



An
Bord
Pleanála

Inspector's Report ABP-302541-18

Development	Construction of five new houses and conservation repair works to house which is a protected structure.
Location	Ballybrack House, Military Road, Killiney, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/0600
Applicant(s)	Kensington Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Split Decision
Type of Appeal	First Party v. Decision
Appellant(s)	Kensington Homes Ltd.
Observer(s)	No observers
Date of Site Inspection	26 th November 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site with an area of 0.4132 ha is located on the southern side of Military Road, in close proximity to Ballybrack Village. The site accommodates Ballybrack House, a protected structure and a number of associated ancillary buildings. Ballybrack House comprises a two storey over basement, three bay, detached dwelling constructed in the mid nineteenth century. The dwelling is in relatively good condition. There are two coach houses, currently in poor condition, located to the rear of the main house. There is a further single storey lodge located at the entrance to the site.
- 1.2. The access to the site is via Military Road and there is a noticeable fall across the site southwards. There is a long drive that follows the topography of the site before curving towards the main house. There is a separate service lane from the drive that provides access to the coach houses. There are a number of mature trees and grassed landscaped areas to the south and west of the main house.
- 1.3. To the east of the site, is a small residential infill development comprising 5 no. 2 storey houses known as the 'Orchard'. This development is located on lands originally within the curtilage of Ballybrack House. There is a further residential development of 20 dwellings in a development referred to as 'Albany' located to the south. Part of these lands were also once within the curtilage of Ballybrack House. To the west, is a residential development of 30 no. houses known as 'Firgrove'.

2.0 Proposed Development

- 2.1 The proposed development comprises the construction of 5 no. two storey, terraced houses to the west of the site. To facilitate access to the site, it is proposed to relocate the existing vehicular entrance further west along Military Road and develop a new access road through the site. The proposed dwellings would be located to the west of the new access road. A number of mature trees within the site would be removed to accommodate the development.
- 2.2 A new boundary wall comprising a 2 metre high solid stone wall incorporating the existing entrance piers and pedestrian access gates (that front Military Road) will be constructed to the east of the new access road, separating Ballybrack House from

the proposed residential development. An area of open space is located between the access road and Ballybrack House. This has a total area of 460 sq. metres with c. 390 sq. metres in the main body of open space and a further 70 sq. metres located to the south of the gates to Ballybrack House.

2.2 The development also provides for:

- Conservation works/repairs to Ballybrack House (a Protected Structure). These works include rising damp treatment to the lower ground floor level, the installation of a replacement floor slab at lower ground floor level, the installation of new heating distribution pipework to existing routes, window and building fabric repairs and roof repairs.
- Refurbishment and building fabric repairs to the coach houses to the rear of Ballybrack House to include provision of new roof with a slate finish to the rear, re-slatting the front coach house, installation of new floors to replace those that are missing, installation of new access stairs, renewal of electrical and water services, repairs to masonry and replacement of rotten timber ope heads.
- Replacement of the modern extension to the lodge building with a single storey extension and conservation works to the lodge building to include upgrading of internal accommodation, replacement of non-historic windows and replacement wet and dry services.
- Relocation of the historic entrance piers and gates to a new location adjoining Ballybrack House.
- All associated works including car parking, landscaping, boundary treatment works and services.

2.3 The Board should be aware that as part of the appeal submission, the applicant proposes a number of amendments to the development. These are set out in detail in section 6.0 below.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Split Decision:

To **Grant Permission** for: conservation repair works to Ballybrack House, refurbishment and building fabric repairs to the original Coach Houses and the replacement of the modern extension to the lodge building with a single storey extension and upgrade works to the Lodge building.

To **Refuse Permission**: for the construction of 5 no. two storey terraced houses, the construction of a new roadway through the site with a new exit onto Military Road, relocation of historic driveway entrance gates and piers to new location serving house, car parking and all associated site development, landscaping, boundary treatment works and services provision. The reason for refusal was as follows:

“The proposed development due to its excessive scale and massing and the extent of hard landscaping and proposed modifications to the landscape setting of Ballybrack House, a Protected Structure, would be seriously injurious to the setting and character of the house and would constitute overdevelopment of this sensitive site. The proposed development would, therefore, be contrary to the Policy AR1 and Section 8.2.11.2 (iii) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, with respect to Protected Structures and Development in proximity of Protected Structures and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2001 and 2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (15.08.2018)

- The proposed replacement extension to the lodge would have a flat roof concealed behind a parapet and whilst its footprint would be larger than the existing extension to be demolished, it is considered that the proposed replacement extension would not detract from the character of the lodge.
- The siting of Ballybrack House and associated ancillary buildings and the design of its original curtilage/landscape setting were carefully considered and contribute to its special character. The landscape setting of the house remains open in nature save for what appears to have been a walled kitchen garden or orchard to the east of the house. It is considered that the development of the

western portion of the site as proposed under the current planning application, which would comprise a substantial terrace, new vehicular entrance, realigned and widened access road and surface car parking and the loss of mature trees, would seriously injure the open character/sylvan setting of Ballybrack House.

- The scale and massing of the proposed terrace and the extent of associated hard landscaping proposed is considered to be excessive and unsympathetic to the landscape setting and amenity of the Protected Structure and would constitute overdevelopment of this sensitive site.
- The loss of tree cover on the site is considered excessive and the quality of the open space sub optimal. No provision has been made for children's play. The areas of proposed public space are less than 10 metres in width and would incorporate a swale. The open space that would be retained to serve the main house is considered to be sufficient quantity and quality relative to the size of this dwelling. It is considered however, that the private open space to serve the lodge would be best placed to the south of the lodge so that the front of the lodge is not obscured and the relationship between the lodge and the drive is maintained.
- It is considered that the proposed dwellings would not give rise to serious overlooking impacts on adjoining properties. It is also considered that the proposed dwellings would not give rise to serious overshadowing or visual impacts on the adjoining properties to the south or west of the site. There are concerns however, regarding the overshadowing and visual impacts of dwelling no. 1 on the private amenity space proposed to the front of the lodge.

3.2.2. Other Technical Reports

Conservation Division (23.07.2018): Recommends that the proposed works to the Protected Structure, coach houses and lodge are granted planning permission and that the proposed 5 no. two storey houses are refused planning permission. The report notes that the development to the west of the site will result in a significant reduction to the private open space associated with Ballybrack House which would negatively impact on the setting and amenity of the protected structure.

Drainage Department (11.07.2018): Recommends Further Information in relation to a number of points including full details of the soil infiltration test for the soakaway

designs, revised drawings to indicate location of the swale and confirmation with respect to the transfer of surface water to the proposed swale/filter drain and Suds.

Transportation Planning Department (30.07.2018): Recommends further information on a number of points including a speed survey to determine if sightlines are achievable, revised drawings to provide for a wide footpath to the western side of the new entrance, revised parking layout, details of street lighting, a construction management plan, autoturn analysis for emergency/service vehicles etc.

Parks and Landscape Services (10.08.2018): Recommends refusal on the grounds that the proposed development does not accord with the County Development Plan policies and development standards in respect of the preservation of trees and the provision of quality open space and play opportunities. Notes the development will result in a 66.7% loss of total tree cover on the site.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht (25.07.2018): Recommends condition regarding archaeological monitoring.

3.4. Third Party Observations

- No third party observations.

4.0 Planning History

Subject Site

Planning Authority Reference D08A/0554

- 4.1 Permission granted in July 2008 for the retention of a revised curtilage including a relocated curtilage boundary to the south of the site comprising a 2 metre high granite faced concrete block wall with timber fencing.

In the Vicinity

Planning Authority Reference D13A/0503

- 4.2 Permission granted in September 2014 for the renovation, conversion and subdivision of 'Albany House', its coach house and annex to provide for 4 no.

residential units and the construction of 16 no. residential dwellings and all associated site development works including hard and soft landscaping, associated car parking provisions, upgrading the existing entrance on Shanganagh Road and the provision of a new pedestrian and vehicular entrance from Killiney Road at Albany House (A Protected Structure), Ballybrack Road, Co. Dublin. This development is located partially on lands originally within the curtilage of Ballybrack House.

Planning Authority Reference D04A/0582

- 4.3 Permission granted in June 2005 for a residential development comprising 5 no. 2 storey town houses, the refurbishment and extension of existing outhouses and part demolition of shed to provide for 1 no. residential mews, parking, new vehicular entrance and part demolition and reconstruction of the boundary wall at Ballybrack House and the Corner of Military Road and Killiney Hill Road. This development is known as the 'Orchard' and is located on lands originally within the curtilage of Ballybrack House.

5.0 Policy Context

5.1. Development Plan

- 5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan. The site is zoned Objective A: *To protect and/or improve residential amenity*. Ballybrack House is a Protected Structure (RPS No. 1748). Relevant policies and objectives of the plan are as follows:

Section 8.2.3.4 (vii) Infill: *“New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”*

Section 2.1.3.4 Existing Housing Stock Densification: *“Encourage densification of the existing suburbs in order to help retain population levels - by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.”*

Policy RES 3: *“It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.”*

Policy AR1: Record of Protected Structures (iii): *“Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’.”*

Policy 8.2.11.2 (iii) Development in Proximity to a Protected Structure: *“Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged.”*

“Any proposal for development 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.

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 and services”.

5.1.7 **Section 8.2.3.2** of the Plan sets out quantitative standards for residential development and **Sections 8.2.8.2** and **8.2.8.3** address the quantity and quality of public/communal open space. **Section 8.2.8.6** addresses trees and hedgerows and states that *“new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow.”*

5.2. Architectural Heritage Protection Guidelines

5.2.1 Chapter 13 sets out guidance regarding curtilage and attendant grounds. It notes:

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

Where a formal relationship exists between a protected structure and its ancillary buildings or features, new construction which interrupts that relationship should rarely be permitted. There may be a designed vista between a building and a built or landscape feature within its gardens or a less formal relationship between a house and its outbuildings. Similarly, the relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure.”

5.2.2 The guidance also notes:

“Proposals to removal or alter boundary features could adversely affect the character of the protected structure and the designed landscape around it. Relocating a gateway may destroy a carefully designed relationship between the entrance and the main building.”

5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is the Rockabill to Dalkey Island SAC located c. 2.1km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

- Appeal relates to the Council’s decision to refuse permission for the proposed 5 infill dwellings. Revised plans are submitted with the appeal response which address a number of issues raised in the local authority’s technical reports.
- Note that Ballybrack House does not have a strong external presence to Military Road, with the high granite faced boundary wall forming the dominant feature.
- Reference to the National Planning Framework and the need to promote infill development. Consider the scheme is of high standard and is physically subservient to the Ballybrack House and sensitive to neighbouring infill

schemes. The decision to refuse permission represents a presumption against infill development which materially contravenes the NPF.

- The dwellings are of contemporary design and sensitive to the topography of the site, stepping down the slope. The internal layout provides a high quality home. The landscape plan complements and reinforces planting on the site, maintains the boundary with the protected structure and is not excessive in scale or height. State that the development is fully in accordance with the zoning objective pertaining to the site and relevant policies regarding infill development.
- Note that there have been a number of precedent decisions for infill development in the vicinity, some of which are in the former curtilage of Ballybrack House. The Council in its decision to refuse permission is being inconsistent in the implementation of its development plan policy.
- With regard to public open space, note that 460 sq. metres of public open space is provided. It encompasses a landscaped berm strengthening the separation with Ballybrack House. The quantum of open space is in accordance with Development Plan standards and is satisfactory. Notwithstanding this, an alternative layout and landscape plan is submitted. This focusses on the enhancement of the central communal amenity space through the removal of all car parking, creating a more coherent space that is more usable and presents a better balance with the protected structure. The car parking is relocated to the southern edge of the site. Extensive tree planting is proposed throughout the site providing for more trees than have been removed. The position of the private open space at the lodge structure has also been amended.
- Refer to the Planning Authority Planners' Report and concerns raised regarding the scale of the proposed terraced housing. It is submitted that the infill dwellings sit very comfortably within the boundaries of the site, following the topography of the site. It is stated that given the contrasts in elevations and demarcation of the individual houses, the five dwellings do not read as a terrace. It is submitted that the dwellings proposed are of far higher quality and

present a better response to the site and context than the three surrounding suburban infill sites.

- Conservation report submitted. This in particular refutes the assertion of the Planning Authority that the existing mature tree berm does not provide a natural boundary for the future separation of lands to the west of the house. It is the applicant's submission that the berm of trees, which at present wholly screens the vehicular entrance carriageway from the house, forms a natural boundary for future separation of lands to the west. Anticipated impacts arising from the proposed development of the lands beyond the berm will be considerably reduced as a consequence of the existing density of the berm. The report also notes that retaining and supplementing an existing mature tree berm to the west and replacing dense, inaccessible wooded areas to their rear with a small scale mews type housing development would present no greater an impact than the altogether less sensitively managed residential development to the south and east.
- Response to traffic and engineering issues raised by the Planning Authority is submitted.

6.2. Planning Authority Response

- Whilst the modifications made to the proposed site layout plan are considered an improvement on what was originally proposed, the Planning Authority remains of the view that the scale and massing of the proposed terrace, the extent of hard landscaping proposed and modifications to the landscape setting of Ballybrack House generally, would be seriously injurious to the setting and character of the Protected Structure.
- The scale and massing of the proposed terrace has not been reduced – the proposed reduction in the number of bedrooms provided in two of the houses has no impact on the scale and massing of the terrace.
- The existing approach to Ballybrack House, the historic relationship between the entrance gates, the lodge and the house, and the sylvan character of the gardens to the west of the house, would be altered to an extent that would be detrimental to the landscape and character of the Protected Structure.

- The Applicant has not given due consideration to the impact of the proposed development on the landscape setting of the Protected Structure, concentrating solely on impacts on vistas from the house instead. Whilst the developments to the south ('Albany) and east ('The Orchard) of the property have resulted in a much reduced demesne, the approach to the house as defined by the entrance, gates, lodge, drive and west gardens is preserved.
- Whilst the Planning Authority would welcome sensitive infill on the subject site, the proposed development, due to its excessive scale, is not considered sensitive to the landscape setting and special character of the Protected Structure.

6.3. Observations

- No observations.

7.0 Assessment

7.1.1 The proposed development comprises the construction of 5 infill dwellings as well as conservation works to the existing protected structure and its associated buildings including two coach houses and the entrance lodge. I note the Planning Authority's decision to grant permission for the conservation works to Ballybrack House, the coach houses and lodge and that the Conservation Officer was supportive of this element of the proposal. The applicant does not appeal this aspect of the decision. A detailed Architectural Heritage Assessment is submitted with the application. I am satisfied that the proposed conservation works are appropriate and will enhance and improve the condition of the protected structure and its associated buildings. In this context, the focus of this assessment will relate to the proposed 5 infill dwellings.

7.1.2 I have reviewed the drawings submitted with the application and appeal response and I am generally satisfied that the dwellings accord with the relevant quantitative and qualitative standards for residential development set out in the County Development Plan. I am also satisfied that due to their siting and design, that the development will have no material adverse impacts on the residential amenities of adjacent residential properties to the south or west. I consider, therefore, that the main issues in this appeal are those raised in the grounds of the appeal, namely the

impact on the setting and character of Ballybrack House and it is considered that no other substantive issues arise. Appropriate Assessment and EIA screening also needs to be addressed. The issues can be dealt with under the following headings:

- **Impact of Development on the Setting and Character of Ballybrack House.**
- **Appropriate Assessment.**
- **EIA Screening.**

7.2. Impact of Development on the Setting and Character of Ballybrack House

7.2.1 The subject development comprises an infill residential scheme of 5 dwellings. The site is zoned objective A: *To protect and/or improve residential amenity*. Having regard to the zoning objective pertaining to the site, the objectives of the Development Plan notably Policy RES 3 and national guidance which promotes the consolidation of well serviced urban land, the principle of the development is acceptable at this location.

7.2.2 It has been set out by the Applicant that the decision of the Council to refuse the development contravenes the National Planning Framework which advocates for infill development in urban areas. I note however, that the Planning Authority endorses the principle of an infill development at this location and the principal concerns relate to the impact of the development on the setting and character of Ballybrack House. The subject site forms part of the curtilage of Ballybrack House which is a protected structure. Whilst an infill development may be appropriate at this location, the impact of such a development on the setting of the protected structure must be the overriding consideration.

7.2.3 Ballybrack House is a mid nineteenth century protected structure. As detailed in the Planning History Section above, parts of the lands associated with the dwelling have been developed over the years for infill housing to the south and east. In this context, the setting of the dwelling has been somewhat compromised. The Conservation Report submitted with the application notes however, that notwithstanding the loss of lands, the house has acquired a comfortable relationship with its reduced gardens to the east and south and that the main house's curtilage is now deemed to be culminated by the existing position of recently constructed associated boundaries. It is stated:

“Growth of a mature berm of trees along the national boundary to the west effectively delineates the houses curtilage to the west.”

- 7.2.4 The dwelling has little presence to Military Road and is orientated southwards, most likely to afford the dwelling views of the Dublin Mountains. A generous garden remains to the south of the house as well as the original driveway and entrance located to the west of the site and which curves in an eastwards direction across the site. There is a large area of open space, mature planting and trees located to the west of the dwelling.
- 7.2.5 The proposed development will effectively sever the western part of the site from the original dwelling. The access driveway is to be repositioned eastwards to enable the construction of the five infill dwellings adjacent to the western boundary. The existing landscaped and heavily planted area to the west of the dwelling will effectively form the public open space to serve the new houses. A new boundary wall will be constructed along the western boundary of Ballybrack House. This will comprise a 2 metre high wall with hedge planting to soften its impact. The exiting gate and entrance piers that front Military Road will be relocated and incorporated into this new boundary. The existing lawn to the south of Ballybrack will be all that remains of the original curtilage serving the protected structure.
- 7.2.6 The context of the original gate lodge is also amended by the proposal. This will no longer be located adjacent to the entrance driveway and will be functionally separated from the relocated entrance drive and enclosed by a new surrounding boundary wall, off street parking and open space.
- 7.2.7 Significant concerns were raised by both the Planning Officer and the Conservation Officer regarding the impact of the development on the setting and character of the protected structure, and that in particular, the substantial terrace of housing, new vehicular entrance, realigned and widened access road, surface parking and loss of mature trees would seriously injure the open character and sylvan setting of Ballybrack House. It is also considered the existing approach to Ballybrack House, the historic relationship between the entrance gates, the lodge and the house, and the sylvan character of the gardens to the west of the house, would be altered to an extent that would be detrimental to the landscape and character of the Protected Structure.

- 7.2.8 It is contended by the applicant that the existing berm of planting and mature vegetation to the west provides a natural boundary for the future separation of the lands to the west of the house. It is also noted that the existence of housing close to the western boundary already introduces an urban character to the west and that in this context, the cumulative effect of further development to the west would not constitute overdevelopment. It is considered that the removal of this part of the site will have no impact as it neither functionally serves as an amenity for the house nor contributes to its setting.
- 7.2.9 From a review of the information on file and observations on site, it is evident that the lands to the west of the house which are heavily planted and landscaped form an important part of the setting and character of the protected structure. Whilst due to the nature of existing planting and vegetation it may not serve as an amenity space to serve the dwelling, I am satisfied that it contributes to the overall character and setting of the house. It is acknowledged in the applicant's conservation report that this landscaped area delineates the curtilage of the house to the west. The proposed development however, will effectively sever this area from the existing dwelling in order to form the open space to serve the infill housing development. It will no longer have any functional relationship to the existing house and will be physically separated from the protected structure by way of a new 2 metre high boundary wall. The proposed reduction in the curtilage would in my view have an adverse impact on the protected structure.
- 7.2.10 I would concur with the view of the Planning Authority, that the layout as proposed is unsatisfactory. The approach to the house as defined by the existing entrance, gates, lodge, drive and western gardens has been preserved and this will be irrevocably impacted on by the proposal. Whilst much of the setting of the protected structure has changed over the years, there is a formal relationship between it and the original entrance and driveway. The new construction in my view interrupts this relationship in an insensitive manner.
- 7.2.11 I also have concerns regarding the relocation of the entrance gates and piers from Military Road to the new western boundary wall between Ballybrack House and the infill development. The Architectural Conservation Guidelines note that relocating a gateway may destroy a carefully designed relationship between the entrance and the main building. Whilst it is noted in the Architectural Heritage Assessment that these

gates are of 20th century origin, they nonetheless are an attractive feature. Their removal coupled with the realignment of the entrance driveway and severance of the western landscaped area would in my view be contrary to the guidance set out in the Architectural Heritage Guidelines and have an adverse impact on the setting and character of the protected structure. I also consider the treatment of the gate lodge somewhat problematic. This dwelling was historically associated with the entrance driveway and is now effectively separated from it by way of a new boundary wall and entrance gate.

- 7.2.12 Concerns were raised by the Planning Authority regarding the scale of the proposed terrace of housing and the extent of hard landscaping, as well as the quality of the proposed public open space provision. I note the applicant has submitted revised drawings with the appeal submission which makes a number of amendments to the layout. These primarily comprise the relocation of the shared parking area to the south of the site of the site to allow for the creation of a more coherent and complete central open space area.
- 7.2.13 Whilst the amendments proposed are welcomed, I would have concerns regarding the overall scale of the development proposed, its rigid linear layout and the extent of hard landscaping, particularly the large surface parking area. Whilst I would concur with that the Planning Authority that a more limited infill development may be feasible on this site, the development at present in my view, represents an overdevelopment of the site. The layout as currently proposed would have a detrimental impact on the on the open and sylvan character of the site.
- 7.2.14 In conclusion, I am not satisfied that the development would not adversely and materially impact on the character and setting of Ballybrack House. The western landscaped area, entrance drive and gates are in my view an intrinsic part of the overall quality and integrity of the original curtilage of the protected structure and their complete functional separation and severance in my view are inappropriate and contrary to the guidance set out in the Architectural Heritage Guidelines. Furthermore, the layout and design of the dwellings, and in particular the extent of surface parking in in my view inappropriate, represents an overdevelopment of the site and detracts from the overall quality and open setting of the protected structure. The proposed development is thus considered to be contrary to the proper planning and sustainable development of the area.

7.3 Appropriate Assessment

7.3.1 Having regard to the nature and scale of the proposed development, an infill residential scheme and conservation works to an existing protected structure and its associated buildings within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.4 EIA Screening

7.4.1 Having regard to nature of the development comprising an infill residential scheme and conservation works to an existing protected structure and its associated buildings and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1 I recommend the Board make a split decision. Grant permission for the conservation works/repairs to Ballybrack House (a Protected Structure), the refurbishment and building fabric repairs to the coach houses to the rear of Ballybrack House and replacement of the modern extension to the lodge building with a single storey extension and conservation works to the lodge building in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. Refuse permission for the proposed construction of 5 no. two storey terraced houses, the construction of a new roadway through the site with a new exit onto Military Road, relocation of historic driveway entrance gates and piers to new location serving house, car parking and all associated site development, landscaping, boundary treatment works and services provision based on the reasons and considerations marked (2) under.

9.0 Reasons and Considerations (1)

Having regards to the conservation objectives and policies set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 including Policy AR1, it is considered that the proposed conservation works to Ballybrack House, the coach houses and the lodge building would not detract from the amenity or conservation character of the Protected Structure and its associated buildings and would be in accordance with the Provisions of the County Development Plan and the Architectural Heritage Guidelines 2011. The development would, therefore, be in accordance with the 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 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the coachhouses for residential purposes shall be restricted to a residential use directly associated with the use of the existing Protected Structure on the site for such purposes, and the structures shall not be subdivided from the existing House, either by way of sale or letting or otherwise without the benefit of planning permission,.

Reason: In the interests of residential amenities.

3. 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) 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 Arts, Heritage and the Gaeltacht, 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.

4. Any repairs to the roofs of the main Ballybrack House, the coach houses and the lodge building shall be carried out having regard to the Department of Culture, Heritage and Gaeltacht Advice Series, ‘Roofs: A Guide to the Repair of Historic Roofs’ (2010). The roofs shall be photographed prior to stripping to ensure that the existing details are properly followed. Re-slatting shall be carried out using sound slates salvaged from the roof. Any deficiencies are to be made up with new or sound second hand materials, matching the existing ones in size, grade, thickness, colour and texture. With regard to the Coach Houses, the slate deficiencies shall be made up using Westmoreland slates as opposed to Blue Bangor.

Reason: In the interest of protecting the special character of the Protected Structure.

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

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

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

Reason: In the interest of visual amenity.

7. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

Reasons and Considerations (2)

It is considered that the proposed development due to its scale and extent of hard landscaping and the proposed modifications to the landscape setting of Ballybrack House (a Protected Structure) including the reduction in the size of the curtilage, relocation of entrance driveway and revised boundary treatment including the relocation of the entrance gates would constitute overdevelopment of the site and have a material and adverse impact on the setting and character of the protected structure. The development would, therefore, be contrary to Policy AR1 and Section 8.2.11.2 (iii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Architectural Heritage Guidelines (2011) and would be contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

26th November 2018