amenity including overbearing, overshadowing, overlooking and loss of privacy

- Impact on the setting and character of the protected structure and visual amenity of the area, including impacts on heritage and loss of trees
- Roads and traffic issues including parking and lack of appropriate public transport services
- Layout and design
- Non-compliance with policy objectives of South Dublin County Development Plan.
- Flooding issues

## 4.0 Planning History

**PA ref SD05A/0630:** Planning permission was sought for the construction of a new detached single storey, 4 bed dwelling house on a site covering approximately 0.5ha within the curtilage of Prospect House. The proposal included the demolition of the gate lodge. Following a request for further information, the application was deemed withdrawn.

The FI request centred around the concerns of the Conservation Officer, who recommended that the proposal be refused on the basis of the loss of the gate lodge, a protected structure, and the negative impact on the character of the protected structure.

## 5.0 Policy Context

### 5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2008):

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and

- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

## 5.2. **Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):**

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,



- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

### **5.3. Development Plan**

The subject site is located on lands which has the zoning objective RES – to protect and improve residential amenity.

The South Dublin County Development Plan 2016-2022 is the relevant policy document pertaining to the subject site and includes a number of policies and objectives which are relevant, including those relating to core strategy, residential development and development standards, water services, roads and transport, green infrastructure and protected structures.

### **5.4. Natural Heritage Designations**

The site is not located within any designated site. The closest European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

## **6.0 The Appeal**

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

This is a first party appeal against the decision of the planning authority to refuse permission for the proposed residential development. The grounds of appeal seek to address the concerns raised in the planning report and the reasons for refusal and are summarised as follows:

- The buildings are 4 storeys in height and the description of the context of the site by the planner is inaccurate. The site does not directly adjoin residential development and allows for an element of freedom regarding building height

as design restrictions of adjoining properties with regards to a continuity of elevation does not apply.

- The design takes into consideration car parking and the desirability of it being disguised.
- There is a need for the development given the current housing crisis.
- The proposed development is supported by the National Development Plan 2018-2027 in terms of height and densities and seeks to increase density on a vacant, underutilised residentially zoned site.
- The development will not result in overlooking or loss of privacy by reason of layout, design and separation distance.
- Given the orientation of the site, there will be no overshadowing of properties to the south.
- Folio map submitted.
- In terms of the impact on the protected structure, a report from Conservation Consultant is submitted. This report concludes that the house is not a grand house and previous housing was permitted within its curtilage. The house is of interest, but not of such interest as to restrict all development within its curtilage.
- In terms of private open space, it is submitted that all units have been allocated private open space in accordance with the development plan requirements and the assessment of the planner is unfounded.
- The proposed apartments all meet the design standards required.
- Revised drawings have been submitted to provide required cycle parking for the development.
- The submission includes a report to address roads and services issues raised in the Planning Authority report.
- Refuse for all units has been provided for in revised drawings.
- A construction management and demolition waste management plan can be provided as part of conditions of permission.

- In relation to the AA concerns, it is submitted that this matter should have been dealt with at validation if deemed to be a requirement.
- All necessary noise assessments can be carried out to establish baseline noise levels and to establish any mitigation measures necessary to be incorporated into the proposal
- Landscape matters are discussed and dealt with and it is submitted that there is no basement parking proposed.
- Issues in relation to the northern boundary wall, trees, tree protection plan and boundary treatment can be addressed by way of condition.
- It is deemed acceptable that a Bat Survey to be completed and lodged with the council prior to the commencement of development be included as part of conditions.
- As the applicant was not given the opportunity to respond to the further information requests, it is deemed appropriate to condition the required information so that it can be prepared and lodged with the council for approval.
- Play area is included as part of the proposed development

## 6.2. Planning Authority Response

The Planning Authority responded to the first party appeal advising that issues raised have been dealt with in the planners report. The Planning Authority confirms its decision to refuse.

## 6.3. Observations

There are 14 observations noted in relation to the proposed development as identified on the cover page of this report. The issues raised are summarised as follows:

- The appeal does nothing to address the visual impact of the proposed development and would dominate the environment.

- The removal of the road boundary wall is unacceptable as is the proposal to not provide a set back from Stocking Lane.
- The area is not well serviced by public transport.
- Existing houses in the area rise to two storey. The scale and height of the development does not reflect the surroundings.
- The development will impact on existing residential amenity and privacy.
- No proposals for the protected structure or the gate lodge, which are likely to fall into disrepair.
- The development will result in ribbon development.
- The density of the development is questioned given the low density area and the lack of amenities close to the site. The development would result in residents relying on the car to access all amenities.
- The submitted plans include lands outside the ownership of the applicant which has not been addressed by the applicant as claimed.
- The height and scale of the development is inappropriate for the area and would be overbearing.
- Roads & traffic issues and sight distances at the entrance. The area is not served by appropriate levels of public transport.
- Impacts on the protected structure, including the gate lodge and stable yard. The design report submitted indicates that the gate lodge is to be demolished and the stable yard is now used by a builder.
- Issues arising in relation to waste management.
- Car parking proposal, including location of pedestrian access to the car park, lighting and inadequate provision, raised as a concern. Also, access for emergency vehicles is restricted.
- The demolition of the wall between the house and the stable yard is the subject of current enforcement.
- Proposals to remove trees are a concern.

- The topography of the site has been ignored in terms of proposed ground levels and finished floor levels.
- Flooding concerns due to proposal to raise site levels.
- The development will result in overlooking and overshadowing of adjacent properties. The laneway offers no protection from the height of the proposed development.
- Environmental impacts include the loss of trees and buildings which may house bats, birds and other wildlife.
- No information presented in terms of the management and maintenance of the development.
- The accommodation proposed would not meet the needs for the elderly, those with mobility problems or the disabled.
- The development is not of such strategic importance that would warrant destroying the existing residential amenity and cultural heritage of the area.
- Any development of the site should be of a scale, design and density that would be respectful to the nature of the surrounding area, protected structure and its curtilage and that would not damage residential amenity.
- Concerns and objections to the proposed new access path from the proposed development through Prospect Manor.
- The proposal does not comply with the requirements of the Development Plan in a number of areas.
- The developers proposal to remove the boundary wall separating the site from the public open space of Prospect Manor is vehemently opposed by the residents of Prospect Manor. No public notice was provided for this and the green area is maintained by the residents at their own cost.

#### 6.4. Further Responses

None.

## 7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of previous uses on the site, together with uses in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. General Compliance with National Guidelines & Standards and the South Dublin County Development Plan
2. Visual & Residential Amenity issues
3. Impact on Architectural Heritage
4. Roads & Traffic
5. Other Issues
6. Appropriate Assessment
7. Environmental Impact Assessment

### 7.1. Compliance with National Guidelines & Standards and the South Dublin County Development Plan:

#### Sustainable Residential Development in Urban Areas (DoEHLG, 2008)

7.1.1. Given that the subject site is located on lands zoned for residential purposes, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2008 guidelines updated the Residential Density Guidelines for Planning Authorities (1999) and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development proposes the construction of 19 residential units including 8 apartments and 2 duplex units on a site covering approximately 0.517ha and in terms of the recommendations of the Guidelines, I have no objection to the proposed density of same in principle.

7.1.2. The Board will note that while the subject site is zoned RES, with the objective to protect and improve residential amenity, the site also comprises the curtilage of a protected structure. In this regard, site specific issues are required to be considered however, and I will address these issues further in this report.

The Sustainable Urban Housing: Design Standards for New Apartments, DoECLG December, 2015

7.1.3. These guidelines update the guidelines from 2007 and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to uphold proper standards for apartment designs and to ensure that new apartment developments will be affordable to construct.

7.1.4. Chapter 3 of the Guidelines provide Design Standards and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines require that the following floor areas be applied to apartment developments:

**Minimum overall apartment floor areas**

Studio	40 sq m
One bedroom	45 sq m
Two bedrooms	73 sq m
Three or more bedrooms	90 sq m

The development proposes 9 houses and 2 x 1 bedroom, 2 x 2 bedroom and 6 x 3 bedroom apartments, including 2 duplex units. Not all apartments proposed achieve the minimum floor area required by the guidelines, in particular, proposed units 14 and 17, both 2 bed apartments which have stated floor areas of 68.8m<sup>2</sup>. While I am satisfied that the mix or proposed residential types can be considered acceptable and in accordance with the requirements, I am not satisfied that the unit size of the above are.

In terms of room sizes, the Board will note that overall, the proposed bedrooms, both double and single, appear to comply with the minimum width requirements.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

**Minimum aggregate floor areas for living/dining/kitchen rooms**

<b>Minimum widths for the main living/dining rooms Apartment type</b>	<b>Width of living/dining room</b>	<b>Aggregate floor area of living / dining / kitchen area*</b>
One bedroom	3.3 m	23 sq m
Two bedrooms	3.6 m	30 sq m
Three bedrooms	3.8 m	34 sq m

I would have a concern regarding the proposed width of the living rooms in units 13, 16 and 19, which are under 3m in width.

*b) Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 10 apartments over four floors in a five-storey height building. Of these, only two are not dual aspect. These apartments are north facing, but overlook the adjacent public open space area associated with Prospect Manor and therefore I consider this acceptable.

*c) Floor to Ceiling Height:*

It is a specific policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. In the interests of future adaptability for possible commercial uses, the guidelines recommend that in certain urban centres, the floor to ceiling height of 3.5-4m should be considered. The submitted plans provide a floor to ceiling height across all floors of 2.8m which is acceptable.



d) *Lift & Stair Cores:*

Having regard to the limited scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

e) *Internal Storage:*

The proposed development provides for storage both within all apartments. The minimum storage requirements are indicated as follows:

**Minimum storage space requirements**

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms	6 sq m
Three or more bedrooms	9 sq m

The Guidelines further state that ‘as a rule, no individual storage room within an apartment should exceed 3.5 square meters.’ The storage provision for the proposed apartment development adequately meets the above minimum requirements.

f) *Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

**Minimum floor area for private amenity space**

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms	7 sq m
Three or more bedrooms	9 sq m

I am satisfied that the development provides for the above minimum requirements.

7.1.5. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal rooms, refuse storage, communal amenity space, children's play, car parking and bicycle parking. Given the scale of the proposed apartment block as part of the development, I am satisfied that there is no requirement for a communal room and that the communal areas are adequately sized.

7.1.6. In terms of the provision of refuse storage, the Board will note from the first party appeal that revised drawing 3.1.101\_Rev A has omitted that mechanical plant store and bike storage area and replaced it with a centralised bin storage area to service the apartments. The bike storage area has been relocated to the southern boundary wall of the undercroft car park at a remove from the apartments, and within the hard stand area to the rear of house no. 1. The bin storage area depicts 6 large wheelie type bins providing for a three bin system which is appropriate. I have a real concern however, regarding the accessibility of the proposed bin area for waste collectors as the proposed floor to ceiling height in the undercroft car park area is indicated at 2.7m in height only.

7.1.7. To the north of the proposed apartment building, the plans provide for an area of open space together with two children's play areas. Although the scale of the development is small, subject to appropriate boundary treatment, the area to the front may be capable of accommodating a safe play area, however given the location of this area, I would have serious concerns in terms of safety. The area is located immediately adjacent to the existing gate lodge and entrance to Prospect House. The development proposes no works to the gate lodge or the house and the existing gate is the only vehicular access to the house. While I will deal with the impact of the proposed development on the architectural heritage of the area later in this report, I would have concerns that a grant of permission in terms of the proposed play area, would significantly inhibit any future proposals for the protected structure and its gate lodge.

7.1.8. Car parking and bicycle parking is proposed at undercroft ground floor level as part of the overall development. In addition, the applicant submits that the site is located in proximity to a number of amenities and that there is a bus stop within short walking distance from the site.

7.1.9. In relation to the proposed houses, the Board will note the proposal to provide for private open spaces at podium level which range in size from 51.6m<sup>2</sup> up to 132m<sup>2</sup>. In addition, the Board will note that the design of the houses provides for balconies at second floor level and large terraces at third floor/attic level. In terms of the provision of amenity spaces for the proposed houses, I am satisfied that the development can be considered acceptable in principle.

7.1.10. The Board will note, however, that the quality of the podium level open space is raised as a concern by the Planning Authority, particularly with regard to the proposed planters. In addition, concerns are raised in relation to the removal of trees and the proposed mix of trees to be planted. In support of the appeal, the first party submits that matters relating to landscaping can be dealt with by way of condition. I would not agree. Should the Board be minded to grant permission in this instance, I consider that this element of the proposed development should be fully addressed prior to a decision issuing.

7.1.11. In conclusion, while I consider that the principle of a residential development is acceptable, given the location of the subject site within County Dublin and its current RES zoning, and I have no objections in principle to the design presented, the development as proposed is wholly inappropriate in the context of the subject site, in my opinion. In addition, I would have serious concerns regarding the potential impacts of the development on adjoining properties, which I will discuss further below in section 7.2 of this report.

7.1.12. Having regard to my assessment of the proposed development against the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, DoECLG December, 2015, I conclude that the development falls short on a number of elements with regard to the apartments. In particular, I refer the Board to the shortfall, albeit small, in the recommended minimum floor areas as stipulated in the guidelines for living / kitchen / dining rooms and bedrooms, and issues raised in terms of the floor to ceiling height of the undercroft parking area in terms of accessibility for waste collectors.

## 7.2. Visual & Residential Amenity issues

7.2.1. In relation to the overall height and scale of the proposed development, the Board will note the submission of the first party who seeks to submit that the houses are 3 storey in height and the apartment building 4 storeys, which is clearly an inaccurate description, given the undercroft car parking at existing ground level. Accommodation is provided over 4 floors in the houses and while I have no objections in principle to the proposed design overall, I would have serious concerns regarding the scale, massing and height of the buildings in the context of the subject site.

7.2.2. In relation to the Development Plan, I note the support for higher buildings, but I would not consider that the receiving environment is suitable for the proposal as there is no transition or strong urban design rationale to support the development as proposed. If permitted, I consider that the proposed development would represent a significant visual intrusion in the existing streetscape which is currently dominated by the existing boundary wall associated with Prospect House and its gardens – which is to be demolished to accommodate the development – and residential developments which are set back from the public road. I will deal with architectural heritage impacts further below in section 7.3 of this report.

7.2.3. The Board will note the third party submissions in relation to the proposed development and the primary concerns raised in terms of overlooking, overbearing and impacts on existing residential amenity. I note the appeal submission in this regard and while I accept that there is a laneway between the subject site and the residential development to the south, I would not agree that the site does not adjoin residential development and as such overlooking is not an issue. I have indicated above that I have no objections in principle to the design of the proposed development however, in permitting the development as proposed, the existing residential amenities of adjacent houses would be significantly impacted upon by reason of overlooking and overbearing.

7.2.4. Overall, I consider that the proposed development would significantly and seriously injure the existing visual amenities of the wider area as well as the residential amenities of adjacent properties and as such, would be contrary to the zoning objective afforded to the site which seeks 'to protect and / or improve

residential amenity'. The development would therefore, be contrary to the proper planning and sustainable development of the area.

### **7.3. Impact on Architectural Heritage**

7.3.1. The subject site comprises the curtilage of Prospect House, which is a protected structure, RPS ref 340. In accordance with the Planning & Development Act, 2000 as amended, a protected structure includes the interior, land lying within the curtilage and any other structures lying within that curtilage and their interiors and all fixtures and features which form part of the interior or exterior of any structure. The proposed development will result in the complete loss of the gardens to the west of the structure Prospect House, as well as the removal of an extensive length of the boundary wall of the site along the public road. The Board will note that the proposal does not intend any works to the house or its gate lodge, which is currently in a state of disrepair. The layout proposes to retain the existing vehicular entrance to Prospect House but appears to cut off vehicular access to the house itself, with the area to the north (front) of Prospect House to be lawned as part of the public open space associated with the proposed residential development. 2 car parking spaces are provided in the undercroft carpark to serve Prospect House.

7.3.2. It is the stated policy of South Dublin County Council, HCL Policy 3 Protected Structures, 'to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.' The objectives of the Plan in this regard all seek to ensure the protection of all such structures including their curtilages and to ensure that all development proposals are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form.

7.3.3. The Council's Conservation Officer submitted a substantial report on the proposed development and voices serious concerns with regard to the proposed development. It is submitted that the development is unacceptable and completely inappropriate within the context of Prospect House, in terms of scale, height, mass and overall design and if permitted, will dominate the protected structure. I find it impossible to disagree with this assessment. I note that the first party has submitted

a report from an Historic Building Consultant as part of the appeal which seeks to suggest that the proposed development should be considered acceptable as Prospect House 'is not a grand house'. The report further notes that the importance of the house was not previously considered as housing has been permitted within its earlier curtilage. The report further submits that 'the typology of the house is economical in plan form, plain in appearance and plain with little embellishment internally'.

7.3.4. I find the above assessment to be concerning and would agree with the Planning Authority in the assessment that the proposed development would significantly and irreparably damage the character and setting of the protected structure on the site. It is clear that historical residential development has impacted upon the curtilage of Prospect House, but I would wholly disagree that this should allow the complete destruction of its curtilage, including the boundary walls and walls within the gardens of the house, with a development which will dominate and result in significant overdevelopment of this site. I have further concerns that the proposed development seeks to retain both Prospect House and the gate lodge 'unchanged without carrying out work to them'. In the context of a protected structure, I would consider that a development proposal should fully include plans for the protected structure and should be so sensitively designed to ensure the protection of the character and setting of the structure.

7.3.5. I consider that the proposed development should be refused as it would contravene HCL Policy 3 Protected Structures by reason of height, scale, massing and dominance which would directly, significantly and negatively affect the special character and appearance of Prospect House including its historic curtilage including the gate lodge and boundary walls.

#### **7.4. Roads & Traffic**

7.4.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The proposed development site accesses a public road, Stocking Lane, which has a

speed limit of 50kph. Sight distances of 70m are available at the proposed entrance. Stocking Lane is a highly trafficked regional road

7.4.2. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.4.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, placed-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent on site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
  - Greater levels of connectivity;
  - Higher quality design solutions that highlight place;

- Catering for and promotion of higher levels of pedestrian movement;
- A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

7.4.4. DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, the Board will note that the only 'road' relating to the proposed development is for the access to the undercroft car park. The applicant has sought to design the car park to ensure compliance with the width of the road at 6m. Pedestrian crossings are also proposed.

7.4.5. The proposed development intends to retain the existing vehicular access to the site, located in the north western corner of the site and including the gates, piers and entrance walls, as a pedestrian access. The development proposes a new vehicular entrance to the undercroft car park in a more central location along the roadside boundary. The Roads section of South Dublin County Council raised a number of concerns which require the submission of further information. No further information request issues and the Planning Report noted that the insufficient and ambiguous details were lodged in relation to roads. The report concludes that it has not been demonstrated that the proposed development would not endanger public safety by reason of traffic hazard and refusal is recommended in this regard.

7.4.6. Further to the above, the Board will note that all car parking for the proposed development will be provided at undercroft level which will include, following the submission of the first party appeal, a communal bin store area to serve the apartments. In terms of parking, the Board will note that each proposed house will have 2 spaces provided, except for Unit 1, at undercroft level. This accords with the requirements of the County Development Plan. The rest of the car park provides for 18 car parking spaces, 2 of which will serve Prospect House, and 2 which will be disabled spaces. In support of the first party appeal, a report from Molony Millar Consulting Engineers is presented to address engineering issues. From the



submitted drawings, it is clear that bin trucks would not be able to access this area. The submitted report advises that 'it would not be necessary for emergency or service vehicles to access this area, as headroom would be problematic'. Large vehicles 'could access the development via the existing driveway of Prospect House or via the road outside the development.' I consider this response to be inappropriate and unacceptable to address the concerns regarding access to the undercroft car park area.

7.4.7. In terms of permeability, DMURS seeks to promote high connectivity which maximises permeability particularly for pedestrians and cyclists. In order to achieve such networks, DMURS seeks to limit the use of dendritic networks and cul-de-sacs that provide no through access. In terms of the proposed development, the Board will note that there is no opportunity for potential expansion of the estate and permeability for pedestrians and cyclists is also excluded. I note the proposal submitted as part of the appeal in relation to the potential for the removal of the northern boundary wall, which is a boundary wall between the subject site and the public open space of the adjacent residential development. The first party submits that this can be dealt with by way of condition of permission. I disagree as this is a party wall and no permission for its removal has been put forward. I would not consider it appropriate to condition the removal of the wall. Overall, I would not consider that the principles of DMURS have been adequately complied with, particularly as they relate to pedestrian and cyclist hierarchy.

7.4.8. In terms of general roads and traffic issues, I am not satisfied, based on the information submitted, that the requirements of the Design Manual for Urban Roads and Streets, have and can be met. In particular, I have concerns regarding the accessibility of the undercroft car park for bin trucks and emergency vehicles, and I would not accept the appeal submission in this regard. While I acknowledge the zoning afforded to the subject site, I am concerned that the potential impact of the proposed development, and the traffic generated by same on the local road network, has not been fully assessed. As such, I cannot conclude that the development, if permitted, would not result in a significant traffic hazard for existing residents in the area or would not adversely affect the existing residential amenities of the existing residents by reason of the additional traffic resulting from the proposed development.

## 7.5. Other Issues

### 7.5.1. Public Open Space

The Board will note that the first party has submitted a landscaping plan for the site. The open space provision is indicated at covering 1,391.8m<sup>2</sup>, amounting to 26.9% of the total site area. The SDCC Development Plan requires 10% and as such, the proposal adequately complies with this requirement. However, the plan includes the area to the north (front) of Prospect House as part of the open space offer to service the development, as well as the existing avenue which currently provides access to the house. I would have serious concerns in this regard given that there are no proposals submitted in relation to future use/maintenance of Prospect House. If the house is to be retained as a single family home, then the front lawn should form the private open space for the house and should not be included as part of the public open space for the wider development.

As part of the open space provision, the Board will note that a childrens play area is proposed to the north of the existing gate lodge, and adjacent to the existing vehicular access – to be used as a pedestrian access as part of the proposed development. In terms of my comments above, and should Prospect House be retained as a private residence, it would seem inappropriate to provide public open space along the vehicular avenue which provides access to the house. I would also be concerned about the quality of the location of the childrens play area adjacent to the gate lodge, which is to be left in its current state and without any proposals for its future, in terms of appropriate surveillance potential from the residential units. That said, I do note that the car park layout provides for two spaces to serve Prospect House. However, given the protected status of the house, I would not consider it appropriate to eliminate all features which form part of the curtilage of the house, including the avenue.

I also note the comments of the SDCC Parks Department in relation to the northern boundary wall of the site which backs onto the public open space associated with Prospect Manor. I would not consider it appropriate to condition the removal of this wall as suggested by the first party. In addition, and in terms of the density proposed, I would note that the full site area, which includes Prospect House and the open space to the north of the house, as well as the gate lodge has been included to

calculate the density. I consider this inappropriate in the interests of the protection of at least part of the setting and character of Prospect House.

In this regard, and without any information or proposals for the future of Prospect House or the Gate Lodge, I consider that the proposed development represents a significant overdevelopment of the site which would dominate and overbear the protected structure and its curtilage and would represent an inappropriate open space layout and provision.

#### 7.5.2. Water Services

With regard to water services for the proposed development, the Board will note that both Irish Water and SDCC Water Services section required the submission of further information. As no further information was requested by the Council, the first party appeal has sought to submit the information as requested.

With regard the attenuation system, the first party has submitted proposals to install an arched system in accordance with the recommendations of the planning authority. Foul and surface water networks are separate throughout the site and all works shall comply with the Greater Dublin Regional Code of Practice for Drainage Works. It is also noted that the first party appeal has revised the foul drainage layout to ensure that the pipe sizes comply with the stated requirements and that the drainage layout no longer passes under a house. Should the Board be minded to grant permission in this instance, I would consider it necessary to ensure approval for the revisions with the County Council and Irish Water prior to a decision issuing.

In relation to the potential for flooding, an issue raised by third parties, I would note that the site is not located within a flood risk zone.

#### 7.5.3. Red line boundary:

The submitted folio map reflects the site boundary as submitted.

### 7.6. **Appropriate Assessment**

The site is not located within any designated site. The closest European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

The Board will note that the Planning Authority considered that the information on file was deficient in order to undertake AA and the first party appeal submitted no response other than to say that 'if this information was deemed to be a requirement it should form part of the validation for the planning permission.' The appeal also submits that it is acceptable that a bat survey be completed as a condition of permission.

Having regard to the location of the subject site immediately adjacent to an established residential area, together with the nature and scale of the proposed development on zoned lands, I am satisfied that there is no potential for impact on any Natura 2000 site, warranting AA.

#### **7.7. Environmental Impact Assessment**

Having regard to the nature and scale of the proposed development, 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 that planning permission be refused for the proposed residential development for the following stated reasons.

## 9.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development and the presence of a structure on site of architectural interest which is listed as a Protected Structure in the current Development Plan for the area, for which no proposals for its upkeep or maintenance are submitted or proposed, it is considered that the proposed development, by reason of its overall layout, and its scale, height, massing and design, together with the extensive removal of the front boundary wall, would be out of scale with its surroundings, would represent an overdevelopment of the site, would dominate and seriously detract from the architectural character and setting of Prospect House, Protected Structure RPS ref 340, and of the streetscape generally.

The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, contrary to the requirements of HCL Policy 3 Protected Structures of the South Dublin County Development Plan 2016-2022, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the prominent location of the site, to the established built form and character of Stocking Lane and to the existing buildings and boundary walls of Prospect House, protected structure, on the site which are considered to be of important to the streetscape, it is considered that the proposed development would be incongruous by reason of its design, scale, bulk, fenestration and height, design, which would be out of character with the streetscape and would set an undesirable precedent for further inappropriate development in the vicinity of the site. The design is not considered to justify the demolition of the existing boundary walls of the site, which comprise the curtilage of Prospect House, protected structure. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

3. Having regard to the information presented in support of the proposed development, together with the proposed undercroft car park, it is considered that the development would result in an inappropriate form of development which would preclude access for service vehicles and emergency vehicles. In addition, having regard to the scale of the proposed development and the traffic to be generated by it, together with the proposed layout of the site, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

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A. Considine  
Planning Inspector

6<sup>th</sup> November, 2018