



An
Bord
Pleanála

Inspector's Report ABP-303359-19.

Development	Refurbishment of existing two storey semi-detached dwelling and construction of 2 semi-detached, 3 storey dwellings with shared vehicular entrance to Taylor's Lane.
Location	'St. Roch', Taylors Lane, Rathfarnham, Dublin 16.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD18A/0359.
Applicant(s)	Jong Kim.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	Glendoher & District Residents Association.
Observer(s)	Joan & Sabrina Finlay
Date of Site Inspection	20 th February, 2019
Inspector	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 Taylor's Lane, Rathfarnham, Dublin 16. Taylor's Lane, the R113, is a Regional Road while access to the site is over a cul-de-sac spur from the Regional Road. The cul-de-sac terminates outside the proposed development site. The surrounding area comprises primarily residential development, with Grange Golf Club and Pearse Memorial Museum to the east. Immediately to the west of the site is a car wash business with a service station further west.
- 1.2. The proposed development site is currently occupied by a protected structure, 'St. Roch', which is the western building of a pair of semi-detached houses, and is included in the Record of Protected Structures for South Dublin County Council, Ref 414-2 refers. St. Roch is a two storey three bedroom house with a full hipped roof and pebble dash finish. The pair of semi-detached houses were constructed in approximately 1923 and the floor area of the existing house on the site is indicated at 85m² with an overall ridge height of 7.592m.
- 1.3. The site the subject of the proposed development comprises the side garden area of St. Roch and includes trees and hedge boundaries, some of which have been cleared. To the north (front) of the site, the boundary comprises a random rubble stone wall with a height of approximately 2.5m. The total site area, including St. Roch, is stated at 0.0789ha. The house is currently unoccupied and there is evidence of some clearance works having been undertaken on the site. There is also evidence of dumping on the site.

2.0 Proposed Development

- 2.1. Permission is sought for the Refurbishment of existing two storey semi-detached dwelling and construction of 2 semi-detached, 3 storey dwellings with shared vehicular entrance to Taylor's Lane, 2 car spaces per dwelling in front gardens, boundary walls, landscaping of site and associated works all at 'St. Roch', Taylors Lane, Rathfarnham, Dublin 16.
- 2.2. The proposed pair of semi-detached houses will have floor areas of 141m² each and will rise to a ridge height of 8.647m. The houses will have 4 bedrooms and be three

stories in height, with large box dormer windows proposed to the rear. The houses will have a dash finish.

2.3. The application was accompanied by the following documents:

- Plans, particulars and site notices including completed planning application form.
- Planning & Conservation Report
- Letter of consent from site owner
- Certificate of exemption from Part V
- Conservation Report & Architectural Heritage Impact Assessment

The Board will note that the Planning & Conservation Report includes a flood risk assessment.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development for 12 conditions.

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 grant permission for the proposed development. The report considered the planning history of the site, including the previous refusal for a similar type development, and notes that there are a number of issues outstanding in relation to the proposed development. The report concludes, however, that the outstanding issues, which relate to lack of landscaping proposals where the removal of existing landscaping will have a negative impact on the setting of the protected structure, the proposed entrance and environmental services, they can be dealt with by way of conditions.

While the report refers to the Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009, no AA screening is included.

The report concludes recommending that planning permission be granted subject to conditions.

3.2.2. Other Technical Reports:

Roads Department: Further information required in relation to proposals to extend the existing public road and turning area of the cul-de-sac.

Parks & Landscape Services: The report raises a number of concerns in relation to the removal of a large number of trees, potential impacts on bats and the lack of any landscaping plan. In the event of permission being granted, a number of conditions are recommended, all of which require agreement prior to the commencement of any development on the site.

EHO: No objection subject to conditions.

Water Services: Further information required with regard to attenuation proposals.

Architectural Conservation Officer: If permission is granted, a detailed Schedule of Works and Method Statement would be required in relation to the Protected Structure and notes the lack of any details in relation to the proposals to improve energy efficiency. No such works can be approved without full and proper details and written agreement.

In relation to the proposed development of a pair of semi-detached houses, no pre-application advice was sought by the applicant. It is considered that the proposed development fails to be sensitive to the existing protected structure by virtue of overall design and position within the site, directly affecting the setting of the PS.

It is concluded that the proposed development within the curtilage of the protected structure is unacceptable in its current form and will have a negative impact on the setting of the protected structure by virtue of their location, mass and overall design.

3.2.3. Prescribed Bodies

Irish Water: Concerns raised in relation to lack of information and details relating to water services and further information required.

An Taisce: Object to the proposed development on the grounds that the development is overdevelopment compromising the distinctive character of the protected structures, the curtilage of the protected structure is reduced too much and the gable wall of the western house is too close to the adjoining industrial premises.

3.2.4. Third Party Submissions

There are 4 submissions in relation to the proposed development, and the issues raised reflect those submitted in the third party appeal as well as those submitted in the previous applications at this site. I have read all of the submissions made to the Planning Authority relating to the proposed development. The issues raised are summarised as follows:

- Height & scale of the buildings and associated visual impacts would be out of context with the protected structures.
- The development constitutes an overdevelopment of the site.
- Overlooking of existing properties due to proximity to boundaries.
- There have been two previous proposals for this site, both of which have been refused, with little change.
- Site works have commenced on the site without the benefit of planning permission.
- No cross section to show the impact of the proposed development on the adjacent houses at Pearse Brothers Park by reason of overbearing, scale and impacts on residential amenity.
- The applicant has not addressed the Green Infrastructure needs of the site.

4.0 Planning History

Subject site:

PA ref SD16A/0250: Planning permission sought for the refurbishment of existing house and construction of 2 detached 3 storey 4 bedroom dwellings with new vehicular entrance.

This application was deemed withdrawn following a request for further information which was not responded to.

PA ref SD17A/0325: Permission for the refurbishment of existing house and construction of 2 semi-detached 3 storey 4 bedroom dwellings with new vehicular entrance. The reasons for refusal relate to:

1. Materially affect the character of the existing protected structure and would have a negative impact on its setting, contrary to HCL3 Objective 2 of the CDP.
2. Seriously deficient in information in order to adequately assess the proposal for renovation of a Protected Structure.
3. The proximity of the development to adjacent industrial use (car wash) would impact residential amenity of future occupants, contrary to zoning objective.
4. Contravention of Objective H15-2 of the Plan as the height of the front boundary would help create an environment which does not benefit from passive surveillance.

Adjacent Sites:

PA ref SD14A/0020: Permission granted for a car valet service to the west of the current site.

Sunbrae – East:

PA ref S00A/0716: Permission granted for a 2 storey dwelling with vehicular entrance to the east of 'Sunbrae'.

ABP ref PL06S.202086 (PA ref S02A/0711): Permission refused for the construction of 3 townhouses with off street parking for 6 cars. Decision upheld on appeal for the following reason:

Having regard to the area of the site and the inadequate provision of private open space for house numbers 2 and 3, notwithstanding the revised plans submitted to An Bord Pleanála as part of the appeal, it is considered that the proposed development would constitute overdevelopment and would provide a substandard level of residential amenity due to inadequate provision of

private open space. The proposed development would, therefore, contravene materially the zoning objective for the area, which is to protect and/or improve residential amenity and be contrary to the proper planning and sustainable development of the area.

PA ref S03A/0883: Permission granted for the construction of 2 no. 3 storey houses and the subdivision of the site.

5.0 Policy Context

5.1. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

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. Development Plan

- 5.2.1. The subject site is located on lands which has the zoning objective RES R2 - to protect and/or improve residential amenity.
- 5.2.2. 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. In addition, section 11.3.2 of the Plan deals with Residential Consolidation which provides guidance for infill residential development.
- 5.2.3. The proposed development site includes a protected structure, 'St. Roch', which is the western building of a pair of semi-detached houses and is included in the Record of Protected Structures for South Dublin County Council, Ref 414-2 refers. The RPS provides the following description 'Semi-detached two-storey House (westernmost of pair), c.1940'. 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.'

5.3. Natural Heritage Designations

The site is not located within any designated site. The closest European Site is the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin

Bay SAC, (site code 000210) located approximately 5.5km to the east. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the south west of the site.

5.4. Environmental Impact Assessment

Having regard to the nature of the subject site, together with the 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.

6.0 The Appeal

This is a third party appeal from Glendoher & District Residents Association, against the decision of the planning authority to grant permission for the proposed development.

6.1. Grounds of Appeal

The grounds of appeal are similar to those issues raised during the Planning Authoritys assessment of the proposed development and are summarised as follows:

- The development is contrary to sustainable development and principles of proper planning
- The development is contrary to the SDCC Development Plan.
- The development will have a detrimental impact on setting and character of the protected structure. The comments of the SDCC Conservation Officer have been ignored.
- Issues of unauthorised development on the site have not been addressed. Significant site works have commenced on the site and the Conservation Architect engaged by the applicant did not document these unauthorised construction activities.

- The site notice failed to mention that the building was a Protected Structure.
- The development will have a negative impact on existing residential properties in the vicinity by reason of overbearing and overlooking.
- The previous reasons for refusal have not been addressed.
- The applicant has not addressed the Green Infrastructure needs and no landscaping plan has been provided despite the fact that a lot of trees / old hedgerows will need to be removed.
- Impact on bats has not been considered

6.2. Applicant Response

The first party has not responded to the third party appeal.

6.3. Planning Authority Response

The Planning Authority responded to the first party appeal advising that it confirms its decision and that the issues raised in the appeal have been covered in the planner's report.

6.4. Observations

There is 1 observation noted in relation to the proposed development. This observation seeks to support the third party appeal and the issues raised are similar to those raised in the third party appeal and in particular relate to the following:

1. impact on protected structures
2. impact on existing residential amenity by reason of overshadowing
3. issues raised in relation to site notices and procedural concerns.
4. works have been carried out on the site without the benefit of planning permission.

6.5. 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. Impact on Architectural Heritage
3. Visual & Residential Amenity issues
4. Other Issues
5. Appropriate Assessment

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

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

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 2009 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 and in this regard, I have no objection to the proposed development in principle.

7.1.2. In terms of compliance with the South Dublin County Development Plan, the Board will note that the subject site is zoned RES, with the objective to protect and improve residential amenity. In this regard, I am satisfied that the proposed development is acceptable in principle. In addition, site specific issues are also required to be considered and I will address these issues further in this report.

7.1.3. Section 11.3.2 of the Plan deals with Residential Consolidation, including infill sites, corner or side garden sites, backland sites and institutional lands. Part (ii) of this section of the Plan relates directly to development of corner/side garden sites. The Plan requires that Development on corner and/or side garden sites should meet the criteria for infill development in addition to other criteria. In this context, I am generally satisfied that the circumstances of the subject site have been considered in the overall proposed development design and layout. The development in principle, can be accommodated on the site and provide for an adequate set back from the existing residential properties adjacent, the design can be considered acceptable, significant site features are proposed to be retained and adequate private open space is proposed for each unit.

7.2. Impact on Architectural Heritage

7.2.1. The subject site comprises the curtilage of St. Roch, which is a protected structure, RPS ref 414-2. 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 loss of an extensive area of the gardens to the west of the Protected Structure, 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 intend works to the house, which is currently unoccupied and appears to be falling into a state of disrepair.

7.2.2. The development proposes to retain the existing vehicular entrance to St. Roch and proposes a further access point to serve the proposed two new houses to the west. However, the submitted drawings would suggest that the wall is to be replaced by wall 1.4m in height. There is some confusion in this regard and should the Board be minded to grant permission in this instance, I recommend that a specific condition be included to protect as far as possible, the existing front boundary wall. I also note that an existing out building on the site is to be demolished and it is submitted that, given its current state of dereliction, which could not be accessed for survey, it is unlikely to retain any fabric of historical significance.

7.2.3. 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.

7.2.4. The Council's Conservation Officer submitted a substantial report on the proposed development and voices serious concerns with regard to the proposed development. The report acknowledges the proposal to refurbish the protected structure and notes the submission of the Conservation Report and Architectural Impact Assessment as part of the planning application documents. It is requested that if permission is granted, a detailed Schedule of Works and Method Statement is conditioned to ensure specialist contractors are engaged to carry out the conservation works. It is also noted that clear details of proposals to upgrade services, including heating and electrical, as well as the energy efficiency of the protected structure have not been submitted. No such works can be approved without full and proper details being submitted and agreed in writing with the Architectural Conservation Officer of South Dublin County Council. I consider that should the Board be minded to grant permission in this instance, this is a reasonable requirement.

7.2.5. In terms of the proposed development of the pair of semi-detached houses, the Conservation Officer raises a number of concerns, notably the planning history of the site and the lack of any pre-planning consultation. In the context of the previous refusals on the site, it is noted that the differences arising relate to the design of the proposed houses and the separation distance between the protected structure and the proposed new site boundary for the PS has increased. The Conservation Officer considers that the proposed design of the houses is insensitive and fails to respect the context and setting of the protected structure, negatively impacting the house and the streetscape. The Conservation Officer concludes that the proposed development will have a negative impact on the setting of the protected structure by

reason of the location, height and overall design. The report recommends that permission should be refused.

7.2.6. I note the content of the Conservation Report and Architectural Impact Assessment submitted as part of the planning application, where the consultant concluded that the development will not constitute a wholly overt or obtrusive impact on the setting or character of the Protected Structure by reason of previous changes to the historic context of St. Roch. The report notes that St. Roch is a relatively rare example of an intact Arts & Crafts bungalow and is noted as a good example of the style. The association with Thomas Joseph Byrne and Francis Xavier Coghlan elevates the status of the building and its proximity to the Carnegie Library, also located on Taylors Lane, gives the building additional significance. There are many original features intact and notwithstanding the previous encroachment of development in proximity to the building, St. Roch is an important structure and its historic fabric is worthy of retention and protection. The report includes commentary on general works which are required to be carried out.

7.2.7. In terms of the construction of the pair of semi-detached houses adjacent to the house, it is submitted that the access to the new houses will be created at a location where the front boundary wall is in poorer condition with the new gate piers to be constructed to match the existing wall. I have already raised concerns above in this report relating to the proposed access to the site.

7.2.8. In terms of the design of the houses, it is submitted that they have taken direct reference from St. Roch and Sun Brea. It is considered that the houses are not pastiche as the profiled zinc cladding on the dormers and the concrete roof tiles will differentiate them from the historic structures. Although there will be some loss of historic curtilage, the report concludes that the overall impact will not be significant. The report also seeks to demonstrate compliance with the policies contained in the County Development Plan as they relate to Architectural Heritage.

7.2.9. Having considered the above, and acknowledging the concerns of the Conservation Officer, I accept that the context and setting of St. Roch and Sun Brae, Protected Structures, has altered over the years and that historical residential and commercial development in the vicinity of the houses, has impacted upon the curtilage of the protected structures. I also note that to the east of Sun Brae,

planning permission was granted for the development of a pair of semi-detached houses. These houses are built, are of contemporary design and were constructed within the curtilage of Sun Brae. However, I consider that it is reasonable to be concerned that the further reduction of the curtilage of St. Roch, including the removal of part of the boundary walls, may have an impact on the character and setting of the protected structures.

7.2.10. In this context, and while I acknowledge the concerns of the Conservation Officer, I consider that subject to compliance with appropriate conditions, including the reduction in the overall height of the proposed development and the preparation and implementation of a landscaping plan, the proposed development can be considered acceptable. In arriving at this conclusion, I note the separation distance proposed between the proposed houses and the protected structure, together with the proposals to retain as much as possible, the front boundary wall. The stone to be removed from the wall to provide for the access to the houses should be conditioned to be used in the gate piers and wing walls and I note the proposals to erect new iron gates to match the height of the existing gates to St. Roch.

7.2.11. I will address a small number of design alterations, which I consider necessary, further in section 7.3 of this report. Overall, I am satisfied that the development can be accommodated on the site without significantly or negatively affecting the character or setting of the protected structures.

7.3. Visual & Residential Amenity issues

7.3.1. In relation to the overall height and scale of the proposed development, the Board will note the submission of the third party who raises concerns that the development, if permitted will result in a significant visual impact on the setting of the protected structure. In this regard, I consider that the proposed roof of the houses should be reduced in height and scale by 0.5m, to include the removal of the flat top area. In addition, I consider that the eaves line of the front of the proposed houses should be straight, with the gable element omitted. To further reduce the visual impact of the proposed development, the roof over the small covered porch should be altered to a flat roof. I consider that these minor amendments would serve to simplify the front elevation and would reduce the visual impact on the adjacent protected structures.

7.3.2. Further to the above, third party appellants have submitted that the development will have an impact on the existing residential amenities of properties to the rear of the subject site, within Pearse Brothers Park by reason of overbearing and unsympathetic scale and design. The houses in Pearse Brothers Park comprise terraces of two storey houses which are located on lands elevated above the subject site. It would appear that hedges and trees have been cut back at the boundary of the subject site with the rear boundary of the houses in Pearse Brothers Park, which makes the houses more visible.

7.3.3. The proposed houses provide for accommodation over three floors and while I have no objections in principle to the proposed design overall, I have identified some concerns regarding the height of the proposed houses, in the context of the subject site. In addition, the design provides for a box dormer on the rear roof elevation. The dormer structure extends over both roofs to provide windows to the two attic rooms. In terms of guidance, I note the South Dublin County Council Development Plan and the House Extension Design Guidelines which deal with dormers and encourage the avoidance of dormer windows that are over dominant in appearance or give the appearance of a flat roof. In particular, it is recommended that flat roof dormers are not used on houses with hipped rooflines. In this regard, I would agree. Should the Board be minded to grant permission for the proposed development, I recommend that the proposed box dormers to the rear be replaced with smaller and individual dormers to the rear of the houses, more appropriately, roof lights. This would reduce any overbearing potential of the development on the adjoining property owners.

7.3.4. The proposed houses will provide for accommodation over three floors, with a bedroom proposed in the roof area. Both houses will be 4 bed family homes. The proposed houses will be located in excess of 22m from the rear walls of the houses in Pearse Brothers Park, mainly due to the long gardens associated with the existing houses. As such, I am satisfied that the development, if permitted would not give rise to any significant overlooking of the existing properties. Given the orientation of the site, I am satisfied that the development is unlikely to result in any overshadowing of the adjoining properties.

7.3.5. In terms of the residential amenity of future occupants, I am satisfied that the development is appropriate and acceptable.

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 cul-de-sac public road, Taylors Lane.

7.4.2. Having regard to the nominal scale of the proposed development, together with the fact that the proposed development seeks to provide for adequate car parking to serve the two proposed houses, as well as the existing house, I am generally satisfied that the development is acceptable. If permitted, I am satisfied that the development will not give rise to any significant impact on the surrounding road network by reason of traffic generated. In addition, I am satisfied that if permitted, the development 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. Unauthorised works on the site:

The Board will note that the third party appellant has raised concerns that works have commenced on the site without the benefit of planning permission.

Enforcement issues are a matter for the Planning Authority and the details of such works is not clear.

7.5.2. Procedural Issues:

The third party has raised concern that the site and public notices failed to mention that the existing building was a Protected Structure. The Board will note the wording of the site notice includes reference to the fact that St. Roch, Taylors Lane, Rathfarnham, Dublin 16 is a protected structure.

7.5.3. Proximity to Industrial Use:

While I note the proximity of the site to the adjacent car wash, the Board will also note the zoning objective afforded to the site and its location on serviced lands. In addition, I note that the area immediately adjacent to the subject site appears to be used to park cars and that the car wash element of the adjoining site is located further to the west of the site. I am satisfied that the proposed development is acceptable in principle on these lands.

7.6. **Appropriate Assessment**

The site is not located within any designated site. The closest European Site is the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and South Dublin Bay SAC, (site code 000210) located approximately 5.5km to the east. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the south west of the site.

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.

8.0 **Recommendation**

8.1. I recommend that planning permission be granted for the proposed development.

9.0 **Reasons and Considerations**

Having regard to the nature, location and context of the site and surrounding area, the policies of the current South Dublin County Development Plan and relevant national policies and guidelines, and taking account of the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the pattern of existing development in the vicinity and would not significantly affect the character and setting of the St. Roch Protected Structure, would not

seriously injure the residential or visual amenities of the area and 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 on the 4th day of October, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The front (north) boundary wall shall be retained in full, save for the provision of a 4.5m entrance to the site to serve the two proposed houses. The stone to be removed to accommodate the new entrance shall be used in the creation of new piers and wing walls, which shall be constructed to the same height as the existing wall.
 - (b) The roofs of the proposed houses shall be reduced by 0.5m and the flat section shall be omitted.
 - (c) The proposed gable element to the front of the houses shall be omitted and the eaves shall continue in a straight line across the front elevation.
 - (d) The roof over the proposed covered porches shall be replaced with a flat roof.
 - (e) The proposed box dormer to the rear of the houses shall be omitted and replaced with roof lights of an appropriate scale.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and in the interests of architectural conservation.

3. No development shall be commenced on the site prior to the submission of a detailed Schedule of Works and Method Statement for works to St. Roch and the written agreement of the Conservation Officer of South Dublin County Council has be secured. The document shall submit clear details of the specialist contractors, including evidence of suitable qualifications, to be engaged to carry out the conservation works to St. Roch and the boundary wall. The Schedule of Works shall also provide clear and explicit details of proposals to upgrade services, including heating and electrical, as well as the energy efficiency of the protected structure.

Reason: In the interests of architectural conservation.

4. The proposed new dwellings shall not be occupied prior to the completion of the refurbishment works to St. Roch to the satisfaction of South Dublin County Councils Conservation Officer.

Reason: In the interests of proper planning and sustainable development and architectural conservation.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall seek to retain where possible the existing trees and hedgerows within and bounding the site and shall include provisions to supplement the existing landscape features within the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. Full drainage details shall be submitted with the application, including the setting out of the separate storm and foul drainage works proposed. All storm water run-off shall be retained individually within each site, with full details and supporting calculations to be submitted, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 hours and 13.00 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 amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities, public health and safety.

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

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

A. Considine
Planning Inspector

11th April, 2019