



An
Bord
Pleanála

Inspector's Report ABP-307738-20

Development

The construction of a new two-storey, 267sqm, four-bedroom detached house (replacing existing outbuilding) with all associated works plus an attached car port using existing entrance driveway, together with connections to existing public services and drainage. Clontra House is a protected structure, RPS Ref. 1811.

Location

Clontra House, Quinn's Road, Shankill, Dublin 18.

Planning Authority

Dún Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D20A/0321

Applicant(s)

Signature Capital

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party v. Decision

Appellant(s)

Signature Capital

Observer(s)

Paul Deery & Michel Fitzgerald
Rachel Daly on behalf of the Corbawn
Area Residents Association
An Taisce

Date of Site Inspection

30th October, 2020

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located within the self-contained estate of Clontra House at Quinn's Road, Shankill, Dublin 18, approximately 800m east of the R119 Dublin Road / Main Street in the village centre and between the DART line to the west and the coastline to the east. It comprises the northernmost extent of the wider grounds, including the main residence, surrounding outbuildings, a walled garden, and the tree-lined avenue accessing the site from Quinn's Road, and is bounded by the adjoining Corbawn housing estate to the north / northwest. While it has been stated that the site area extends to 7.689 hectares, this would appear to relate to the entirety of the landholding as distinct from the application site as outlined in red and in this regard I would concur with the Planning Authority that the actual site area measures approximately 1.5 hectares.
- 1.2. Clontra House itself is a large, detached, country house set within substantial grounds and has been listed as a protected structure (with an adjoining glasshouse and a nearby gate lodge having also been included in the Record of Protected Structures). It is described in the National Inventory of Architectural Heritage as representing *'an important component of the mid nineteenth-century domestic built heritage of south County Dublin with the architectural value of the composition confirmed by such attributes as the deliberate alignment maximising on scenic vistas overlooking landscaped grounds and the Irish Sea; the compact, near-square plan form centred on a restrained doorcase; the construction in a silver-grey granite offset by honey-coloured and red brick dressings not only demonstrating good quality workmanship, but also producing a muted polychromatic palette; the definition of the principal floor as an elevated "piano nobile"; and the miniature gablets embellishing a high pitched roofline'*.
- 1.3. The location of the proposed dwelling occupies a position to the northwest of the main house alongside the site boundary shared with an area of open space within the neighbouring estate of Corbawn Drive and is situated between the walled garden and a spur road which extends from the main avenue. It is set within an area characterised by dense mature tree planting and is presently occupied by a dilapidated barrel-roofed outbuilding of a concrete / blockwork & corrugated metal construction with a smaller shed-like annex attached to same.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of dilapidated outbuildings / sheds and the construction of a detached, two-storey dwelling house with a stated floor area of 267m² and a ridge height of 7.51m. The overall design of the proposed dwelling is based on a contemporary interpretation of the traditional vernacular and utilises features such a simple rectangular plan and a barrel-vaulted roof with a palette of external finishes including glazed walling, render, timber screening, and a metallic roof. Provision has also been made for an open-columned, 'L'-shaped, canopy / 'brise soleil' feature extending from the eaves line over the front entrance and paved area below.
- 2.2. Access to the site is obtained via the existing access arrangement onto Quinn's Road by way of a minor / secondary spur road which leads from the principle tree-lined avenue serving Clontra House. Water and sewerage services are available via connection to the public mains.
- 2.3. An application for a Certificate of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, is stated to have accompanied the planning application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 17th July, 2020 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following reason:
 - The subject application seeks permission for the demolition of existing outbuildings and the construction of a dwelling on lands zoned 'GB', which has a stated objective 'To protect and enhance the open nature of lands between urban areas' in the Dún Laoghaire Rathdown County Development Plan 2016-2022. Having regard to the plans and particulars lodged with this application, the proposed development would not comply with Section 2.1.4.3 'Green Belt Areas' of the Dún Laoghaire Rathdown County Development Plan 2016-2022, by reason of insufficient site area. Furthermore, the proposed

development would be contrary to Policy LHB28 'Green Belts' of the County Development Plan, which states that it is Council policy to retain the individual physical character of towns and development areas by the designation of green belt areas where appropriate, and specifically, Section 4.1.3.10 of the County Development Plan also states that the Council will continue to retain the existing green belt between Bray and Shankill for the lifetime of this Plan. The proposed development would, therefore, by itself and the precedent that a grant of permission would set, be contrary to the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations before stating that whilst the principle of the proposed dwelling house is '*open for consideration*' on lands zoned as '*GB*', no rationale / justification has been provided as to why the proposal should be given favourable consideration. Particular reference is made to the site location within a designated 'greenbelt' which serves '*to protect the special amenity and biodiversity value of countryside while providing a visual and spatial break between urban areas*' and the wider objective '*to retain the existing green belt between Bray and Shankill*'. In this respect, it is considered that the proposed development would be contrary to Policy LHB28 of the Plan which seeks '*to retain the individual physical character of towns and development areas by the designation of green belt areas where appropriate*'. The report subsequently analyses the wider design aspects of the proposal, including its impact on the protected structure and the amenity of neighbouring properties, before recommending a refusal of permission for the reason stated.

3.2.2. *Other Technical Reports:*

Drainage Planning, Municipal Services Dept.: Recommends that further information be sought with respect to the surface water drainage arrangements and the installation of SUDS measures.

Conservation Officer, Architect's Dept.: States that there is no objection in principle to the development and that the contemporary design of the proposal echoes the existing agricultural building through its form and use of materials. It subsequently emphasises that the scale and massing of the structure should not overwhelm the site or the adjoining stable block / outbuildings (as shown on Drg. No. PL007) before commenting that concerns as regards the height of the proposed car port could be addressed by lowering this construction in line with the first floor level of the house. It proceeds to recommend that the applicant be required by way of a request for further information to clarify the nature of the works to be undertaken on those lands referenced as '*area to be made good*' on the site layout plan (Drg. No. PL002). In addition, concerns are raised as regards the absence of any private open space for the proposed dwelling and it is stated that if any such provision is required it should be defined solely by means of planting in order to preserve the mature landscaped gardens.

3.3. Prescribed Bodies

- 3.3.1. *Irish Water:* Refers to the proposal to connect to the existing mains sewer on Quinn's Road by way of c. 160m long pipe and suggests that such a length of piping to serve a single property may not provide for the necessary self-cleansing velocities and thus could potentially lead to conditions that would be prejudicial to public health. Accordingly, it recommends that the applicant be requested by way of further information to consider alternative drainage proposals which may include the use of a pumping solution or a gravity feed to the mains sewer through public lands (with consent) to a position approximately opposite No. 35A Quinn's Road. It is also noted that a separate connection to the public watermain will be required to service the proposed dwelling.
- 3.3.2. *An Taisce:* States that the submitted '*Conservation Report and Architectural Assessment*' broadly corresponds with the '*Conservation Report, Conditions Survey*' previously provided with PA Ref. No. D18A/1034, however, concerns are raised that the document makes no reference to the location of the proposed dwelling or the fact that the existing barn will be demolished to facilitate the new construction and thus difficulties arise in reconciling the statement that '*The existing buildings should be preserved and conserved as close as possible to their original state of detail and finish*' with the proposed demolition works. It is also submitted that the Conservation

Report fails to provide for an assessment of the implications of the development on the character of the protected structure and the wider area as it does not appear to examine:

- The existing building within the curtilage of the protected structure and its functional connection with the main house and its gardens;
- The implications of the possible demolition of the existing building; and
- How the construction and occupation of a new house in the location proposed would affect the character and setting of the protected structure.

The submission proceeds to note that the barrel-vaulted barn forms an integral part of the estate on the northern boundary, but close to the main house, and that it opens onto the adjacent walled garden (being the only entry large enough for machinery). Concerns are then raised as regards the lack of detail in relation to the 'area to be made good' following demolition of the barn where it meets the historic garden wall and how machinery will access the walled garden in the future. It is further suggested that the main house will be disadvantaged by the loss of the barn / storage facility and notes that the area of the kitchen garden (with melon pits) adjacent to the barn would also be lost thereby altering the interpretation of the Victorian house.

It is asserted that the construction of the new house close to, but independent of, the protected structure would have an adverse effect on its character and setting.

Furthermore, it is noted that no indication has been provided of private open space for the proposed dwelling and that any subdivision of the existing gardens to provide for same would exacerbate the impact on the protected structure.

The submission concludes by stating that there is no opposition to the consideration of a new house elsewhere within the wider grounds but at a different location further away from the main house.

3.4. Third Party Observations

- 3.4.1. A total of 3 No. submissions were received from interested parties and the principle grounds of objection / areas of concern contained therein can be summarised as follows:

- The proposed development contravenes the ‘GB’ land use zoning objective which seeks ‘*to protect and enhance the open nature of lands between urban areas*’.
- The proposal serves to undermine the integrity of the greenbelt.
- Detrimental impact on the character / setting / built heritage value of a protected structure.
- Previous applications on the lands have been refused planning permission.
- The proposal will set an undesirable precedent for future development
- The 3 No. existing dwelling houses on the property are rented and there are concerns that the proposed development will be subdivided and let as multiple units.
- The speculative nature of the proposed development.
- The wider site has been subject to rapid coastal erosion and the proposed dwelling will be located only 100m from the cliff face.
- Difficulties in accessing the site / the substandard nature of the existing access arrangement and the local road network, including the restricted height of the bridge passing beneath the DART line.
- Concerns as regards any attempt to access the site via the pathway linking through to the Corbawn estate for construction (or other) purposes.
- Interference with trees within the grounds of Clontra House and the neighbouring Corbawn Drive housing estate.
- Concerns as regards the adequacy / capacity / condition of the proposed sewerage drainage arrangements.
- The site notice was not updated to reflect the changes in the timeline for the receipt of valid third party submissions arising from the COVID-19 pandemic.
- The inability of interested parties to access / discuss the application documentation due to COVID-19 restrictions and the failure of the Planning Authority to upload the documents to its website in a timely manner.

- The application process is flawed and has been undermined by the COVID-19 restrictions to the detriment of third parties.

4.0 Planning History

4.1. *On Site:*

PA Ref. No. D18A/1034. Was granted on 3rd April, 2019 permitting Enda Woods permission for the retention of an 1,800mm wide ope between the kitchen and adjoining living room on the first floor level at Clontra House.

PA Ref. No. 1108. Section 5 declaration determined on 19th October, 2018 with respect to works to the protected structure.

4.2. *Other Relevant Files*

ABP Ref. No. PL06D.305844. Was granted on 27th February, 2020 permitting Aeval Unlimited Company permission for a strategic housing development on a site of 21.9Ha generally bounded by the Old Dublin Road (R119) and St. James (Cringen) Church to the west, Shanganagh Public Park and Shanganagh Cemetery to the north, Woodbrook Golf Course to the east and Corke Lodge and woodlands and Woodbrook Golf Clubhouse and car park to the south. The replacement golf hole lands are generally bounded by the existing railway line to the west, Shanganagh Public Park to the north and Woodbrook Golf Course to the east and south. The proposed development is within the townlands of Cork Little and Shanganagh, Shankill, Co. Dublin.

The proposed development consists of a residential-led development comprising 685 No. residential units and 1 No. childcare facility in buildings ranging from two to eight storeys. The breakdown of residential accommodation is as follows: -

- 207 No. own door detached, semi-detached, terraced and end of terrace houses
- 25 No. five-bed three-storey houses
- 48 No. duplexes (33 No. own door) in three to four storey buildings
- 430 No. apartment units accommodated in 6 No. three to eight storey buildings

- Private rear gardens for all houses.
- Private patio/terraces and balconies for all duplex and apartment units at ground floor. Balconies to all upper level of duplex and apartment buildings.
- The development of 1 No. childcare facility (GFA: c. 429m²).
- All associated and ancillary site development and infrastructural works (including plant), hard and soft landscaping and boundary treatment works (including temporary hoarding to undeveloped lands).

5.0 Policy and Context

5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 5.1.2. The '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2004*' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

5.2. Development Plan

5.2.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

Land Use Zoning:

The proposed development site is located in an area zoned as 'GB' with the stated land use zoning objective 'To protect and enhance the open nature of lands between urban areas' where residential development is 'open for consideration' in accordance with Table 8.3.12 of the Plan.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

Section 2.1.4.3: Green Belt Areas:

The use of lands in Green Belt areas for outdoor recreational purposes is permitted in principle. However, where complementary development is allowed, stringent conditions governing the height, scale and density of development will be imposed to protect the open nature of the lands. In relation to residential development, only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered. Applications for other uses will be considered subject in all cases to the overall objective of maintaining the open character of these lands. Green Belt open lands also serve an important function in providing an easily identifiable buffer between expanding, built-up areas - in particular between Shankill and Bray. (Refer also to Policy LHB 26).

Section 2.2.7: *Walking and Cycling:*

Policy ST5: Walking and Cycling:

It is Council Policy to secure the development of a high quality walking and cycling network across the County in accordance with relevant Council and National policy and guidelines.

Policy ST7: County Cycle Network:

It is Council policy to secure improvements to the County Cycle Network in accordance with the Dún Laoghaire-Rathdown Cycle Network Review whilst supporting the NTA on the development and implementation of the Cycle Network Plan for the Greater Dublin Area.

- The route of the Proposed Sutton to Sandycove Walkway-Cycleway (a component part of the National East Coast Trail Cycle Route) extends along Quinn's Road to the southwest of the application site.

Chapter 4: Green County Strategy:

Section 4.1.3.10:

Policy LHB28: Green Belts:

It is Council policy to retain the individual physical character of towns and development areas by the designation of green belt areas where appropriate.

The function of this policy is to protect the special amenity and biodiversity value of countryside while providing a visual and spatial break between urban areas. The Council will continue to retain the existing green belt between Bray and Shankill for the lifetime of this Plan.

Section 4.1.4: Heritage:

Policy LHB32: Historic Demesnes and Gardens:

It is Council policy that historic demesnes and gardens should be identified and protected to reflect and acknowledge their significance as part of the National Heritage. The following

houses and gardens are listed: Cabinteely House, Marlay House, Fernhill and Old Conna.

Dún Laoghaire-Rathdown contains a wealth of historic houses and their demesnes which contribute to the identity and heritage of the County.

Section 4.2.2: *Open Space and Parks:*

Policy OSR7: Trees and Woodland:

It is Council policy to implement the objectives and policies of the Tree Strategy for the County – ‘dlr TREES 2011-2015’ - to ensure that the tree cover in the County is managed and developed to optimise the environmental, climatic and educational benefits which derive from an ‘urban forest’.

Section 4.2.2.6: Trees, groups of trees or woodlands which form a significant feature in the landscape or are important in setting the character or ecology of an area should be preserved wherever possible. They make a valuable contribution to the landscape and biodiversity of the County and significant groups of trees worthy of retention have been identified in the Development Plan Maps.

- Map No. 10 of the Development Plan indicates that it is an objective ‘to protect and preserve trees and woodlands’ in the vicinity of Clontra House.

Chapter 6: Built Heritage Strategy:

Section 6.1.3: *Architectural Heritage:*

Policy AR1: Record of Protected Structures:

It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

N.B. The property known as 'Clontra House' has been designated as a protected structure by reason of its inclusion in the Record of Protected Structures contained in Appendix 4 of the County Development Plan (RPS Ref. No. 1811) (the adjoining glasshouse and nearby gate lodge, 'Wayside', have also been included in the RPS).

Policy AR2: Protected Structures Applications and Documentation:

It is Council policy to require all planning applications relating to Protected Structures to contain the appropriate level of documentation in accordance with Article 23 (2) Planning Regulations and Chapter 6 and Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, or any variation thereof.

Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features:

It is Council policy to:

- i) Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
- ii) Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

Chapter 8: Principles of Development:

Section 8.2.3: Residential Development:

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas:*

(v) Corner/Side Garden Sites:

Corner site development refers to sub-division of an existing house curtilage and/or an appropriately zoned brownfield site to provide an additional dwelling in existing built up areas. In these cases the Planning Authority will have regard to the following parameters (Refer also to Section 8.2.3.4(vii)):

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- Accommodation standards for occupiers.
- Development Plan standards for existing and proposed dwellings.
- Building lines followed where appropriate.
- Car parking for existing and proposed dwellings.
- Side/gable and rear access/maintenance space.
- Private open space for existing and proposed dwellings.
- Level of visual harmony, including external finishes and colours.
- Larger corner sites may allow more variation in design, but more compact detached proposals should more closely relate to adjacent dwellings. A modern design response may, however, be deemed more appropriate in certain areas in order to avoid a pastiche development.
- Side gable walls as side boundaries facing corners in estate roads are not considered acceptable. Appropriate boundary treatments should be provided both around the site and between the existing and proposed dwellings. Existing boundary treatments should be retained where possible.
- Use of first floor/apex windows on gables close to boundaries overlooking roads and open spaces for visual amenity and passive surveillance.

It is also recognised that these sites may offer the potential for the development of elderly persons accommodation of more than one unit. This would allow the elderly to remain in their community in secure and safe accommodation. At the discretion of

the Planning Authority there may be some relaxation in private open space and car parking standards for this type of proposal.

(vii) Infill:

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

This shall particularly apply to those areas that exemplify Victorian era to early-mid 20th Century suburban 'Garden City' planned settings and estates that do not otherwise benefit from Architectural Conservation Area status or similar. (Refer also to Section 8.2.3.4 (v) corner/side garden sites for development parameters, Policy AR5, Section 6.1.3.5 and Policy AR8, Section 6.1.3.8).

Section 8.2.3.5: *Residential Development – General Requirements*

Section 8.2.8.4: *Private Open Space - Quantity*

Section 8.2.11: *Archaeological and Architectural Heritage*

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are in the general vicinity of the proposed development site:

- The Loughlinstown Woods Proposed Natural Heritage Area (Site Code: 001211), approximately 1.3km northwest of the site.
- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 1.4km north of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 2.1km northeast of the site.

5.4. EIA Screening

5.4.1. Having regard to the limited nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services,

and the separation distance from the nearest sensitive location, 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

6.1. Grounds of Appeal

- The proposed development site is zoned as 'GB' in the County Development Plan with the stated objective '*to protect and enhance the open nature of lands between urban areas*' where 'residential' development is 'open for consideration'.
- The proposed contemporary dwelling has been designed to replace a series of dilapidated agricultural storage sheds / outbuildings within the grounds of Clontra House and (contrary to the assertions of third parties and the planner's report) does not involve any works to the existing stables or outbuildings attached to the main residence. There will be no removal of historic fabric from the site as a result of the proposed development.
- A contemporary design and materials have been employed in order to differentiate / 'timeline' the new development from Clontra House in keeping with accepted architectural conservation practice (including Article 22 of the Burra Charter).
- The design of the proposed dwelling has been derived from the existing barrel-vaulted, corrugated shed on site. This form and mass has been reproduced to create a contemporary dwelling which is in keeping with the character of the previous structure on site. The scale, bulk and massing of the proposal is clearly residential in nature and thus is consistent with the existing structures on site.
- With respect to residential development, it is acknowledged that Section 2.1.4.3 of the Development Plan states that '*only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered*', however, the subject landholding measures 7.16 hectares and clearly exceeds the

minimum requirement of Policy LHB28 whilst there is also a precedent for single dwellings in the area. It is considered that while the proposal can easily comply with the necessary site area requirements, it seems empty to permanently attach 4.0 hectares to the new dwelling house (there are 2 No. houses within the curtilage of the site i.e. Clontra House and Wayside Cottage, with another single-story dwelling outside the site curtilage and a further bungalow on the south-western side of the adjacent road).

- The location of the proposed dwelling minimises its impact on visual amenity and biodiversity considerations by virtue of its smaller size, bulk, scale and massing relative to the existing shed.
- Section 4.1.3.10 and Policy LHB28 of the County Development Plan aim to protect the special amenity and biodiversity value of the countryside while providing a visual and spatial break between urban areas. In this respect, it is submitted that the proposal will not affect either the special amenity or biodiversity of the area as no trees are to be removed whilst the only intervention will be the removal of the existing dilapidated shed on site.
- By virtue of its lightweight construction, the proposed dwelling will be '*touching the earth lightly*'. It will make use of current technologies, including renewables, to achieve an A1 BER / NZEB rating.
- The existing shed does not contribute to the visual amenity of the site or the surrounding area and its replacement with a building of a smaller scale and higher design quality must be viewed as an improvement.
- There is no intention to intervene or alter the existing stables / outbuildings.
- With respect to the assertion that the proposed development would be contrary to Policy LHB28: '*Greenbelts*' of the Development Plan which states that it is Council policy to retain the individual physical character of towns and development areas through the designation of greenbelts where appropriate, the proposed dwelling will replace a dilapidated outbuilding / shed and will not result in any nett additional development on site. Indeed, the footprint of the proposed dwelling will be considerably smaller than that of the existing shed.

- The applicant has spent a considerable amount of money in conserving and repairing Clontra House. This investment is significantly more than will be recouped in rent and demonstrates the applicant's *bona fides* towards the protection of the site and the curtilage of the protected structure.
- None of the relevant historic building elements will be touched or altered by the development.
- The decision to refuse permission should be overturned in order to allow the provision of a high-quality, energy efficient dwelling in a large open site that can easily accommodate a low density intervention that will enhance and improve the site as it replaces a poor quality unattractive structure.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

6.3.1. *Paul Deery & Michel Fitzgerald:*

- There are concerns that the proposal will set a damaging precedent for further development in the greenbelt as a number of local landowners are on record as having sought to change the applicable land use zoning so as to facilitate intensive housing and commercial development. Furthermore, in light of the recent approval of large housing developments at Shanganagh Castle and Woodbrook, it has become even more important to maintain the greenbelt.
- The suggestion that the presence of 2 No. single storey dwellings within the greenbelt ('GB') lands serves to establish a precedent is rejected given that the buildings in question are both very old and pre-date current regulations. The first of these properties is a gate lodge attached to Rosedale House and is, in itself, a protected structure, whilst the second is an equally older converted cottage (believed to have been a Gardiner's cottage and a Gate Lodge to the adjacent estate).

- The building to be demolished was previously used as stables while the adjoining building served as the carriage / machinery store. Furthermore, the building which has been identified by the applicant as stables was primarily used as a tack room & feed store.
- It has been suggested that the 'GB' designation allows for consideration to be given to the construction of residential development provided that 4.0 hectares is available per dwelling, however, it is the observers' understanding that no such general derogation exists in isolation and that there would have to be very compelling reasons for any such permission, particularly in a greenbelt area.
- The applicant has referred to Clontra House and Wayside Cottage as being the only two dwellings within the curtilage of the protected structure and has suggested that there is ample land available to satisfy the necessary requirements, however, no reference has been made to a further dwelling within the landholding which was built in the 1970s as the principal family home of the son of the then owners and is understood to remain on the Clontra title. Thus, it follows that the proposed dwelling would not have the necessary land to qualify as has been suggested by the applicant.

6.3.2. Rachel Daly on behalf of the Corbawn Area Residents Association:

- The proposed development is not consistent with the 'GB' land use zoning objective.
- The intended use / purpose of the proposed development has not been outlined in the application which gives rise to difficulties in assessing the construction impact of the proposal.
- It is of the utmost importance to protect the 'green zone' / greenbelt status of the 'Clontra' lands, particularly as the Board has recently approved a high-density development proposed by Dún Laoghaire Rathdown County Council and the Land Development Agency at Shanganagh Park in Shankill. The lands at Clontra will form the last remaining greenbelt between the high-density urban area of South Shankill (Quinn's Road, Corbawn) and the new urban area currently under development.

- Piecemeal development within the greenbelt will result in the loss of community greenspace which is of particular importance in light of the current COVID-19 pandemic. The local community is grateful that the Local Authority has recognised the importance of green spaces in its zoning & planning decisions and the Board is requested to support this strategy.
- There are health and safety risks associated with the construction of the proposed development given the location of the site entrance on a sharp bend on Quinn's Road which is a popular pedestrian / walking route frequented by local residents and visitors who use amenities in the area such as Shankill Tennis Club and the Shankill allotments.
- There is serious coastal erosion of the cliffs at Clontra close to the location of the proposed construction works and, therefore, there are concerns that the proposed development could potentially destabilise the cliff thereby resulting in further erosion. In addition, the sea-facing green space within the Corbawn estate which borders Clontra would also be impacted by any ground disturbance with resultant erosion.

6.3.3. *An Taisce:*

- Cognisance should be had to those matters raised in the observer's original submission dated 25th June, 2020.
- The proposed development site is located on lands zoned as 'GB' with the stated land use zoning objective '*to protect and enhance the open nature of lands between urban areas*' for which Section 2.1.4.3 of the County Development Plan states:

'In relation to residential development, only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered'.

There is nothing in the grounds of appeal to show that the subject proposal satisfies the aforementioned requirement. The application site within the red line has been estimated by the case planner as extending to c. 1.5 hectares and already includes one dwelling i.e. Clontra House (a protected structure) and its attendant grounds. Although the appeal has referred to an overall

landholding of 7.16 hectares, this does not relate to the site which is the subject of the application.

- The proposal seeks to demolish an existing barrel-vaulted barn within the curtilage of the protected structure which provides storage and machinery space for the purposes of the main house and its attendant grounds. The construction of a new dwelling independent of the main residence represents a change in the nature of the building and would amount to residential development which must meet the requirements for the 'GB' zone.
- The construction of a new dwelling house so close to, but independent of, Clontra House would have an adverse impact on the character and setting of this remarkable protected structure (as was detailed in the observer's submission of 25th June, 2020).
- Although the report of the Conservation Division of the Planning Authority indicated that it had '*no objection in principle to the proposed development*', this position was subject to questions raised by that department which were consistent with two points raised in the observer's initial submission:
 - The lack of detail on the site layout plan with the notation '*area to be made good*'. The Conservation Division recommended that further information be sought in order to clarify what those works would entail. The note refers to the area between the proposed house and the walled garden and in this regard the Board's attention is drawn to the interface between the barn and the historic garden wall and also the functional connection between the barn (where machinery can be stored) and the garden. It is the observer's understanding that the barn provides the only large entry point for machinery needed in the maintenance of the walled garden.
 - There is no defined area for private open space associated with the proposed dwelling. Whilst the Conservation Division has suggested that '*if there has to be it should be defined only by means of planting so that the mature landscaped grounds are not carved up*', the disadvantage of such a suggestion is that occupiers of the new house would be sharing the grounds of the main house. Whether by dividing-

off or planting, the allocation of private open space in front of the proposed dwelling would have an adverse impact on the setting and amenity of the protected structure, which also includes the yard and out-offices attached to the rear of the main house.

- Concerns were raised by the Conservation Division as regards the height of the car port element of the development. The grounds of appeal have not sought to address this issue.
- The lack of any open space to serve the dwelling is noted in the report of the case planner by reference to Section 8.2.8.4 of the Development Plan.
- Additional matters identified in the planner's report which warranted further information include drainage planning, the requirements of Irish Water, and the tree survey & assessment. These issues have not been addressed in the appeal.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Impact on built heritage considerations
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is zoned as 'GB' with the stated land use zoning objective *'To protect and enhance the open nature of lands between*

urban areas' and that 'residential' development is 'open for consideration' on such lands in accordance with Table 8.3.12 of Dún Laoghaire Rathdown County Development Plan, 2016-2022 (Section 8.3.4 of the Plan states that uses shown as being '*Open for Consideration*' may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area).

- 7.2.2. Accordingly, it is necessary to consider to underlying purpose of the '*GB*' land use zoning and in this regard I would refer the Board to Section 2.1.4.3 of the Development Plan wherein it is stated that the objective is to maintain the open character / nature of these 'Green Belt Areas' as they serve an important function in providing an easily identifiable buffer between expanding built-up areas, with particular reference to that between Shankill and Bray. By way of further clarity, Policy LHB28: '*Green Belts*' aims to retain the individual physical character of towns and development areas through the designation of green belt areas where appropriate with a view to protecting the special amenity and biodiversity value of the countryside while providing a visual and spatial break between urban areas. Moreover, Section 4.1.3.10 specifically states that the Planning Authority will seek to retain the existing green belt between Bray and Shankill over the lifetime of the Development Plan.
- 7.2.3. Therefore, I propose to assess the overall principle of the proposed development having regard to the intent of the 'greenbelt' land use zoning, the nature of the development proposed, and the wider implications of the proposal given the site context, with particular reference to its impact (if any) on built heritage considerations and potential to set a precedent for future development.
- 7.2.4. On the basis that the subject proposal involves the construction of a new dwelling house within an identified 'greenbelt' where any such development would only be 'open for consideration' as opposed to being 'permitted in principle' by reference to the applicable land use zoning objective (i.e. to protect and enhance the open nature of lands between urban areas), and noting that it is the express policy of the Planning Authority to retain the existing green belt between Bray and Shankill over the lifetime of the Development Plan, in my opinion, there is a clear onus on the

applicant to provide some form of rationale / justification for the proposed development with a view to establishing its acceptability from first principles. In this respect, I am inclined to concur with the Planning Authority (and an observer to the appeal) that in the absence of any compelling reason or demonstratable need for an additional dwelling house at the location proposed (noting that the development would appear to be intended for rental purposes as stated in the grounds of appeal), it is difficult to reconcile the proposed development with the wider policy provisions of the Development Plan as regards the preservation of the open character of the green belt between Shankill and Bray. Whilst I would acknowledge that there is no specific provision within either Section 2.1.4.3 or 4.1.3.10 (Policy LHB28) of the Plan that requires a prospective applicant to establish a 'genuine need' for a dwelling house within a greenbelt area (unlike lands zoned as '*B: To protect and improve rural amenity*' or '*G: To protect and improve high amenity areas*'), given the underlying purpose of the greenbelt zoning and the objectives attached to same, I am nevertheless satisfied that in the absence of any clear explanation which would warrant the construction of a new and additional dwelling house at the location proposed, it has not been established that the subject proposal would be compatible with the overriding policy objectives applicable to the 'GB' land use zoning and the greenbelt designation. By extension, concerns also arise that the proposal would set an undesirable precedent for further unwarranted development in the greenbelt.

7.2.5. In addition to the foregoing, I am cognisant that another factor in assessing the overall principle of the proposed development is the potential impact on built heritage considerations given the site location within the curtilage of a protected structure ('Clontra House') which is of 'national' importance by reference to the National Inventory of Architectural Heritage due to its architectural, artistic, historical, social & technical qualities (whilst noting that the glasshouse attached to the main house and the nearby gate lodge ('Wayside') have also been designated as protected structures and are considered to be of regional importance in the NIAH). Whilst I propose to analyse this aspect of the proposal in greater detail elsewhere in this report, given the significance of the built heritage value of Clontra House and its setting in a national context, I would have serious reservations as regards the overall appropriateness of the proposed dwelling house in light of its proximity to and

relationship with the protected structure (including the walled garden and the immediate setting / grounds).

- 7.2.6. With respect to Section 2.1.4.3: '*Green Belt Areas*' of the Development Plan wherein it is stated that only individual dwellings on lands comprising at least 4.0 hectares per dwelling will be considered, whilst I would accept that the wider landholding extends to 7.689 hectares, I am cognisant that the application site as outlined in red measures approximately 1.5 hectares and includes the main residence of Clontra House and that reference has also been made in the '*Conservation Report and Architectural Assessment*' to the 'L'-shaped service wing of the main house presently being used as a self-contained apartment. Accordingly, when taken in conjunction with the existing gate lodge ('Wayside') and a further detached two-storey dwelling situated to the southeast of the development site, there would appear to be at least 4 No. separate dwellings already in place within the applicant's landholding and, therefore, the proposal to construct a further dwelling house on the lands would clearly fail to achieve the required 'site area' standard and thus not comply with the provisions of Section 2.1.4.3 of the Plan.

7.3. Impact on Built Heritage Considerations:

- 7.3.1. The proposed development involves the demolition of a series of dilapidated outbuildings / sheds and the construction of a new contemporary, detached, two-storey dwelling house within the grounds of Clontra House which has been listed as a protected structure by reason of its inclusion in the Record of Protected Structure contained in Appendix 4 of the County Development Plan (RPS Ref. No. 1811) (with the adjoining glasshouse and nearby gate lodge, 'Wayside', having also been included in the RPS).
- 7.3.2. Clontra House itself is a large, detached, country house set within substantial landscaped grounds which has been included in the National Inventory of Architectural Heritage (Reg. No. 60260138) wherein it is considered to be of 'national' importance due to its architectural, artistic, historical, social & technical qualities. It is described as representing an important component of the mid nineteenth-century domestic built heritage of south County Dublin with the architectural value of the composition confirmed by such attributes as the deliberate alignment maximising on scenic vistas overlooking landscaped grounds and the Irish

Sea; the compact, near-square plan form centred on a restrained doorcase; the construction in a silver-grey granite offset by honey-coloured and red brick dressings not only demonstrating good quality workmanship, but also producing a muted polychromatic palette; the definition of the principal floor as an elevated "piano nobile"; and the miniature gablets embellishing a high pitched roofline. The NIAH refers to the property as having been well maintained with the elementary form and massing surviving intact together with substantial quantities of the original fabric, both to the exterior and to the interior where contemporary joinery; *'particularly fine chimney-pieces surmounted by mirrors'* (O'Dwyer 1997, 450); and vaulted ceilings decorated (1862-3) by John Hungerford Pollen (1820-1902) of London, all highlight the considerable artistic potential of the composition. The NIAH further notes that adjoining outbuildings (extant 1908); a walled garden (extant 1908); a glasshouse (Reg. No. 60260139); and a nearby gate lodge (Reg. No. 60260140), also contribute positively to the group and setting values of this self-contained estate.

- 7.3.3. In assessing the overall design merits of the proposal and its impact, if any, on the built heritage value of Clontra House and its wider setting, including neighbouring protected structures, at the outset, I am satisfied that the existing outbuildings proposed for demolition are of little historical or architectural merit and are of no intrinsic value from a built heritage perspective, although I would concur with the Planning Authority and others that further clarity is required as regards the treatment of that area 'to be made good' as shown on the site layout plan, with particular reference to the walled garden and the existing opening within that walling.
- 7.3.4. In relation to the design of the dwelling house itself, I would acknowledge that this has been informed by the outbuildings proposed for demolition, such as the metallic barrel-vaulted roof, and that the architectural treatment provides for a contemporary interpretation of the traditional vernacular which will be clearly discernible from the historic fabric of Clontra House. In this regard, I am generally amenable to the overall design of the proposed dwelling, however, this should not be taken in isolation from the specifics of the site context, including its relationship with Clontra House.
- 7.3.5. In support of the proposal, the subject application has been accompanied by a '*Conservation Report and Architectural Assessment*' which provides for a broad account of the historical background and architecture of Clontra House and its wider grounds, including the glasshouse, service wing, walled garden, and gate lodge (I

would advise the Board that although this document purports to include an architectural inventory of the main house etc., the accompanying photographic survey is limited to the outbuildings proposed for demolition). However, in my opinion, this document does not adequately address the impact of the proposed dwelling on the overall character and setting of Clontra House, a protected structure which is of national importance by reference to an assortment of built heritage qualities. There has been no clear analysis of the relationship between the new construction and the main house, including the walled garden, given its proximity to same, and I would have reservations that the introduction of a substantial contemporary addition of the nature proposed would serve to compete with Clontra House thereby detracting from its inherent character and the appreciation of its wider unspoilt setting. This is of particular significance in light of the 'national' importance attached to property.

7.3.6. Notwithstanding that the Local Authority Conservation Officer has no objection in principle to the development, it has been emphasised that the scale and massing of the proposed structure should not overwhelm the site or adjoining structures whilst concerns have also been raised as regards the absence of any private open space for the proposed dwelling and the means by which any such space could be provided so as to avoid impacting on the mature landscaped gardens which contribute to the setting of Clontra House.

7.3.7. Therefore, in view of the foregoing, I am not satisfied that the proposed development would not detract from the distinctive character and setting of a protected structure which is of national significance from a built heritage perspective.

7.4. **Other Issues:**

7.4.1. *Construction Impacts:*

With regard to the potential impact of the construction works on the residential amenity of surrounding property and the safety of road users due to the location of the site entrance at a sharp bend along Quinn's Road which is a popular pedestrian / walking route, given the limited scale of the development proposed, the interim nature of the construction works, and the need for adherence to statutory health and safety protocols, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.4.2. *Coastal Erosion:*

The proposed dwelling house will be set back a considerable distance from the coastline and, therefore, I am unconvinced that the construction works will pose any substantial risk to the stability of the cliff-face beyond Clontra House.

7.5. **Appropriate Assessment:**

- 7.5.1. Having regard to the nature and scale of the proposed development, the site location relative to the built-up area of Shankill, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Having regard to the site location on lands zoned as 'GB' with the stated objective 'To protect and enhance the open nature of lands between urban areas' and to the associated provisions and policy objectives of the Dún Laoghaire Rathdown County Development Plan, 2016-2022, with particular reference to Policy LHB28: 'Green Belts' which seeks to retain the individual physical character of towns and development areas through the designation of green belt areas, the function of which is to protect the special amenity and biodiversity value of countryside while providing a visual and spatial break between urban areas, and Section 4.1.3.10 which aims to retain the existing green belt between Bray and Shankill during the lifetime of the Plan, it is considered that the proposed development would, by itself and the precedent that a grant of permission would set, be contrary to the policies and objectives

of the Dún Laoghaire Rathdown County Development Plan, 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

5th November, 2020