



An
Bord
Pleanála

Inspector's Report ABP 310137-21.

Development	Construction of a house, (for occupation by a hotel manager) connection to foul sewer, access off avenue to Finnstown Castle Hotel and site works.
Location	Finnstown Castle Hotel, Newcastle Road, Lucan, Co. Dublin. (Protected Structure.)
Planning Authority	South Dublin County Council.
P. A. Reg. Ref.	SD21A/0027
Applicant	Finnstown House 2012., SPV Ltd.
Type of Application	Permission.
Decision	Refuse Permission.
Type of Appeal	First / Third Party
Appellant	Finnstown House 2012., SPV Ltd.
Inspector	Jane Dennehy
Date of Inspection	4 th June, 2021

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response	10
7.0 Assessment.....	10
8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The location for the proposed development is at Finnstown House dating from the nineteenth century which is in use as a hotel known as Finnstown Castle Hotel. A sixteenth century tower house, known as Finnstown Castle was previously located on the site and partial remains of it were incorporated into the construction of the Finnstown House. The house and the associated complex of buildings and gardens are located at the southern end of a hedge and tree lined avenue within the attendant grounds which is designed nineteenth century demesne landscape. It has grass verges and timber fencing on both sides and with an entrance of Adamstown Road.
- 1.2. On the west side of the avenue immediately inside the entrance, partially screened by the wing walls of the entrance there is a nineteenth century single storey gate lodge behind a screen wall with access off the avenue.
- 1.3. The lands on both sides of the avenue are in pasture with mature trees dispersed through them. The surrounding area which formerly was mainly in agricultural use is characterised by residential development, the development of which commenced in the 1990s and has continued to the present day the majority coming within the area of the Adamstown SDZ.
- 1.4. In the survey records for the National Inventory of Architectural Heritage, (NIAH) Finnstown House is rated as being of regional significance and of special architectural, historical and social special interest. The outbuildings and the gate lodge are both separately rated as being of regional significance and of special architectural interest.
- 1.5. The application site which has a stated area of is formed from lands to the east side of the avenue approximately one hundred metres from the front boundary with Adamstown Road. It has a stated area of and frontage onto the avenue of circa forty metres. There are mature trees within the site area.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the construction of a detached house with an 'H' plan form in three interlinked blocks

with a stated floor area of 314 square metres and which is to be used as a hotel manager's dwelling, creation of an entrance off the avenue, connection to the foul sewer and treatment system and all associated site works.

- 2.2. The application is accompanied by a written submission, drone images and an architectural heritage impact assessment report.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority decided to refuse permission for the proposed development based on four reasons which are outlined in brief below:

- material contravention of the 'OS' zoning objective of the South Dublin County Development Plan 2016-2022.
- Significant adverse and negative visual impact on Finnstown Castle, its curtilage and attendant grounds (a protected structure) which is contrary to Section 11.5.2 (ii) and HCL 3, Objective 1 and HCL3 Objective 2 of the CDP.
- Significant adverse and negative visual impact on Finnstown Castle, its curtilage and attendant grounds (a protected structure) due to the requirement for tree felling and high and intrusive visibility of the proposed development on the approach along the avenue which is contrary to Section 11.5.2 (ii) and HCL3 Objective 2 of the CDP.
- Undesirable precedent for further similar development.

3.2. **Planning Authority Reports**

3.2.1. Conservation Officer:

There is no report available from the Conservation Officer on the current proposal. However, the report on the previous proposal which is comprehensive was consulted by the planning officer. (P. A. Reg. Ref: SD19A/0248 / PL 306032 refers.) In it, reference is made to the characteristics and function of gate lodges within the attendant grounds of historic properties and in particular their low, single storey

profile and relative enclosure adjacent to the main entrance gates. indicates objection based is detailed. The objections of the conservation officer relate to the negative impacts on the context and setting by way of insertion of the proposed dwelling and its scale, height, form and design, 9(which lacks a design rationale), having regard to the characteristics of the gate lodge, the creation of a new opening onto the avenue and proposed removal of trees.

3.2.2. Roads Department:

In the report it is stated that there is no objection to proposed development on technical grounds but the necessity for tree removal to facilitate creation of the entrance onto the avenue at required standards is noted. The attachment of standard conditions is recommended if permission is granted.

3.2.3. Water Services Planning Section.

In the report it is stated that there is a requirement for additional information in respect of percolation tests design for the proposed soakaway which should be in accordance with BRE 365 standards and details of proposals for SUDS arrangements within the site.

3.2.4. Parks and Landscapes Services / Public Realm.

In the report it stated that the proposed development would materially contravene the zoning objective ('OS') because it does not achieve or contribute to the stated aims the objective being solely for open space purposes

3.2.5. The Planning Officer

In his report, the planning officer decided to recommend refusal of permission, having taken the observations and recommendations within the reports issued by the conservation officer and Parks and Landscapes Services Public Realm Division into consideration. Also indicated is concern as to negative impacts by way of the breach in the hedge along the tree lined avenue, (for the proposed entrance) and the scale and dominance of the proposed dwelling and potential for undesirable precedent if permission is granted.

3.3. Prescribed Bodies:

3.3.1. An Taisce.

3.3.2. It is stated that while consideration should be given to the impact on the amenities of the area having regard to the CDP, it is noted that the site is screened by trees and the site location at a distance from Finnstown Castle.

4.0 Planning History

P. A. Reg. Ref. SD17A/0179: Permission refused for the construction of a two-storey dwelling and integrated garage, access from the access avenue to Finnstown Castle Hotel for reasons based on:

- material contravention of the 'OS' zoning objective of the south Dublin County Development Plan 2016-2022.
- adverse visual impact on the setting of the protected structure resulting in material conflict with the Policy HCL3 Objective 2 of the CDP.
- potential risk to public health and safety and adverse impact on trees and the amenities of the area due to insufficient information on surface water drainage arrangements and,
- undesirable precedent for further similar development.

P. A. Reg. Ref: SD19A/0248 / PL 306032: The planning authority decided to refuse permission for construction of a two-storey dwelling and integrated garage, access from the access avenue to Finnstown Castle Hotel based on similar reasons to those attached to the prior refusal of permission under P. A. Reg. Ref. SD17A/0179.

Following first party appeal, the planning authority decision to refuse permission was upheld based on the following two reasons:

“The site is zoned ‘OS’ in the South Dublin County Development Plan 2016-2022 where it is the stated objective ‘to preserve and provide for open space and recreational amenities’. Notwithstanding that residential use is open for consideration under this zoning, the proposed development would not achieve

the stated aims of the zoning objectives or contribute to these objectives. As such, the proposed development would contravene materially the development objective indicated in the development plan for the zoning of the land in question solely or primarily for open space purposes, and would, therefore, be contrary to the proper planning and sustainable development of the area.”

“Having regard to the location of the proposed dwellings, at the front entrance and adjacent to the original avenue to Finnstown House, Protected Structure Ref. 112, it is considered that the proposed development would not be sympathetic to its special character and integrity and would not be appropriate in terms of architectural treatment, character, scale and form. The proposed dwellings would be highly visible on approach to Finnstown House, including the intact tree-lined avenue, and would constitute a significant negative visual impact on the protected structure and its curtilage and attendant grounds, contrary to the requirements of Section 11.5.2(ii) and HCL 3 Objective 1 of the South Dublin County Development Plan 2016-2022 and would materially contravene HCL3 Objective 2 of this Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

The hotel complex itself has been subject of an extensive planning history, primarily comprising grants of permission for proposals for extensions and associated development.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the South Dublin County Council Development Plan, 2016 – 2022 according to which the site is within an area subject to the zoning objective: “OS: *To preserve and provide for open space and recreation al amenities.*”

Residential development is open for consideration according to Table 11.15.

Finnstown Castle Hotel is included on the record of protected structures, (Item No 112)

According to Section 9.1.2 of the CDP, it is the policy of the planning authority under Policy HCL 3 *“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.”*

Objective 1 (of this policy) HCL 3 provides for the planning authority:

“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.”

Objective 2 (of this policy) HCL 3 provides for the planning authority:

“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.”

According to section 9.1.4, in respect of heritage conservation and landscapes it is the policy of the council to encourage the preservation of older features, buildings and groups of structures that are of historic character including nineteenth century and early to mid-20th century houses, housing estates and streetscapes.

Objective 4 of this policy (HCL 5) is “to ensure that infill development is sympathetic to the architectural interest character and visual amenity of the area.

According to section 11.5.2 (iv) “Development in Proximity to a Protected Structure Planning applications for development in proximity to a Protected Structure may require a design statement to outline how the proposal responds to the setting and special interest of the Protected Structure and its curtilage.”

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was lodged by Derek Whyte on behalf of the applicant on 4th May, 2021 and it is accompanied by a copy of the Architectural Heritage Impact Assessment report submitted at application stage. According to the appeal:

- The current proposal is a complete redesign, having regard to the previous unsuccessful application. (P. A Reg. Ref.SD19A/0248/ PL 206032 refers)
- The tree removal, which would be replaced by an increase in hedge height at the entrance would not affect visual amenities.
- The building would not be highly visible on approach along the avenue. There is considerable distance between the proposed house and Finnstown Castle to the south of which there is dense development and, there has been a prior grant of permission for a two storey house between the proposed site and the hotel buildings. The principle of development at Finnstown Castle is well established, permission having previously been granted for a two-storey extension under P.A. Reg. Ref. SD14A/0168.
- The proposed dwelling is required because the offer high end accommodation would, as part of an employment package, attract high calibre candidates for senior positions at the hotel. Reliance of off-site accommodation has affected continuity and staff retention. Many staff work shifts and long days and reside at some considerable distance from the hotel. Public transport availability is poor.
- The proposed stand-alone residential development is reasonable having regard to the zoning objective which allows for consideration of residential development. It is essential and is intrinsically linked to the hotel which as a commercial development is firmly established at the site.

6.1.2. In the appraisal within the accompanying architectural heritage impact report it is concluded, with regard to potential impacts, subject to mitigation proposals with regard to screening, layout and design and form, within the application, that the proposed development:

- Is not overly visually obtrusive,
- is not visible from Finnstown house or its outbuildings,
- would not have detrimental visual impact on the gate lodge and,
- would not alter the character of the field in which the site is formed, the parkland character and its public amenity through its visibility and understanding as part of the parklands of the Victorian demesne, which is noted as not being accessible to the public.

6.2. Planning Authority Response

- 6.2.1. In a letter from the planning authority, it is stated that the planning authority reaffirms its decision to grant permission and has no additional comments.

7.0 Assessment

- 7.1. With the current proposal the applicant seeks to address the issues within the refusal of permission for the prior unsuccessful proposal for a dwelling at the Finnstown House. (P. A. Reg. Ref: SD19A/0248 / PL 306032 refers.) A new site location has been selected in the adjoining field to the site of the prior unsuccessful proposal with a proposal for a new direct vehicular entrance onto the avenue. The dwelling which of considerable size at 314 square metres in floor area is 'H' plan, with three interconnecting blocks in form, is single storey and the footprint is orientated at an angle so that the façade does not face directly towards the avenue from which there is a setback of fifteen metres. The site selected for the previous unsuccessful proposal was immediately opposite the gate lodge on the east side of the entrance with an independent access directly through the frontage onto the Adamstown Road.

- 7.2. The current proposal is considered below under the following sub-headings.

- Zoning Objective – OS: – Open space and recreational amenities
- Architectural Heritage Protection
- Precedent
- Surface water drainage

- Environmental Impact Assessment
- Appropriate Assessment Screening.

7.3. Zoning Objective – OS: – Open space and recreational amenities

7.3.1. With regard to the zoning objective, *OS: To preserve and provide for open space and recreational amenities.*”, it is considered that the proposed development in principle cannot be justified. While a residential development would be open to consideration, the current proposal although stated to be associated with the hotel use in that is stated to be intended for occupation by a hotel manager, it would not be consistent with the stated objectives for open space, and in particular Policy H 3 which would allow for proposals community led housing to be considered, in specific circumstances and depending on the impact on the quality and quantum of open space.

7.3.2. The proposed development constitutes an additional element to the commercial development at Finnstown House in private ownership which are designated as open space. Furthermore, the development of a dwelling in principle is a consideration in that there is no public benefit in the development of a private dwelling, although it is acknowledged that the even if the enjoyment of the amenities of the grounds are to be confined to patrons of the hotel development.

7.4. Architectural Heritage.

7.4.1. The site is also formed from lands within the surviving original nineteenth century designed, demesne landscape also regarded as attendant grounds to historic properties, Finnstown House being included on the record of protected structures with the entire property being subject to statutory protection. (The house, outbuildings, gate lodge and gardens all having been included in the NIAH with regional rating having regard other special interests.) The screening as discussed in the submitted Architectural Heritage Impact Assessment is effective but it remains that the proposed development severs and adversely affects the integrity and character of the demesne. The proposed residential development within these grounds including the creation of an internal driveway, landscaping and an opening onto the avenue involving tree removal would breach and sever the integrity and character of the protected structure.

7.5. However, although unacceptable with regard to the zoning objective and the statutory protection due to the inclusion on the record of protected structures it is fully acknowledged that relative to the previous proposal, there is a reduction in adverse visual impact in the current proposal. This is due to the lower profile, reduces visual conspicuousness and distance from to the nineteenth gate lodge at the entrance which partially concealed by the wing walls and screen walling. However, the degree of adverse negative impact on the integrity of the Finnstown House, its outbuildings and the avenue, gate lodge and entrance within its nineteenth century designed demesne landscape remains significant and unacceptable.

7.6. **Precedent**

7.6.1. Having regard to the foregoing, it considered that the concerns of the planning officer as to potential for undesirable precedent if permission is granted are very reasonable and the inclusion of this issues amongst the reasons for refusal of permission attached to the decision to refuse permission is supported.

7.6.2. **Surface Water Drainage**

7.6.3. It is noted from the water Service Division's report that the details provided with the application for the proposals for surface water drainage are incomplete to facilitate consideration of the proposed development. The outstanding information includes percolation testing and a report on its results, design detail for a soakaway and overflow arrangements and connections and proposal for SUDS drainage arrangements. These matters would need to be addressed in the event of possible favourable consideration of the proposed development.

7.7. **Environmental Impact Assessment Screening.**

7.7.1. Having regard to the nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8. **Appropriate Assessment.**

7.8.1. Having regard to the scale and nature of the proposed development and to the serviced inner suburban location, no Appropriate Assessment issues arise. The

proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the South Dublin County Development Plan, 2016-2022 according to which the lands from which the site is formed is subject to the zoning objective *OS: To preserve and provide for open space and recreational amenities.*” it is considered that the proposed development of a dwelling connected with the existing commercial hotel use at Finnstown House would be contrary to the objectives for the lands to be solely or primarily used for open space and recreational purposes. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the inclusion of Finnstown House on the record of protected structure and to the site formation within part of its surviving nineteenth century designed demesne landscape in which the house, its outbuilding complex, the tree lined avenue, gate lodge and entrance are located it is considered that the proposed development of a house, associated landscaping, driveway and access onto the avenue involving tree removal would sever and would seriously injure the integrity, special character and setting of Finnstown House, a protected structure and would be contrary to Policy HCL 3 which provides for the protection of the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly and the associated specific objectives 1 and 2 with the South County Development Plan, 2016-2022 and contrary to the proper planning and sustainable development of the area.

3. The proposed development would set undesirable precedent for further similar development which in itself or in combination with other development which would materially contravene the zoning objective and would be seriously injurious to the integrity and character of a protected structure and contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
6th June, 2021.