



An
Bord
Pleanála

Inspector's Report ABP-307985-20

Development

Replacement of four louvres in the bell tower of St. Matthias Church (a protected structure) with radio-frequency louvres to allow for the installation of a telecommunications installation comprising of six antennae, one dish, ancillary equipment and cabinets.

Location

St. Matthias Church, Church Road, Killiney, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D20A/0380

Applicant(s)

Three Ireland (Hutchison) Ltd.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

Niamh & David Devine

Barry Ormond
Stephan Wallace

Date of Site Inspection

14th October 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. St. Matthias Church is located to the western side of the R118/ Church Road, Killiney. Church Road connects the N11 to the south via the Wyattville Road with Glenageary to the north and the road continues on to Dun Laoghaire. The current Church Road has been considerably widened and its routing changed over the years taking account of significant urban development.
- 1.2. St. Matthias Church is part of the Church of Ireland and on site is the church building, a parochial hall to the north west and a Montessori operates from the site. The church is a stone-built building, and its prominent tower is a landmark in the area, having been constructed in the early part of the 19th Century. The tower faces onto Church Road and is the public face of the church. Access is from Church Road and the surrounding area is characterised by residential development. Denville Court is located to the west/ south west and consists of two-storey semi-detached houses. Detached houses on their own individual sites are located to the north and south of the subject site.
- 1.3. The site is located approximately 1 km to the west of the coastline in Killiney and approximately 1.4 km to the north east of the N11.

2.0 Proposed Development

The proposed development consists of the replacement of four louvres in the bell tower with radio-friendly louvres which will allow for the installation of a telecommunications installation consisting of:

- Six antennae,
- One dish,
- Ancillary equipment and cabinets.

St. Matthias Church is listed on the Record of Protected Structures (RPS no. 1686).

Included with the application was a detailed planning report, a 'RF Technical Justification Report' and an 'Architectural Heritage Impact Assessment' prepared by Southgate Associates – Heritage Conservation Associates. The development appears to be for the 3G and 4G network.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘The proposed development constitutes an inappropriate intervention which would adversely affect the character and appearance of the existing Protected Structure. The proposal, if permitted, would set an undesirable precedent for similar development and may undermine the significance and interest of the Protected Structure. In this regard, the proposal is considered to be contrary to Policy AR1 and Section 8.2.11.2 (i) of the Dun Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, be contrary to the proper planning and development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the proposed development. The Planning Authority Case Officer refers to the A/ Conservation Officer report and the recommended refusal reason. The Planning Authority Case Officer was satisfied that the submitted justification for this location was acceptable and that the a nearby school and Montessori were informed of the proposed development. The Planning Authority Case Officer was fully aware of Circular PL07/12 and that the proposed development will be ICNRIP (International Commission on Non-Ionising Radiation Protection) compliant.

3.2.2. Other Technical Reports

Conservation Division – Architects’ Department: Refusal recommended due to the impact on the protected structure, due to impact on the character and appearance of the protected structure and would be contrary to Policy AR1 of the development plan. Noted the history of the site and the similarity of this development to a previous application under P.A. Ref. D15A/0245/ ABP Ref. PL06D.246070.

Drainage Planning – Municipal Services Department: No objection to the proposed development.

3.2.3. **Prescribed Bodies**

None.

3.2.4. **Objections**

A number of letters of objection were received to the original application. R. Boyd Barrett TD and individual members of the public made submissions.

The following points were made in summary:

- Concern about the health implications of living next to the proposed development.
- No consultation was held with the adjacent Montessori.
- The proposed development will negatively impact on a protected structure.
- Montessori, scout hall and parochial hall are all within a short distance of the subject site.
- Concern that the development may be a form of project splitting.
- There is no need for this development as phone/ broadband coverage is good in the area.

Comment made that the public notices were put up when everything was shut due to Covid 19 lockdown period. Also, the notices may not be visible from those using a car.

4.0 **Planning History**

P.A. Ref. D15A/0245/ ABP Ref. PL06D.246070 refers to a May 2016 decision to refuse permission for the erection of four number Vodafone antennae on support poles located behind louvre windows and an associated equipment cabinet. A single reason for refusal was issued as follows:

‘It is considered that the proposed development would adversely affect the character and appearance of St Matthias Church, which is a Protected Structure included in the Dun Laoghaire-Rathdown County Development Plan 2010 – 2016, and would, therefore seriously injure the amenities of the area. The proposed development would be contrary to Policy AR1, to protect the architectural heritage of the county,

as set out in this Development Plan, and would be contrary to the Ministerial Guidelines relating to Telecommunications Antennae and Support Structures, issued by the Department of the Environment, Heritage and Local Government in July 1996. The proposed development would, therefore, be contrary to the proper planning and development of the area’.

P.A. Ref. D07A/1407/ ABP Ref. PL06D.229521 refers to a January 2009 decision to grant permission for a similar development to that which is subject to this appeal. St Matthias Church was not listed on the Record of Protected Structures at this time.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. A ‘6 Year Road Proposal’ and a ‘Proposed Quality Bus/ Bus Priority Route’ are indicated for Church Road.

5.1.2. Chapter 5 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Physical Infrastructure Strategy’ and the following is relevant:

5.1.5.3 Policy EI28: Telecommunications Infrastructure and which states:

‘It is Council Policy to promote and facilitate the provision of an appropriate telecommunications infrastructure, including broadband connectivity and other technologies, within the County’.

5.1.3. Chapter 6 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Built Heritage Strategy’. Section 6.1.3.1 ‘Policy AR1: Record of Protected Structures’ includes the following:

‘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.'

5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to 'Principles of Development' and the following are relevant to the subject development:

8.2.11 'Archaeological and Architectural Heritage' – with particular reference to Section '8.2.11.2 Architectural Heritage – Protected Structures' and the following parts:

'The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 6.1.3)' and

'All development proposals potentially impacting on Protected Structures shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities', (2011).

The refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building'.

Also relevant:

'(iii) Development in Proximity to a Protected Structure

Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged. Pastiche design should be avoided as it confuses the historical record of the existing building and diminishes its architectural integrity’.

5.2. Guidelines

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)
- Telecommunications Antennae and Support Structures (DoELG, 1996)
- Circular PL07/12

I note that the ‘Results from the Mobile Consumer Experience Survey 2019’ undertaken by the Commission for Communications Regulation, found that 98% of people had a mobile phone.

5.3. Natural Heritage Designations

5.3.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The applicant has prepared an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development.

Issues raised in the appeal include:

- Need for telecommunications infrastructure in this location, history of planning applications demonstrates this.
- Increased working from home has put pressure on local telecommunication networks.

- Refers to Section 37(2)(a) of the Planning and Development Act 2000 as amended – situations that the Board may grant permission when the Planning Authority has refused permission due to contravention of county development plan. The appellant consider that the development does not materially contravene the county development plan.
- Planning history of the site is detailed. The development will not impact on the protected structure and all works are reversible.
- Note the previous reason for refusal and this has been addressed by revisions to the proposed development.
- The development is in accordance with national guidelines/ policy.

6.2. Observations

6.2.1. Observations have been received from N. & D. Devine, B. Ormond and S. Wallace, and the following comments are made in summary:

- The site notices were up at a time that the church was shut and newspaper sales were less due to a Covid 19 lockdown period; therefore the public did not have enough notification of this development. Site notices would be difficult to see for those using cars.
- Concern raised about potential impact on public health from the development. A school and Montessori are located in close proximity to the development.
- The church is a protected structure and should be protected from inappropriate development.
- One of the observers is a customer of Three and does not have any problems with phone signals in the area.

6.3. Planning Authority Response

6.3.1. The grounds of appeal do not raise any new matter that would justify a change of attitude by the Planning Authority to the proposed development.

7.0 Assessment

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

- Nature of the Development
- Design and Impact on the Protected Structure/ Character of the Area
- Compliance with Local and National Guidance
- Other Issues
- Appropriate Assessment Screening

7.1. Nature of the Development

- 7.1.1. I have had full regard to the planning history of this site, the information submitted with the application, observations received and the report of the Planning Authority, including their internal consultee reports.
- 7.1.2. The proposed development is for a telecommunications installation to support the mobile network operated by Three, within the bell tower of St. Matthias Church, Killiney. The equipment/ antennae etc. will be supported by a frame that is internally attached to the walls. Louvred screens, one on each of the four sides of the tower, are to be removed and replaced with similar looking louvres. From the submitted information, all aspects of the development are to be located within the bell tower.
- 7.1.3. Reference was made in one of the letters of observation to project splitting. I am unsure what is meant by this and it may be an error in the submission. The development as submitted includes all works and necessary equipment/ structures that would allow for the transmissions of signals/ radio waves etc. from this site.

7.2. Design and Impact on the Protected Structure/ Character of the Area

- 7.2.1. The most recent application on this site under P.A. Ref. D15A/0245/ ABP Ref. PL06D.246070 was refused permission due to impact on the protected structure. I have had full regard to 'Architectural Heritage Protection' - Guidelines for Planning Authorities and in particular reference to inappropriate interventions/ modifications to protected structures.

- 7.2.2. The most obvious intervention here is the removal of the louvres and their replacement with similar looking louvres but which allow telecommunication signals to pass through more efficiently. I note under Section 3.0 Louvres, of Appendix 1 – Method Statement, of the submitted Architectural Heritage Impact Assessment, that the existing louvres are not original to the church. It is intended that they be replaced with similar looking louvres and the existing ones retained on site. The retention of the louvres allows for their replacement if the telecommunications structure is to be removed in the future. Similarly, the structure supporting the equipment and antennae is lightweight and can be installed/ removed without impacting on the protected structure. It is not certain if internal floors within the bell tower will require removal, but it is possible to do this, store them for future use and not impact on the character of the protected structure. The submitted report states that the existing bell within the tower will not be impacted by the development.
- 7.2.3. The previous refusal under P.A. Ref. D15A/0245/ ABP Ref. PL06D.246070 referred to impact on the protected structure and its character. I am satisfied that the subject proposal will not negatively impact on the protected structure and that the reason for refusal has been overcome by this application. The previous application included an equipment cabinet located outside of the tower on the grounds of the church. This would be visually obtrusive and would impact on the character of the protected structure. The subject development is contained within the tower and I am satisfied that the public passing the site will not be aware of the development. The works within the structure are not invasive and can be reversed at the end of the life of this equipment/ or for other reasons. The proposed development does not interfere with the operation of the church and so the character of the site is not impacted by the development.
- 7.2.4. The development will not have a negative impact on the visual amenity of the area or on the character of the area. The use and setting of the church will not be impacted upon by the development as proposed.

7.3. **Compliance with Local and National Guidance**

- 7.3.1. The Observations have included concerns regarding public health – I have had full regard to Circular PL07/12 and I will leave any further considerations to other legislation as required by this circular.

- 7.3.2. The Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 supports the development of a suitable telecommunication network throughout the county. Included with the application was a 'RF Technical Justification Report' and this clearly indicates where existing poor coverage can be improved through the proposed development. I am satisfied that the applicant has provided adequate justification for this development.
- 7.3.3. The applicant refers to consultation with a nearby school and the Montessori on site. No copies of these letters were included with the application/ appeal, this may have been an unintentional omission. The Planning Authority raised no concern in relation to this matter.

7.4. Other Issues

- 7.4.1. Comment was made that the site notices were in place during lockdown and the public may not have been aware of the proposed development. I dismiss this argument as a significant number of letters of objection were received and the applicant complied with all requirements in relation to public notices. The visibility or otherwise of the site notice from a car is also dismissed and the Planning Authority had no concerns regarding the public notices.
- 7.4.2. Generally, there is a requirement for co-sharing of new telecommunication structures; in this case it may be difficult to achieve such sharing of infrastructure. The acceptability of the development is due to the fact that it can be contained within the bell tower in its entirety. Any additional external works or installation of equipment cabinets on the grounds of the church would not be acceptable due to impact on the protected structure.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in an established 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 an European site.

8.0 Recommendation

I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

Having regard to the nature, extent and design of the proposed development and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and relevant National Guidance in relation to Protected Structures and to Telecommunications, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure St. Matthias Church, which is a protected structure, or negatively impact on the residential and visual amenities of the area. The applicant/ appellant has provided sufficient information to demonstrate that the site is appropriate for a telecommunication installation and that there is a justifiable need for this structure in this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 4th of June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The transmitter power output, antenna type and mounting configuration shall be in accordance with the details submitted with this application and, notwithstanding the provisions of the Planning and Development</p>

	<p>Regulations 2001, and any statutory provision amending or replacing them, shall not be altered without a prior grant of planning permission.</p> <p>Reason: To clarify the nature and extent of the permitted development to which this permission relates and to facilitate a full assessment of any future alterations.</p>
3.	<p>a) All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>b) The details provided in Appendix 1 – ‘Method Statement’ of the ‘Architectural Heritage Impact Assessment’ prepared by Southgate Associates shall be undertaken in full by the developer. Any original materials to be removed shall be catalogued, suitably protected, and stored on site in a safe location.</p> <p>Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
5.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

Paul O'Brien
Planning Inspector

15th December 2020