



Development

(a) Internal modification/
reconfiguration of/ and refurbishments
to Prospect House (Protected
Structure RPS 340) to provide for: 1
two bed unit & two one bed units with
5 in-curtilage car parking spaces; (b)
the extension, internal reconfiguration
of and refurbishments to the detached
outbuildings & courtyard to the rear/
south of Prospect House in order to
accommodate a single storey one
bedroom apartment unit; (c) the re-
opening of a gap between Prospect
House and it's detached outbuilding to
the rear to provide access into the
new communal gardens proposed to
the west of Prospect House; (d)
revised landscaping to the north of
Prospect House, including the removal
of a portion of the existing railings to
the north of the driveway to facilitate a
new vehicular access & parking
provision; all served by the existing
entrance & avenue to Prospect
House; (e) the renovation of the

existing derelict gate lodge; (f) the provision of 1 apartment block (three storey setback penthouse level) to the western side of Prospect House to provide for 25 residential units (8 one bedroom units, 16 two bedroom units and 1 three bedroom unit) over a single storey basement comprising a total of 27 car parking spaces and 11 bicycle parking spaces; (g) removal of a portion of the western boundary wall to provide a new vehicular/ pedestrian access from Stocking Lane to the development; (h) All landscaping, the provision of an ESB sub-station and all associated site works to facilitate the development on a site of 0.4832 ha.

Location	Prospect House, Stocking Lane, Rathfarnham, D16.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD19A/0312
Applicant(s)	Sequana Assets Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party

Observers

Guy & Alison Montgomery

An Taisce

David Kelly

Seamus Keating

Declan & Adrienne O'Rourke

Date of Site Inspection

7th October 2020

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.4832 hectares, contains 'Prospect House', a detached house located on its own ground on the eastern side of Stocking Lane (north of the M50), Edmonstown, Co. Dublin. Prospect House is a five bay, two-storey over basement house with the front elevation facing north. The house is located towards the east of the site and appears to be in reasonably good condition. The main entrance consists of curved walls/ pillars supporting gates and provides access to a driveway leading to the house, located along the northern boundary of the site. The remains of a gate lodge are located within the site, to the south of the driveway. The site boundary consists of a mix of random rubble, stone and red brick walls.
- 1.2. A second entrance is located to the south of the site and serves agricultural type buildings located to the south of 'Prospect House', however this entrance and part of these lands do not form part of the subject site. The majority of the subject site consists of the private amenity space associated with the house and extensive tree cover is located throughout the site.
- 1.3. As stated, 'Prospect House' faces north and dominates an area of public open space associated with the Prospect Manor residential development. Prospect Manor is a large residential development characterised by two-storey semi-detached houses and which surrounds the subject site to the north, east and south. The lands along this section of Stocking Lane between Scholarstown Road to the north and the M50 to the south, have undergone much residential development in recent times.
- 1.4. Public transport is provided in the form of Dublin Bus route 15B, with an off-peak frequency of every 15 – 20 minutes and connects the City Centre and Rathmines with Stocking Avenue. Stocking Lane is a relatively narrow, winding road along this section and a cycle/ pedestrian path is provided to the western side of the road with no such provision on the eastern/ subject site side.

2.0 Proposed Development

- 2.1. The proposed residential development consists of the following:

- Internal modification/ reconfiguration of/ and refurbishments to Prospect House, which is a Protected Structure, RPS 340 refers, to provide for:
 - 1 - two bed unit
 - 2 - one bed units
 - 5 in-curtilage car parking spaces.
- The extension, internal reconfiguration of and refurbishments to the detached outbuildings & courtyard to the rear/ south of Prospect House in order to accommodate a single storey one-bedroom apartment unit;
- The re-opening of a gap between Prospect House and it's detached outbuilding to the rear to provide access into the new communal gardens proposed to the west of Prospect House.
- Revised landscaping to the north of Prospect House, including the removal of a portion of the existing railings to the north of the driveway to facilitate a new vehicular access & parking provision; all served by the existing entrance & avenue to Prospect House.
- The renovation of the existing derelict gate lodge for storage use.
- The provision of 1 apartment block (three storey setback penthouse level) to the western side of Prospect House to provide for 25 residential units consisting of:
 - 8 one-bedroom units,
 - 16 two-bedroom units
 - 1 three-bedroom unit

All over a single storey basement comprising a total of 27 car parking spaces and 11 bicycle parking spaces.

- The removal of a portion of the western boundary wall to provide a new vehicular/ pedestrian access from Stocking Lane to the development.
- All associated landscaping, the provision of an ESB sub-station and all associated site works necessary to facilitate the development on a site of 0.4832 ha.

The apartment block provides for 25 new units, one new unit is proposed in the outbuildings/ courtyard area and three units within Prospect House, giving a total of

29 units. I would subtract one unit from the total as Prospect House can provide for one unit at present, therefore an additional 28 units are proposed. The gate lodge is not habitable at present and is proposed for storage use, so is not counted in the calculations. The proposed density is 60 units per hectare.

2.2. The following documents were submitted in support of the application:

- Urban Design Statement – Downey Planning
- Schedule of Interventions – Downey Planning
- Landscape Report – Jane McCorkell – Landscape Architect
- Arboricultural Report – Charles McCorkell – Arboricultural Consultancy
- A Bat Assessment of Prospect House, Stocking Lane, Rathfarnham and an Evaluation for Potential Impact of the Proposed Housing on the Bat Fauna – Brian Keeley
- Archaeological Desktop Assessment Prospect House, Stocking Lane, Rathfarnham, D16 – Shanarc Archaeology
- Architectural Heritage Impact Assessment – Architectural Heritage|Partners
- Supporting Planning Statement – Downey Planning
- Engineering Services Report – OCSC
- Photomontages & CGI – 3D Design Bureau

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to refuse permission subject to 4 no. reasons, which I have summarised as follows:

1. The proposed development constitutes overdevelopment of the site and would have a detrimental impact on the Protected Structure. In addition, the development would result in an irreparable negative impact on the character of the Protected Structure and would contravene objectives contained in the South Dublin County Development Plan 2016 – 2022 in relation to the safeguarding of protected structures.

2. The proposed development is contrary to National Guidelines and local objectives/ policies contained within the South Dublin County Development Plan 2016 – 2022 with particular reference to the provision of suitable public open space/ children’s play areas.
3. Insufficient details have been provided to demonstrate that the development complies with Section 11.6.3(ii) Noise and Policy 7 – Environmental Quality of the South Dublin County Development Plan 2016 – 2022. The applicant has not demonstrated that the development will comply with relevant noise requirements having regard to the proximity of the subject site to the M50 motorway to the south.
4. The proposed basement apartment provides for poor residential amenity for future occupants in terms of lack of outlook and insufficient access to natural daylight/ sunlight, again, contrary to the South Dublin County Development Plan 2016 – 2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer’s report reflects the decision to refuse permission. The planning history of the site was noted and including the importance of the Protected Structure. I note that the Planning Authority Case Officer states the site area to be 0.517 hectares, but as the applicant has stated the area in the public notices and in the application form to be 0.4832 hectares, I will use that figure in any relevant calculations. As is common, a sizeable area is included within the red line boundary/ application area that extends outside of the physical site boundary and which includes part of Stocking Lane.

3.2.2. Other Technical Reports

Architectural Conservation Officer: Refusal recommended.

Roads Department: No objection subject to conditions.

Parks & Landscape Services: Further information requested in relation to the provision of a fully detailed landscape plan, tree planting/ pit details and location of trees in relation to proposed lighting columns.

Water Services Planning Report:

Surface Water: Further information requested.

Flood Risk: No objection subject to conditions.

3.2.3. Prescribed Bodies Reports

Irish Water: No objection subject to conditions.

An Taisce: Letter dated 4th November 2019, objects to this development due to the height of the proposed development, the open space is fragmented and lack of private amenity space for the apartments in Prospect House. Also refers to confusion over whether the gate lodge is to be renovated or left as is.

Department of Culture, Heritage and the Gaeltacht: No objection subject to conditions that archaeological monitoring be undertaken during the development stage.

3.2.4. Objections/ Observations

A significant number of letters of objection (80+) were received to the original application and included submission from elected representatives – J. Lahart TD and Councillor E Murphy, and from individual members of the public.

Issues include the following in summary:

- The proposed development would have a negative impact on existing residential amenity through overlooking leading to a loss of privacy, and overbearing. Overlooking from windows and balconies.
- The density is too high and gives rise to overdevelopment of this site.
- The design is out of character with the established two-storey units in the area. The height of the development was raised a number of times as an issue of concern. The topography was also referred to as it raises the proposal above existing development.
- The development has a negative impact on the protected structure and walls on site.
- Negative impact on the character of Stocking Lane which is a rural road.
- Loss of outlook from existing residential units in the area.
- Impact on visual amenity through the loss of a vista.

- Potential loss of daylight to existing houses.
- Residents bought houses next to the protected structure on the understanding that it would never be developed.
- Impact from noise and light pollution if the development is permitted.
- Potential structural damage to existing houses in the area.
- Concern about potential flooding due to the proposed development and its design.
- Insufficient information has been provided such as what is proposed with the gate lodge.
- Query over the site area which is overstated and therefore the density is closer to 67 units per hectare and not the expected 17 – 24 units per hectare.
- The scale of development is inappropriate in relation to location, public transport provision, school location, retail and service provision.
- There is a need for a Visual Impact Study to assess the impact of the development on adjoining properties.
- The development will give rise to increased traffic in the area; traffic congestion is already a feature in this area.
- Public transport is not adequate in this area at present.
- Sightlines are not acceptable at the site entrance.
- Potential traffic safety issues.
- Poor quality cycle lanes in the area.
- Insufficient car parking and parking may take place in Prospect Manor.
- Potential impact to biodiversity.
- There is a need for a bat survey to be undertaken.
- Loss of trees will impact on the character of the area.
- Loss of boundary walls will impact on the character of the protected structure. Unauthorised works have taken place in the past.
- Concern about the impact of providing sewer pipes under the existing public open space serving Prospect Manor. The local residents maintain open spaces

in the area at their own expense and the open space next to the proposed development is an important local amenity.

- Insufficient open space is proposed for future residents.
- The proposed children's play area is inadequate for the intended use.
- Contravenes the South Dublin County Development Plan.
- Concern about the safety and privacy of residents.
- Services in the area are oversubscribed and cannot cope with this development.
- No information provided as to the location of electricity substations.
- Concern about the impact on the areas during the construction phase of development.
- Support for the reuse of Prospect House but concern for the impact on it.
- Support for additional houses in the area but only at a reduced scale to that proposed.
- General comments on insufficient details and inconsistencies in submitted documents/ drawings.

4.0 Planning History

P.A. Ref. SD18A/0181/ ABP Ref. 302285-18 refers to a March 2019 decision to refuse permission for the construction of 19 units on lands at Prospect House, Stocking Lane, Rathfarnham, Dublin 16. The following reasons for refusal were issued:

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 Number 340, and of the streetscape generally. The proposed development would, therefore, materially and

adversely affect the character of this Protected Structure, would be 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 importance to the streetscape, it is considered that the proposed development would be incongruous by reason of its design, scale, bulk, fenestration, height and 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, a protected structure. The proposed development would, therefore, seriously injure the visual amenities of the area and would 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 proposed 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.

4. Having regard to the design, bulk and height of the proposed development and its proximity to neighbouring residential properties, it is considered that the proposed development would seriously injure the residential amenities of such neighbouring properties by reason of overlooking and would be overbearing in its context. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. The proposed development would not be in compliance with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for planning authorities issued by the Department of the Environment, Heritage and local Government in December, 2015. The proposed development would, therefore, be contrary to the Ministerial Guidelines issued under section 28 of the Planning and Development Act, 2000, as amended.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the **South Dublin County Development Plan 2016 – 2022**, the site is designated with the zoning objective RES – ‘To protect and/ or improve residential amenity’. Residential development is listed in the ‘Permitted in Principle’ category of the RES zoning.

Stocking Lane along the front/ west of the site is designated for ‘Road Proposals – Long Term’.

‘Prospect House’ is listed on the Record of Protected Structures – RPS no. 340 refers. This is described as a ‘House’. Further information contained in the Planning Authority Report is that the unit was built circa 1882 and is a detached five-bay two-storey over basement house. Included on site are walled gardens and a gate lodge.

The Planning Authority Case Officer has listed a long list of policies and objectives from the county development plan that are considered relevant to this development.

I note the following as of particular relevance:

Chapter 5 – Heritage, Conservation & Landscapes (HCL)

The following are relevant:

‘HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 3 Protected Structures

It is the policy of the Council 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’.

‘HCL3 Objective 1:

To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures’.

‘HCL3 Objective 2:

To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation’.

‘HCL3 Objective 3:

To address dereliction and encourage the rehabilitation, renovation, appropriate use and re-use of Protected Structures’.

Chapter 11 – Implementation: this chapter sets out development standards and criteria to be applied to new development in accordance with the policies and objectives of the county development plan and national guidance as relevant. Some sections that are particularly relevant:

11.2.7 Building Height – Note the importance of protected structures. Also:

‘The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved’.

11.3.1 Residential – (v) Privacy – Separation distance is normally 22 m between opposing first floor windows.

11.4.2 Car Parking Standards – More restricted in town centres and within 400 m of a high-quality bus service.

5.2. **Dublin Agglomeration Environmental Noise Action Plan 2018 – 2023**

This document sets out the acceptable noise levels in the City and County of Dublin. Volume 4 refers to the South Dublin County Council administrative area.

5.3. **National Guidance**

5.3.1. **National Planning Framework – Project Ireland 2040**

The National Planning Framework (NPF) recommends compact and sustainable towns/ cities and encourages brownfield development and densification of urban sites. Policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Other relevant policies from the NPF include the following:

- NPO 6 – Regenerate/ rejuvenate cities, towns and villages.
- NPO 13 – Relax car parking provision/ building heights to achieve well-designed high-quality outcomes to achieve targeted growth.

5.3.2. **Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).**

These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. Increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant 'brownfield' sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout.

5.3.3. **Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).**

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

5.3.4. **The following are also relevant:**

- **Design Manual for Urban Roads and Streets (DMURS).**
- **Regional Spatial & Economic Strategy (RSES) 2019 – 2031.**
- **Urban Development and Building Heights - Guidelines for Planning Authorities (DoHPLG, 2018)**
- **Architectural Heritage Protection - Guidelines for Planning Authorities (DoAHG, 2011 updated).**

5.4. **Natural Heritage Designations**

5.4.1. The site is not located within any designated site.

5.4.2. The closest designated European Site is the Glenasmole Valley SAC (site code 001209) located approximately 6 km to the south west. The Dodder Valley pNHA (site code 000991) is located approximately 3km to the west of the site.

5.5. **EIA Screening**

Having regard to the nature of the proposed development comprising the construction of a residential development in an established urban area and where infrastructural services are available, 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 **Grounds of Appeal**

The applicant has engaged the services of Downey Planning to prepare a first party appeal against the decision of South Dublin County Council to refuse permission for this residential development.

The grounds of appeal are summarised as follows:

- The location of the development is set out, proximity to Rathfarnham Village Centre, bus service is good, cycle route nearby and the character of the site is also provided including details on 'Prospect House'.
- The planning history is set out in detail and it is considered that the subject application/ appeal addresses the previous reasons for refusal.
- The proposal is to restore Prospect House and to convert it for apartment use. The existing entrance and tree lined avenue will be retained, and the gate lodge restored for storage use. An additional apartment to be provided in the adjoining outhouses. These works will ensure the proper use of the protected structure and associated buildings, whilst retaining the character of the site.
- A new entrance is proposed to serve the site whilst retaining the existing entrance/ avenue. The existing avenue and entrance are not suitable for increased use.
- The apartment block is proposed to complement 'Prospect House' and not dominate it or adjoining lands. Materials will be carefully considered.
- Reference is made to similar developments in the area including at 'Bolton Hall House', 'Albany House', and 'Silveracre House'.
- It is considered that the development will not have a negative impact on 'Prospect House' and its setting.
- The removal of part of the wall along Stocking Lane is necessary to improve access to the site, open up a vista of 'Prospect House' and to ensure that the existing entrance and avenue can be protected.
- No objections to the development were made by the Department of Culture, Heritage and the Gaeltacht and An Taisce.
- Views of the house are limited at present from Stocking Lane and it is proposed to retain all important original features associated with the house.
- Disagree with the need for play/ open space as outlined in the second reason for refusal.
- A 'M50 Motorway Noise Assessment' prepared by Byrne Environmental Consulting Ltd has been submitted in support of the appeal and subject to appropriate measures, all issues can be addressed.
- The unit in the basement level of Prospect House is now omitted and revised details have been submitted in relation to this.

- The proposed development will provide for a modern residential development at an appropriate height/ scale in this location, whilst ensuring the protection of 'Prospect House'.

6.1. **Planning Authority Response**

The Planning Authority had no additional comments to make as the issues raised in the appeal were covered in the case officer's report.

6.2. **Prescribed Bodies Comments**

An Taisce have reported that they support the decision of South Dublin County Council to refuse permission for this development.

6.3. **Observers**

A number of observations have been received and are similar to the points made in the Objections/ Observations to the original application. In summary these observations include:

- The appeal overstates the proximity of the development to urban centres – it is a 39 to 44 minute walk between the site and Rathfarnham Village.
- Bus frequency along Stocking Lane is only every 15 minutes and the proposed network revisions will reduce the frequency further.
- A car will be required by residents to avail of amenities.
- Traffic is already a problem in the area and this development will only add to that problem.
- The scale and height of development is out of character with the area.
- The development would be overbearing and would give rise to overlooking of houses in 'Prospect Manor'.
- The proposed density at 60 units per hectare is excessive in this area, where services are not available.
- Noise levels will be increased by the proposed development.
- Negative impact on the character of the area, including the boundary wall along Stocking Lane and on the adjoining protected structure.

- Significant loss of trees and biodiversity will result from this development.
- The proposed play provision is inadequate.
- Concern about the impact of the development on the open space in Prospect Manor which is maintained by the residents of Prospect Manor.

Note: Some issues have been raised that are inappropriate and not relevant to planning.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Impact on the Protected Structure
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Access and Transportation
- Water Supply and Drainage
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of the Development**

- 7.2.1. The proposed development is located on lands zoned for residential development in accordance with the South Dublin County Development Plan 2016 – 2022. Residential development on these lands is therefore acceptable in terms of compliance with local and national policy. The development will utilise/ connect into existing infrastructure in the form of the road network and water/ drainage services. I note that in many of the letters of objection, it was stated that they recognised that the site was suitable for development.
- 7.2.2. Much comment was made about the density of this development which is in the range of 55 to 60 units per hectare. The reality is that less than 30 units are proposed and this is a relatively small infill development in an established urban

area. The issue of density is not the critical consideration in this case, but impact on the immediate and surrounding area and how does the development integrate into its setting.

- 7.2.3. I have noted the history of this site and have had full regard to the fact that 'Prospect House' is a protected structure. I was unable to enter the grounds/ house on the day of the site visit, but from walking the site it was clearly apparent what impact 'Prospect House' has on its surroundings.

7.3. Impact on the Protected Structure

- 7.3.1. The first reason for refusal primarily refers to the impact of the proposed development on 'Prospect House', which is a protected structure and I will consider this aspect of the development in this section of my report and will comment on the impact on the character of the area in a later section of this report. The applicant is well aware of the importance/ status of Prospect House and the documents submitted in support of the development demonstrate this.
- 7.3.2. I have looked at available historical maps (6 Inch, 25 Inch and Cassini 6 Inch) and there is a house with outbuilding indicated in this location on all of these maps. 'Prospect Hill' is labelled on these maps and this indicates to me that the house and any predecessor, would have been of local importance. I also note that the older maps indicate the location of other large houses such as 'Airpark', 'Woodtown' and 'Springfield', and not all of these houses exist today. Residential development and significant road development associated with the M50 motorway to the south, have changed the character of this area including the setting of protected structures. I am not familiar with the planning history of the Prospect Manor residential development which envelops the subject site, however the setting of the protected structure is retained by the provision of open space to the north, thereby ensuring that Prospect House continues to address the area. I accept that redevelopment of protected structures/ their adjoining lands is possible; however, any such development should not be at the expense of the character/ or established setting of the protected structure.
- 7.3.3. From the site visit and supporting documentation, it appears that there are three important elements to this site: the house and outhouses, the entrance, avenue and gate lodge and the gardens to the west of the house. The proposed development

will retain the first two in a modified format and would significantly alter to the extent of removal, of the gardens. I am concerned that there are many elements to this application that do not clearly indicate what is proposed. The Gate Lodge is indicated as In Ruins on the Proposed Site Plan – Drawing no PL-003 and the public notices indicate that it is to be renovated. The appeal statement states that it is to be restored for storage use.

- 7.3.4. To the east of the gate lodge, an electricity substation is proposed. I assume that this is to serve the development and yet its location will erode the character of the avenue to the house. The details proposed in relation to this substation indicate that a standard design will be utilised, and this has no regard to its setting or location adjacent to a protected structure. I can find no reference to public lighting throughout the site. This could normally be addressed by way of condition if permission is to be granted, however, a large number of trees are to be retained and secondly the location/ type of lighting poles may impact on the avenue and Prospect House itself.
- 7.3.5. The reuse of Prospect House is to be welcomed, but I note the concerns of the South Dublin County Council Architectural Conservation Officer in relation to the lack of method statement/ schedule of works on a room by room basis as to what is required. I cannot be certain that the proposed development will not negatively impact on the interior and overall character of the protected structure.
- 7.3.6. The third element, the gardens, are perhaps the most impacted upon by the proposed development. In effect, the gardens will be removed in their entirety and built over except for the areas of open space provided. I do appreciate that this is the obvious location to provide for additional housing units, however I am not convinced that the proposed layout and design ensure the character of the protected structure is retained.
- 7.3.7. It is clear from the contiguous elevations indicated on Drawing no. PL-201, that the proposed apartment block will significantly erode the character of Prospect House when viewed from the north. I consider that the 'Existing Front/ North Elevation to Driveway' contiguous elevation, gives a somewhat false impression of the site in that the houses in Prospect Manor to the rear of the site appear very dominant. On site, it was Prospect House that dominates the setting and not the two-storey houses.

The submitted contiguous elevation that includes the proposed apartment block indicates that this new structure will tower over the protected structure and the avenue. This would become the dominant structure and the setting of Prospect House would be lost.

- 7.3.8. The applicant has attempted to reduce the bulk of the development by using two blocks connected to each other with a glass link. Unfortunately, this does not appear to work as the submitted elevational drawings present a single block when viewed from the north of the site. Combined with the design of the apartment block and proposed material finishes, the building will dominate the protected structure. The 'Urban Design Statement' under the section 'Distinctiveness' finishes with the following line, 'The modern style architecture of the proposed development will clearly add to the historic timeline of Prospect House and will enhance the presence of Prospect House as a focal point in the neighbourhood into the future'. I agree that permitting this development would add to the historic timeline but in a negative manner that results in Prospect House losing its importance. The submitted photomontage in support of the appeal only adds to this concern of impact on the visual amenity of the area.
- 7.3.9. I have no objection to the reuse of Prospect House/ associated coach house and the provision of three units within the structure is welcome in principle. Adequate room sizes can be provided within the existing footprint and I am satisfied that rooms will receive adequate light. The removal of the basement unit is welcomed in the interest of residential amenity. I note again the Planning Authority Architectural Conservation Officer's report and concerns in relation to the physical impact on Prospect House. Insufficient details have been provided in relation to the reuse of the house and again it is not possible to state what the physical impact will be. As already referred to, the reuse of the gate lodge is somewhat vaguely described, and it is unclear what its function will be long-term.
- 7.3.10. I note in the appeal statement that the applicant states 'It is noted that neither the Department of Culture and Heritage (sic) or An Taisce had any objection to the proposed development. The DCHLG report only refers to Archaeology and no concerns were raised. An Taisce objected to this development by way of letter received by South Dublin County Council on the 5th of November 2019 and restated in letter dated 20th January 2020, received by An Bord Pleanála on 22nd of January

2020. I am uncertain as to why the applicant refers to An Taisce as not opposed to this development.

- 7.3.11. The opportunity does exist to provide for a three or four storey unit on this site but only if it can categorically be demonstrated that it can complement/ respect Prospect House, I am of the opinion that the proposed development does not achieve this and permission should be refused.

7.4. Design and Impact on the Character of the Area

- 7.4.1. The challenge of developing this site is appreciated, the presence of a protected structure and associated avenue/ gardens in addition to its location in an established urban area all create difficulties. Whilst some attempt at ensuring integration with Prospect House has been made, it appears that the layout is defined by the location of the access onto Stocking Lane. The location of the access results in the loss of part of the stone wall that is a feature of Stocking Lane. I would suggest that the removal of such a large section of wall would perhaps result in the loss of all of the wall over time.
- 7.4.2. I am not aware if it is possible to utilise the existing access or to provide an access from the laneway to the south of the site. I note from the appeal statement that the removal of part of this wall would improve the visibility of the protected structure ‘..thus improving the setting and dominance of Prospect House from this location’. Prospect House is approximately 670 m to the east of the public road and considering the location of the proposed apartment block and existing trees, I do not foresee improved views. It appears that Prospect House is designed such that its northern side is the primary elevation and that is the key view that should be preserved. The opening up of views from Stocking Lane are not warranted.
- 7.4.3. The design of the apartment block is such that the solid to void ratio results in a very bulky looking building. This combined with the use of slate cladding creates a somewhat oppressive looking building. The use of stone rather than slate may relieve this impression but having walked the area surrounding the site, the apartment block does not appear to take any account of the existing form of development found in the area. Stone, red brick and render are found here, what is proposed, is an apartment block, that it appears is proposed to dominate the character of the area.

7.4.4. I have serious concerns in relation to the impact of the apartment block onto Stocking Lane and consider that it would erode the character of the area to an unacceptable level. The submitted CGI – ‘Proposed VVM 2’ unfortunately indicates that the apartment block has taken more design characteristics from a portacabin in the picture than from Prospect House, Stocking Lane or more recently built houses.

7.4.5. I note the extensive report prepared by South Dublin County Council Parks & Landscape Services, and the need to provide for a comprehensive landscape masterplan for this site. I concur with this and note the lack of information in this regard.

7.5. Impact on Residential Amenity

7.5.1. As already reported, the site is suitably zoned for residential development and there is an acceptance that the site can be developed for additional residential use. The reuse of Prospect House is welcomed in principle and I accept that it is probable that additional units would be required to fund any refurbishment/ reuse.

7.5.2. The proposed unit and room sizes within the apartment blocks are acceptable. Storage provision and private amenity space is in accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’. The ground floor units are provided with terraces, first and second floors are served with balconies and the third-floor units are provided with large terrace area. A single stair core and lift serve the upper floors, and this is acceptable – eight units on each of the first and second floors and three units on top. The lift and stairs also provide access to the basement car parking area. The lift shaft overrun area projects only 1.1 m above roof level. Floor to ceiling heights within units are acceptable.

7.5.3. It appears that no specific areas of private amenity space have been allocated to the residents of Prospect House.

7.5.4. I am not convinced that adequate communal/ public open space has been provided. Much of the open space provision relies on the area that the trees grow on. Open space will be very limited for future occupants. Whilst it is possible to use existing public open space in the area, this is not easily accessible for occupants of the development. The Planning Authority referred to a need for children’s play in their

reason for refusal. In the case of high density development such provision should be made and especially in this case where insufficient open space is proposed.

- 7.5.5. I do not foresee that significant overshadowing leading to a loss of daylight will occur to houses adjoining the site. The site is north of existing houses in Prospect View and overshadowing will not occur. I note the indicated heights on the Proposed Site Plan – Drawing No. PL-003 and if correct, the development will not be overbearing on the adjoining houses.
- 7.5.6. In general, the proposed development will not give rise to significant overlooking of adjoining houses. However, I would be concerned about the terraces serving the upper level units and the provision of suitable screening on the southern elevation would be required.
- 7.5.7. The applicant has provided a noise assessment undertaken by Byrne Environmental Consulting Ltd in support of the appeal. The proximity of the development to the M50 was considered to be a significant issue and the lack of information was given as a reason for refusal by the Planning Authority. The submitted report sets out the facts in relation to noise and the submitted information gives rise for concern. The development is located within the 60 – 64 dB Lden contour, which is outside the desirable level but also outside the undesirable level and is within the 55 – 59 dB Lnight contour – undesirable level. The applicant dismisses these rates as ‘slightly above acceptable rate’ but mitigation measures can be taken. The applicant fails to outline in detail how acceptable levels can be achieved. For example, if mechanical ventilation is proposed, will these result in alterations to the elevational treatment.
- 7.5.8. The issue of noise is a serious concern considering the proximity to the M50 and traffic noise levels were discernible on the day of the site visit.

7.6. Access and Transportation

- 7.6.1. The South Dublin County Council Roads Department did not raise any concern regarding the access arrangement serving this development. A crossing of Stocking Lane is proposed and footpath provision along the front of the site. No concerns were raised in relation to additional traffic in the area.
- 7.6.2. A total of 27 parking spaces will serve the apartment block within the basement level. Bicycle and motorcycle parking are also proposed, and this is acceptable to the

Roads Department. Parking provision for the units within Prospect House is also acceptable. The Roads Department consider this provision to be acceptable. No specific reference to electric vehicle charging has been made in the application.

7.7. Water Supply and Drainage

- 7.7.1. Irish Water have no objection to this development subject to conditions. The Water Services Planning Report raised a number of issues in relation to surface water drainage. Insufficient information was provided for a final decision to be made. I consider that it should be possible to address this matter.
- 7.7.2. No concerns were raised in relation to flood risk. Standard conditions were recommended in the event that permission is granted. I note that a number of the objections to this development raised flooding as a matter and I note the report of the Water Services section and that no concern has been raised.

7.8. Other Issues

- 7.8.1. The submitted letters of objection, and subsequent observations to the appeal, raised a wide range of issues, most of which have been covered in this report. Much concern was expressed about the impact of the development during construction on the public open space area to the north of the site. That is a matter that will have to be agreed with the service provider, most likely Irish Water/ South Dublin County Council. I am certain that measures can be taken to ensure that open space remains available and any area impacted upon by the development can be reinstated.
- 7.8.2. I note the submitted Bat Assessment and the survey found bat activity on site. Potential arises for the destruction of bat roosts in the absence of suitable mitigation measures. The provision of lighting throughout the site may also disturb bats. The assessment includes a detailed section on 'Proposed Mitigation' and copies of a Derogation Licence from the Department of Culture, Heritage and The Gaeltacht, have been submitted which enables certain works to be undertaken whilst acknowledging the impact on bats.
- 7.8.3. I am satisfied that the area is sufficiently serviced to accommodate a development such as this. Whilst not located on a Luas/ DART etc. line, it is serviced by Dublin Bus on a regular basis and the scale of development proposed is not sufficient to

overwhelm existing bus services. Walking and cycle provision has been provided in the immediate area and should encourage a greater modal shift away from private car use. Similarly, any development on this site is unlikely to overwhelm retail, education and social services in the area. I note the various references to distance from Rathfarnham; however, residents of these apartment units are likely to avail of the services available in other urban centres in the area and not just focus on Rathfarnham.

- 7.8.4. The applicant has provided a significant amount of information in their application, however there are a number of omissions and inconsistencies in the information provided as outlined throughout this report. This is a somewhat difficult site to develop and very consideration is required to be taken in any proposal. Although this is a better proposal than that previously submitted and for which permission was refused following appeal, it unfortunately does not provide for a suitable development of this site having regard to the established character of the area.

7.9. **Appropriate Assessment Screening**

- 7.9.1. The applicant states in the 'Supporting Planning Statement' that 'Downey Planning have carried out a Natura 2000 Appropriate Assessment Screening Report as part of the application, which is submitted under separate cover'. The Planning Authority Case Officer states that 'The applicant has not submitted an Appropriate Assessment (AA) Screening Report in support of the application'. I have been unable to find any such document in the submitted application.
- 7.9.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission be refused for the reasons and considerations set out below:

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, 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 along Stocking Lane, 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', a protected structure with RPS Number 340 referring and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would be 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 importance to the streetscape, it is considered that the proposed development would be incongruous by reason of its design, scale, bulk, fenestration, height and 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, a protected structure. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development, by reason of its inadequate qualitative and quantitative provision of public/communal open space and lack of designated children's play area, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities"

published by the Department of the Environment, Heritage and Local Government in 2009 and would constitute an excessive density of development on this site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The results of the 'M50 Motorway Noise Assessment' prepared by Byrne Environmental Consulting Ltd, do not demonstrate compliance with Section 11.6.3 (ii) Noise and Policy 7, Environmental Quality of the South Dublin County Council Development Plan 2016 – 2022 and Volume 4 of the Dublin Agglomeration Environmental Noise Action Plan 2018 – 2023, in that daytime and night time noise levels are outside of the desirable levels expected for residential development. The applicant has not provided sufficient detail as to how sufficient residential amenity is to be provided for future occupants of the proposed units. The proposed development would, therefore, be prejudicial to public health.

Paul O'Brien
Planning Inspector

21st October 2020