



An  
Bord  
Pleanála

## Inspector's Report ABP-310289-21

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<b>Development</b>	Construction of two-storey parochial house, use of existing vehicular entrance and all associated works. No works are proposed to the protected structure.
<b>Location</b>	Lands within the curtilage of St John the Evangelist Church (RPS no. 1076), Mounttown Lower, Mounttown, Glenageary, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21A/0194
<b>Applicant(s)</b>	Society of St. Pius.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party

**Observations**

Ronan Flood and Sarah Robson,  
Kevin & Kathy O'Connor,  
Catherine Hallinan and Denis O'Farrell.

**Date of Site Inspection**

23<sup>rd</sup> August 2021

**Inspector**

Paul O'Brien

## 2.0 Site Location and Description

- 2.1. St. John the Evangelist Church is located to the west of Mounttown Road Lower and to the south west of Mounttown Road Upper, Glenageary, Monkstown, Co. Dublin. To the south west of the site is St. John's Park, a short cul-de-sac off Mounttown Road Upper comprising of large semi-detached houses. The subject site comprises of an area of land to the south east of St. John's Church, and an associated detached building, on a stated site area of 0.3317 hectares.
- 2.2. The overall lands are relatively long but narrow and there are significant numbers of trees located to the south western side of the site. A high dashed wall forms part of the boundary with Mounttown Road Upper and the rest of the front boundary consists of railings over a low plinth wall, except for a short stretch of road along Mounttown Road Lower. There is a large area of footpath/ pedestrian space to the front/ east of the site which provides access to the church and to pedestrian crossings.
- 2.3. The surrounding area is characterised primarily by residential development, mostly one and two storey houses. The church is an important local landmark through its location, which is elevated, and its defining steeple.
- 2.4. The site is located approximately 0.77 km to the south east of Monkstown and the centre of Dun Laoghaire is a similar distance to the north east.

## 3.0 Proposed Development

The proposed development consists of the following:

- The construction of a two-storey Parochial House. This is to consist of six bedrooms, kitchen, living and dining rooms. The stated floor area is 252 sq m.
- The existing vehicular entrance onto Mounttown Road Lower will provide access to this unit.
- All associated landscaping and site works.

A cover letter/ report accompanies the application and includes a number of photographs of the site, aerial photographs and supporting plans.

## 4.0 Planning Authority Decision

### 4.1. Decision

The Planning Authority decided to refuse permission for two reasons, as follows:

1. The proposed development is contextually inappropriate and will have a visually intrusive impact on the setting, appreciation and amenity of St John's Church and will therefore have a visually over-bearing and injurious impact on this Protected Structure. The open space, notably the curtilage of the Protected Structure is integral to the historical character and architectural interest of the Church and the provision of a dwelling on the site as proposed would result in a negative visual impact by altering and interrupting views to the Church from the streetscape. The proposal is therefore contrary to Policy AR1 (Record of Protected Structures) and Section 8.2.11.2 (iii) (Development in Proximity to a Protected Structure) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Due to the constrained nature of the site, the scale of the double storey element of the dwelling, its setback from the southern site boundary, the likely loss of existing landscaping and its siting relative to the adjoining area of amenity space, the proposed development will adversely impact the residential amenity of the properties to the south. In addition, the proposal will result in direct overlooking of the adjoining areas of amenity space from the first floor windows on the southern elevation of the proposed dwelling. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the proposed development due to impact on the protected structure and also the development would have a negative impact on existing adjoining amenity space. The development would also be visually overbearing on the residential units located to the south. The Planning Authority Case Officer disagreed with the Transportation Planning Report and considered that the development would not give rise to a significant intensification of use of the existing vehicular entrance.

### 4.2.2. Other Technical Reports

**Conservation Division – Architects’ Department:** Refusal recommended due to the impact on the protected structure through the inappropriate context of the development and also there would be a visually intrusive impact on the setting, appreciation, and amenity of St. John’s Church. The views of the church from the public street would be negatively impacted by the proposed house. The site is also not large enough to accommodate such a development.

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

**Transportation Planning:** Refusal recommended as the development would result in the intensification of use of the existing vehicular entrance onto Mounttown Road Lower.

### 4.2.3. Prescribed Bodies

**An Taisce:** Refusal recommended due to the negative impact on the protected structure and the lack of open space to serve the future occupants.

### 4.2.4. Objections

A number of letters of objection were received to the original application. R. Flood & S Robson engaged the services of the Marston Planning Consultancy and D. O’Farrell and C. Hallinan engaged the services of Kiaran O’Malley +Co. Ltd. to prepare objections to the proposed development.

The following points were made in summary:

- The development would negatively impact on a protected structure and have a negative impact on the character of the church. Although no works are proposed to the church, there will be an impact on it.
- The proposed modern design is not keeping in character with the existing structures on site.
- Potential for a third floor to be provided within the structure of the house.
- The development will reduce the availability of open space and car parking on site.
- Insufficient open space is proposed to serve the occupants of this development.
- The removal of existing mature trees will negatively impact on the light, privacy, security and residential amenity of existing houses in the area.
- Negative impact on existing residential amenity through loss of privacy.
- No conservation assessment, visual impact assessment, sunlight/ daylight analysis, noise assessment, ecological assessment or arboricultural assessment have been provided with the application.
- The need for this development is questioned and the existing Presbytery building could provide for any residential need on this site.
- Potential for additional loss of vegetation/ trees due to the insufficient space between the site boundary and the proposed development.
- Insufficient details provided in relation to the proposed access arrangements for this development. The use of the existing access would give rise to an intensification of use and a potential traffic hazard.
- Procedural issues due to the insufficient description of the development in the public notices. In particular, there is a need to divert an existing watermain and this is not described in the public notices/ application description. An incorrect address has also been provided.
- Elevations are incorrectly labelled.
- Concern about the length of time it would take to complete the development if approved, history of delayed works on this site.

An On-Line Observation from H. Roche raised concern about the impact on existing trees and vegetation on site. Requested that any works do not impact on these

mature trees. Notes that the lands opposite the houses in St. John's Park are legally owned by the respective houses and no works to take place on these lands without the prior receipt of consent.

## 5.0 Planning History

None.

## 6.0 Policy and Context

### 6.1. Development Plan

- 6.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A 'To protect and/or improve residential amenity'. A 'Proposed Quality Bus/ Bus Priority Route' are indicated for Mounttown Road Lower.
- 6.1.2. Saint John the Evangelist Church, Hall, and School (RPS no. 1076) are listed as protected structures.
- 6.1.3. 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.'

6.1.4. 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:

8.2.3.1 – Quality Residential Design

8.2.3.4 – Additional Accommodation in Existing Built-up Areas

8.2.3.5 – Residential Development – General Requirements

8.2.4.5 – Car Parking Standards

8.2.8.4 – Private Open Space – Quantity.

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’.

## 6.2. Guidelines

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

## 6.3. Natural Heritage Designations

6.3.1. None.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. The applicant has engaged the services of ha Design Studio to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development.

Issues raised in the appeal include:

- The priests need to live near the church to ensure its protection; the church building has been subject to break-ins and robbery. No works are proposed to the protected structures, but the development would be located within the curtilage of the protected structure.
- The site is suitably zoned for this development and the development is in accordance with the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.
- Open space and internal floor areas meet the requirements of the county development plan.
- The subject site is greenfield lands within the curtilage of the protected structure.
- The proposed development is of a modern design and will not negatively impact on the setting/ character of the protected structure.

- The house will ensure the long-term protection of the church, as the priests will live on site. The accommodation will facilitate the priests who carry out the specific Tridentine Rites for which this particular religious society has been formed.
- The development is in accordance with local, regional, and national policy.
- It is not expected that there will be a need for more than one car at any one time.
- A hedgerow will provide the boundary between the church and the proposed residential unit.
- The appeal is accompanied by a Conservation Report prepared by Mesh Architects.
- It is considered that the proposed house will not impact on the character and/ or setting of the protected structure. The house is intentionally subdued to ensure that it does not dominate the church. The views of the church will not be negatively impacted upon.
- Acknowledge that the elevations were incorrectly labelled.
- Overlooking will not occur due to the proposed layout and the use of narrow obscured glazing at first floor level facing south.
- A letter outlining the context of the proposed development and its relationship with the protected structure is provided by MESH architects.

The appeal is supported with a number of photographs, plans and aerial images.

## 7.2. Observations

- 7.2.1. Observations have been received from R. Flood and S. Robson, K. & K. O'Connor, C. Hallinan and D. O'Farrell.

The following comments are made in summary:

- Agree in full, with the reasons provided by the Planning Authority.
- The details provided in the appeal do not address reason no.1 as issued by the Planning Authority and the response to reason no.2 is not sufficient to address the raised issues.

- Concern that the unit could be revised in the future to provide for a three-storey house on this site.
- The house at 9 m in height is out of character with the existing houses in the area which are on average 7.5 m in height.
- No car parking is provided for parishioners and there is a fear that the development may give rise to a traffic hazard.
- The priests live locally and within walking distance of the church and there is no need for this residential unit.
- The Presbytery could be used as a residential unit and this would be an acceptable use of this building, and which addresses the two reasons for refusal.
- The proposed development would have a negative impact on the protected structure, as outlined in the Dun Laoghaire-Rathdown County Council, Conservation Officer's report. The proposed house is not in keeping in character with the church.
- Potential overlooking of adjoining properties which would give rise to a loss of privacy.
- The development would have a negative impact on existing vegetation and in turn this would negatively impact on wildlife.

### 7.3. **Planning Authority Response**

7.3.1. None.

## 8.0 **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
- Impact on Residential Amenity
- Other Issues

- Appropriate Assessment Screening

## 8.1. Nature of the Development

- 8.1.1. I have had full regard to the planning history of this site, the information submitted with the application/ appeal, observations received and the report of the Planning Authority, including their internal consultee reports. Revised elevational drawings have been submitted to address some labelling issues identified by the Planning Authority Case Officer and also raised in a number of the original letters of objection to the development.
- 8.1.2. The site is zoned for residential development and is located within an area characterised by such development, therefore in principle, the provision of a residential unit here is acceptable. I note the comments made that the unit is to house the priests who serve in this church and whilst this may be the case, I will be assessing this appeal on the basis that the house is a standalone unit. There is no physical connection proposed to the church and other than the access to than from this site, which is through the church lands, the unit is proposed to be independent of the church. If permission were granted, it would not be possible to restrict long term the occupancy of this unit to priests only.

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

- 8.2.1. The first reason for refusal as issued by the Planning Authority, refers to the negative impact that the development would have on the protected structure. From the submitted plans and elevations, and from the site visit, it is clear that the original development of the church and presbytery were carefully considered. The church is the dominant structure and forms a strong landmark in the area. The church steeple is circa 32.5 m to its top and clearly the proposed house at 9 m will not dominate the church. If the house were to be constructed, it will not impact on the dominate nature of the church building.
- 8.2.2. Any development on these lands has to have regard to the character of the protected structure. I am concerned that the proposed house is to be located on an area of land that this not suitably proportioned for the scale of development proposed. This is a narrow strip of land located to the south east of the church and the proposed house is set on a north east to south west axis, due to the width of the site. The proposed house is only 6 m to the south east of the church and the setting of the

church will be adversely affected by development on these lands. The south east elevation provides an attractive aspect to the public road and the provision of a tall two-storey house on this site would block a significant portion of the church from public view.

8.2.3. As stated, the house is proposed to be on a north east to south west axis, which is contrary to that of the church which lies on a south east to north west axis. The design of the proposed house is contemporary, but I consider that this proposal does not adequately allow for a visual/ design integration with the church and the existing form/ layout of the site. Whilst a modern design can work well with a more traditional form of development, I am not satisfied that that proposed house provides for such a form of suitable development. The setting of the church requires the areas of open space to ensure that its landmark status is protected/ emphasised. The introduction of a two-storey building on this modest area of land does not provide for a suitable form of development and would have a negative impact on the setting of the protected structure.

8.2.4. In addition, the development does not respect the character of the area. The house is overly large, and finishes are a mix of render and brick, even though the church is primarily finished in stone. Very little supporting information is provided as to how the house will integrate with the church or other existing development in the area. It is considered that any proposed development on this site should be finished in stone, so as to integrate with the church. I am not advocating a pastiche design in this location, but the use of a render finish to the side elevation of this unit would result in a very stark contrast with the stone finish of the church. The church is the dominant structure in this area, and its character should not be adversely impacted upon. I therefore consider that the proposed development should be refused permission as it would have a negative impact on St. John's Church, which is a protected structure.

#### 8.2.5. **Impact on Residential Amenity**

8.2.6. The proposed development provides for a six-bedroom house, three bedrooms on each of the ground and first floors. These are large bedrooms, with stated floor areas of between 21 and 22 sq m. Rooms and floor areas are therefore acceptable and comply with the requirements of the Dun Laoghaire-Rathdown County

Development Plan 2016 – 2022. Storage is provided in the form of a ground floor utility room, cloakroom, and other storage areas at ground floor level.

- 8.2.7. Open space is provided primarily to the front/ north-east of the house and this cannot be considered as private amenity space. The other areas of open space to the sides/ rear of the house are not acceptable as open space. The proposed house is deficient in terms of open space. The application is for a house and any such development should be provided with the appropriate area of open space.
- 8.2.8. Concern was expressed about the impact of the development on the existing houses in St. John's Park. Overlooking generally applies to the separation distance between directly opposing first floor rear windows. In this case, the houses on this cul-de-sac face from the front onto the rear of this property. The separation distance between the rear windows in the south west (west elevation) and the facing boundary is as low as 1.44 m in places. The second reason for refusal, as issued by the Planning Authority, refers to the impact of the south elevation on adjoining properties, only one window is proposed in this elevation at first floor level, and it is to be fitted with opaque glazing. I do not foresee that this would be an issue of concern. The adjoining areas of amenity lands are semi-private only and do not operate as the primary amenity spaces for the residents of St. John's Park; therefore, I would not have a great concern about this aspect of the development.
- 8.2.9. The proposed development will result in the loss of trees along the boundary of the site, and this is a matter for concern. The insufficient set back from the boundary and the loss of mature vegetation would result in an overbearing form of development when viewed from adjoining properties.

### 8.3. Other Issues

- 8.3.1. Traffic and parking were raised as issues of concern. The Planning Authority Case Officer dismissed the concerns of the Transportation Department in relation to increased traffic. No new access or car parking is proposed to serve this development. Access will be via the existing vehicular entrance onto the Mounttown Road Upper. I have a number of concerns about this aspect of the development. Whilst the reduction in car parking provision/ car use is to be encouraged, there is potential for up to six people to live here (as proposed) and if the property were sold in the future, the potential numbers could increase significantly above that figure.

- 8.3.2. I therefore have a concern that the intensification of use by cars could be significant, and the layout of the access is such that cars cross over a significant proportion of the public footpath. The layout of the site does not lend itself to such traffic movements and the absence of dedicated parking is not acceptable. I would assume that any alterations to the boundary to allow for improved traffic movements, would be strongly resisted by the Planning Authority/ Conservation Officer. The proposed development is therefore deficient in terms of car parking provision and the current layout would give rise to traffic/ pedestrian conflicts.
- 8.3.3. I note the comments made in the letters of objection to concern regarding the impact on an existing watermain. The Planning Authority raised no issues of concern in relation to this and I do not foresee that the development would have any impact on public health.
- 8.3.4. A number of procedural issues were raised in relation to development description and site address. These are validation issues for the Planning Authority to consider and are not matters for the Board to adjudicate.

#### **8.4. Appropriate Assessment Screening**

- 8.4.1. 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.

### **9.0 Recommendation**

- 9.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

### **10.0 Reasons and Considerations**

1. It is considered that, by reason of its uncharacteristic design and location on a piece of land that forms part of the character of the existing site, the proposed development would materially and adversely affect the character and setting of St. John the Evangelist Church, which is listed in the Dun Laoghaire-Rathdown

Record of Protected Structures, and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the proposed development and the traffic to be generated by it, it is considered that the additional traffic movements associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians, and cyclists.
3. The proposed development, by reason of its inadequate qualitative and quantitative provision of private open space, would conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008 and would constitute an unacceptable level of development on this restricted site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Paul O'Brien  
Planning Inspector

21<sup>st</sup> October 2021