



An
Bord
Pleanála

Inspector's Report

ABP-311638-21

Development	Construction of a house.
Location	2, Cannonbrook Cottages, Adamstown Road, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD21A/0208.
Applicant(s)	Michael Gaynard & Susan Cosgrove.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant	Michael Gaynard & Susan Cosgrove.
Observer(s)	None.
Date of Site Inspection	5 th day of November, 2021.
Inspector	Patricia-Marie Young

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1.0 Site Location and Description

- 1.1. This appeal site has an irregular L-shape and a stated site area of 0.07ha. It is located within the heart of Lucan village with its westernmost boundary located c25meters to the south of the heavily trafficked Lucan Road (R835 Regional Road) and Adamstown Road (R120 Regional Road) T-junction. With the R120 accommodating access to the Junction 4 of the N4 which is located c.5km to the south of the site at its nearest point.
- 1.2. The site itself is unkempt and overgrown with a corrugated metal gate once providing access onto the Adamstown Road. This gate and its flanking period stone walls on either side have zero setback from the southerly direction carriage of the Adamstown Road which at this point has a restricted width and accommodates a restricted in width pedestrian footpath on the opposite side. Double yellow lines run alongside the western roadside boundary.
- 1.3. Views into the main area of the site are restricted not just by the aforementioned high stone boundary walls and the corrugated metal gate but also by the overgrown nature of the site which has over time been rewilded by trees, hedge through to shrub species.
- 1.4. The northern boundary is mainly demarked by solid tall timber hoardings, but part of the stone wall returns onto the northern boundary. The land adjoining the appeal site to the north contains an attractive period stone building with the space in between appearing to suffer from surface water ponding. It appears to accommodate *ad hoc* car parking whilst it is currently for sale.
- 1.5. The southern boundary is overgrown but it adjoins a sewage treatment plant that is bound by tall metal palisade fencing. The entrance to this plant as well as its roadside boundaries is setback from Adamstown Road.
- 1.6. Internally the site contains the ruin of a semi-detached modest in size period cottage. This in the accompanying documentation is given to have a 52m². Its adjoining semi-detached pair is in a similar ruinous condition.
- 1.7. The surrounding area has a mixed-use character with the streetscape scene of Adamstown Road and Lucan Road being added to by the positive visual contribution of a number of period buildings.

2.0 Proposed Development

- 2.1. By way of this application planning permission is sought for the construction of detached, 3-storey detached family dwelling with rooflights with a given 343.1m² floor area; new gate vehicular and boundary treatment together with all associated works and services.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 15th day of September, 2021, the Planning Authority decided to **refuse** planning permission for the development set out under Section 2.1 above for the following four stated reasons:

- “1. *The proximity of the proposed vehicular access to a congested signalised junction, the substandard nature of this section of the Adamstown Road including the substandard width of the road in the vicinity of the site and the lack of any pedestrian facilities along the frontage of the site would endanger public safety by reason of traffic hazard.*
2. *Based on the information submitted, the Planning Authority is not satisfied that the proposed development, by virtue of the scale and mass of the proposed house, would not have adversely impact on the character of the Lucan Village Architectural Conservation Area.*
3. *No landscape plan, ecological report or arborist report have been submitted with the planning application and insufficient information has been submitted with regard to the existing mature trees and stone walls/boundary treatments on site. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not negatively affect the amenities and biodiversity of the area. The proposed development would be contrary to Policy G2 Objectives 2, 9, and 13, Policy G6 Objective 1 and Policy HCL15 Objective 3 of the South Dublin County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*

4. *The proposed development, which would remove existing stone walls and mature trees, would adversely affect the character of Lucan Village Architectural Conservation Area, seriously injure the amenities of the area and set an undesirable precedent for other similar developments within the Architectural Conservation Area, which would in themselves and cumulatively, be harmful to the amenities of Lucan Village and would be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer’s report reflects the decision to refuse permission.

3.2.2. Other Technical Reports

Roads: Refusal is recommended.

Water Services: Further information is recommended. This report raises concerns that no soakaway is proposed, and no percolation tests carried out for the same and as the site is located in an area that is at risk of 1 in 100-year storm events a flood risk assessment together with what mitigation measures are proposed are sought together with a map that provides the location of the site in respect to nearby flood risk zones.

Architectural Conservation Officer: Notes that the site is within the curtilage of Griffeen Lodge. There is a defined curtilage and setting associated with the Protected Structure as well as a defined boundary.

Parks: No objection subject to safeguards.

3.3. Prescribed Bodies

- 3.3.1. Irish Water: Further information is recommended. In essence it is sought that the applicant provides a drawing showing the watermain and foul drain layout up to and including the point of connection with the corresponding public infrastructure.

3.4. Third Party Observations

3.4.1. A number of submissions were made by third parties during the course of the Planning Authority's determination of this application. The substantive concerns raised in these submissions can be summarised as follows:

- The redevelopment of this site subject to safeguards is welcomed due to it being vacant and in a derelict state for a considerable time with this adversely impacting upon the vitality and vibrancy of its streetscape scene.
- Proposed development's potential to adversely impact visual setting of Protected Structures and the ACA.
- The proposed development would give rise to overlooking of residential properties in its vicinity.
- Given the size of the proposed dwelling at 343m² concern is raised that the application is a Trojan Horse for another type of use in future. A different type of use has the potential to give rise to a plethora of other impacts on its setting including the intensity of traffic using the entrance onto Adamstown Road.
- The removal of existing trees on this site to facilitate the proposed development is unwarranted.
- Adamstown Road is a cohesive and historic setting with the trees within this property contributing to the sylvan character.
- The existing entrance was never used to accommodate vehicle traffic.
- The proposed development is unsuitable for this site and would damage the environment as well as its visual historic setting.
- This application fails to remedy the issues with the previous application for similar development on this site.
- The proposed development represents a danger to the public were it to be permitted as proposed.
- The traffic submissions prepared by the applicant as part of this application and their findings are not accepted.

- The boundary wall is part of the ancient fabric of the village and is an integral part of the ACA's character.
- The proposed development is out of character with its setting and its height is out of scale at this location.
- The Adamstown Road is one of the busiest roads in the area and the proposed development, if permitted, would represent a road hazard for existing road users.
- The site is situated close to the Griffeen River and Liffey River with the are subject to flooding.
- The public mains drainage is at capacity.
- The adequacy of the AA is questioned.
- The passage of time and the cumulative development in the area has rendered the site unviable for the proposed development sought.
- No proper bat survey has been carried out.

4.0 Planning History

4.1. Site

- **P.A. Ref. No. SD18A/0318:** On the 2nd day of November, 2018, planning permission was refused for a development consisting of the **construction** of a three-storey dwelling house, new gate entrance together with all associated site works for the following stated reasons:

1. *The proximity of the proposed vehicular access to a congested signalised junction, the substandard nature of this section of the Adamstown Road including the substandard width of the road in the vicinity of the site and the lack of the provision of any pedestrian facilities along the frontage of the site would endanger public safety by reason of traffic hazard.*
2. *Based on the information submitted, the Planning Authority is not satisfied that the proposed development, by virtue of the scale and mass of the proposed house, would not have adversely impact on the character of the Lucan Village Architectural Conservation Area.*

3. *No landscape plan, ecological report or arborist report have been submitted with the planning application and insufficient information has been submitted with regard to the existing mature trees and stone walls/boundary treatment on site. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not negatively affect the amenities and biodiversity of the area. The proposed development would be contrary to Policy G2 Objectives 2, 9, and 13, Policy G6 Objective 1 and Policy HCL15 Objective 3 of the South Dublin County Development Plan 2016-2022 and to the proper planning and sustainable development of the area.*
4. *The proposed development, which would remove existing stone walls and mature trees, would adversely affect the character of Lucan Village Architectural Conservation Area, seriously injure the amenities of the area and set an undesirable precedent for other similar developments within the Architectural Conservation Area, which would in themselves and cumulatively, be harmful to the amenities and character of Lucan Village and would be contrary to the proper planning and sustainable development of the area.”*

5.0 Policy Context

5.1. National

- **National Planning Framework – Project Ireland 2040, 2018.** Of note National Policy Objective 6 advocates the regeneration of urban areas; Policy Objective 33 seeks to “*prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location*” and National Policy Objective 35 seeks “*to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*”.
- **Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)** and its companion, the **Urban Design Manual - A Best Practice Guide (2009)**. These Guidelines promote higher densities in appropriate locations. A number of urban design criteria are set out, for the consideration of planning

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

- **Urban Development and Building Heights Guidelines for Planning Authorities December 2018:** These guidelines encourage a more proactive and more flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Section 3.0 of the Guidelines relate to Building Height and the Development Management Process. It sets out that an applicant demonstrate that the proposed development satisfies a number of criteria including that the development is at the scale of the relevant city/town, district / neighbourhood / street and of the site/building.

- **Design Manual for Urban Roads and Streets, March, 2013.**

In terms of the design of the proposed entrance and access to sites at locations like the subject site it is a requirement that they be considered against the Design Manual for Urban Roads and Streets. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e., cities, towns, and villages) and it sets out an integrated design approach.

5.2. Regional

5.2.1. The **Regional Spatial & Economic Strategy (RSES), 2019 to 2031.**

5.3. Local

5.3.1. **Development Plan**

The **South Dublin County Development Plan, 2016 to 2022**, is the operational plan. Under which the site is designated with the land use zoning objective 'RES' which seeks "*to protect and/or improve residential amenity*". Part of the northern and eastern boundaries adjoin land zoned 'M2' which has a land use zoning objective "*to protect, improve and provide for the future development of village centres*".

The site does not contain a Protected Structure but forms part of the designated Lucan Architectural Conservation Area.

Section 11.5.3 of the Development Plan deals specifically with such areas and states that "the scale of new structures should be appropriate to the general scale of buildings within the ACA"

Section 11.5.5 of the Development Plan in relation to sites with steep of varying topography sets out that these should be accompanied by a comprehensive site analysis with such analysis incorporating drainage features.

Housing Policy 17 of the Development Plan states that: "*it is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County*".

H17 Objective 2 of the Development Plan states: "*to maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 implementation*".

The Planning Authority's Planning Officer's Report attached to file sets out a comprehensive list of relevant Development Plan provisions.

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (& pNHA) (Site Code: 001398) which is located approximately 2.8km to the west of the site.

5.5. EIA Screening

5.5.1. Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

6.1.1. The grounds of the First Party Appeal can be summarised as follows:

- The site is located on zoned lands where residential development is permissible.
- The sightlines, site accessibility and road matters have been comprehensively addressed in the Traffic Assessment Report provided.
- The drawings provided show that appropriate sightlines can be achieved.
- The new dwelling would result in only minor intensification in use of an existing entrance onto Adamstown Road. As such this would not result in any significant traffic safety concerns.
- The appellant indicates that they are willing to increase the setback and provide an increased footpath along Adamstown Road to improve safety.
- The site can provide the required car parking spaces for the type of development proposed.
- Minimal loss of trees is proposed, and new trees are also proposed to be planted in the site as part of the proposed landscaping for the site.
- Rebuilding the stone back at a setback is considered an acceptable solution to achieve sightlines and pedestrian access.
- The site is very overgrown and in a poor condition having been left undeveloped for a long period of time.

- The appellant proposed to leave the remains of the ruin on site if possible as part of the landscaping scheme.
- It is confirmed that the finished floor level is 25.06.
- The Board is requested to review the submitted documents provided with this appeal submission.
- The property on site is not a Protected Structure. It is located in an Architectural Conservation Area, and it no longer forms part of the grounds of Griffin Lodge which is located on the opposite side of the road.
- No objection was raised by the Conservation Officer to the proposed development.
- The proposed dwelling is visually compatible with the adjoining Protected Structure and is sufficiently setback from Protected Structures in its vicinity.
- The proposed overall height, massing and elevation details result in a well-designed and proportioned contemporary family dwelling. In addition, it would be constructed to NZEB standards.
- The revised house design would result in no overshadowing or overlooking of adjoining properties.
- Flood Risk concerns have been addressed by way of a Specific Flood Risk Assessment provided with this appeal submission.
- The concerns of the Planning Authority can be dealt with by way of conditions.
- The Board is requested to overturn the decision of the Planning Authority in this case.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response, dated the 27th day of October, 2021, can be summarised as follows:

- They confirm their decision.
- They consider that the issues raised in the appeal have already been covered in their Planning Officer's Report.
- No further comments are made.

6.3. Referrals

- 6.3.1. The Board referred this appeal to An Chomhairle Ealaíon, An Taisce, Fáilte Ireland, Minister for Culture, Heritage and the Gaeltacht, and The Heritage Council. No responses received.

7.0 Assessment

7.1. Overview

- 7.1.1. Having carried out an inspection of the site and its setting and having had regard to: the relevant policies pertaining to the site and the proposed development sought; the nature of sites current abandoned and unkempt state; the nature of development within the vicinity of the site including having regard to the site's transitional zonal character alongside the built heritage sensitive of the site due to it forming part of the visual curtilage of a number of Protected Structures as well as forming part of an Architectural Conservation Area; the nature and scale of the proposed development; the nature of existing and permitted development in the immediate vicinity of the site including their land uses and built forms; I consider that the main issues in this appeal are those raised in the grounds of appeal with these relating to the four reasons given by the Planning Authority in their reasons to refuse the proposed development sought under this application and I am satisfied that no other substantive issues arise.
- 7.1.2. The issue of flood risk and appropriate assessment also needs to be addressed.
- 7.1.3. This consideration is based upon a number of factors including that the following substantive factors. Firstly, the type of development proposed under this application is deemed to be acceptable subject to safeguards on 'RES' zoned land under the South Dublin County Council Development Plan, 2016 to 2022.
- 7.1.4. Further this Development Plan through provisions like objective HCL4 Objective 3 which I note seeks to address dereliction and promote appropriate as well as sensitive re-use, rehabilitation of buildings, building features through to sites within Architectural Conservation Areas. Thus, finding a viable land use for a long abandoned and unkempt parcel of land occupying a village location where its current state not just diminishes the vibrancy and vitality of this village's historic core whose visual character and intrinsic qualities is of built heritage merit and as such afforded protection as an Architectural Conservation Area is consistent with this Development Plan objective.

- 7.1.5. Moreover, the surrounding setting includes a number of Protected Structures that also form part of the ACA which adds to the visual and built heritage sensitivity of its streetscape setting. I therefore note that objective HCL3 Objective 2 of the Development Plan seeks to ensure that all development proposals that affect a Protected Structure and its setting are sympathetic to their special character and integrity including are appropriate in terms of architectural treatment, character, scale, and form.
- 7.1.6. While I do raise a concern that the proposed dwelling, if permitted in the form proposed, would be a highly dominant as well as visually overt new built insertion in its streetscape scene whose palette of materials through to the overall design articulation of its built form, solid to void ratio, height through to massing and angularity would be out of character with its surrounding setting.
- 7.1.7. To this concern I am also of the view that whilst a contemporary approach is acceptable in this case the design resolution but forward lacks an overall lightness of touch and displays insufficient cognisance to its setting to allow it, if it were to be permitted, to visually harmonise and connect with buildings outside of the adjoining sewage treatment plant that adjoins the southern boundary of the site.
- 7.1.8. I do not consider that these concerns could be overcome by way of condition and given the substantive reasons for refusal I consider these concerns add to the reasons set out by the Planning Authority under Reason No. 2 and 4 in the notification to refuse permission which are addressed together in my assessment below. Notwithstanding these concerns I do consider that the general principle of seeking to reverse the abandoned and unkempt nature of this site is consistent with Development Plan provisions, including the aforementioned objective, subject to safeguards, it has the potential to significantly contribute to the quality of their visual setting.
- 7.1.9. Furthermore, the Development Plan includes a number of provisions that supports the vibrancy of urban settings, particularly their cores. For example, objective R1 Objective 4 which sets out that the Council will seek: *“to support the viability and vitality of the existing retail centres in the County”*; and objective UC1 Objective 3 which sets out that the Council will seek: *“to protect the quality, ambiance, vibrancy and vitality of urban centres by promoting an appropriate mix of day and night-time uses, including commercial, recreational, civic, cultural, leisure and residential uses and to limit or*

control uses that might have a detrimental impact on the amenities of centres". The reversal of this site's abandoned state and the provision of a suitable development at this location has the potential to add to the vibrancy of this village's streetscape scene in a positive manner. With the proposed development being a type of development, i.e. one residential unit, that would add to the compact nature of residential development within this settlement whilst limiting the level of traffic generation and traffic movements at a location where the site is located in close proximity to the heavily trafficked signalised junction of Adamstown Road and Lucan Road at a point where the width is restricted and upon inspection I observed that it would appear that a large number of vehicles are journeying at speeds due to Adamstown Road linking with the N4 Junction 4 which is located circa half a kilometre to the south.

7.2. First Reason of Refusal

- 7.2.1. In respect of the Planning Authority's first reason of refusal they reason that due to the proximity of the proposed vehicular access to a congested signalised junction together with the substandard nature of this section of the Adamstown Road including its substandard width together with the lack of provision of any pedestrian facilities along the frontage of the site that the proposed development would endanger public safety by reason of traffic hazard.
- 7.2.2. The appellant as part of their submission to the Board indicate that they are willing to further setback the historic stone boundary wall that in its current form aligns with the eastern roadside of Adamstown Road in order to accommodate a deeper grass verge ranging in its depth between 2m on its northernmost point to 1.03m at its southernmost point. No pedestrian footpaths are proposed nor is any road widening of Adamstown Road which at this point has a measured width of 3m and accommodates to carriage lanes.
- 7.2.3. I consider that this amendment does not address the deficiencies of the proposed entrance onto Adamstown Road where not only is there a heavy flow during non-peak hours which was the time in which my site inspection occurred. But also, I observed that it would appear that the traffic is journeying at speed above that of the posted speed limit of 50kmph during this time. With the majority of trafficking either journeying to junction 4 of the N4 or after exiting junction 4 of the N4 and continuing their onward journey through the signalised junction of the Lucan Road and Adamstown Road.

- 7.2.4. Further TM5 SLO 1 of the Development Plan states that the Council will: “*seek to configure the road layout and traffic management arrangements so as to improve flow*” ... “*including at the junctions of Lucan/Celbridge Road with Adamstown Road and Main Street*”.
- 7.2.5. Given that the adjoining stretch of Adamstown Road is significantly substandard in its width with this carrying through to the front of the adjoining sewage treatment plant to the south which I note accommodates a more significant grass margin adjoining this road which allows for future road improvements. I am of the view that the proposed setback of the stone wall together with the manner in which the roadside boundary and entrance onto Adamstown Road is designed and layout out as proposed in the suite of drawings accompanying this application to the Planning Authority or as revised in the drawings accompanying this appeal submission do not overcome the significant issue that there is with the substandard width along this stretch of Adamstown Road. Further neither proposal seeks to future proof the design so that it would not prejudice the realisation of traffic management objective TM5 SLO 1, i.e., the potential future improvements proposed for the road layout and traffic management arrangements in the immediate vicinity of the Adamstown Road and Lucan Road T-junction.
- 7.2.6. Having inspected the site I am of the view that the entrance that is present is one that has been long abandoned and the entrance is of a substandard width that would have made historic safe access and egress of modest in width motorised vehicles difficult.
- 7.2.7. I also consider that cognisant should be had to the historic use of the site, its long-abandoned nature through to the much-changed urbanscape it forms part of which appears to include an amended curtilage of Griffin Lodge which the site is purported to have once formed part of. I do not accept it has been substantiated by the appellant that the existing entrance is one which up to recently accommodated vehicular access and egress. Given that the entrance immediately opens on to the Adamstown Road with effectively zero sightlines in either direction due to the height and solidity of its flanking stone walls its capacity to have accommodated safe access and egress onto and from the public road without giving rise to conflict or hazard to other road users is highly questionable.
- 7.2.8. I concur with the Planning Authority’s set out reasons under Refusal Reason No. 1 and to this I also consider that if permitted in the form proposed that the design and

layout of the entrance serving the dwelling in terms of its design and layout does not go far enough to ensure that it would not prejudice the future realisation of TM5 SLO 1.

7.3. Refusal Reason No. 2 and 4 – ACA Impact

- 7.3.1. In respect of the Planning Authority's second reason for refusal I consider that this raise concern in relation to the impact the removal of trees and the removal of the stone wall would have on the character of Lucan Village Architectural Conservation Area. It is therefore considered that these components of the proposed development would adversely impact on the character of this village and would be contrary to a number of the Development Plan policies and objectives. These are listed as Policy HCL4 Architectural Conservation Areas; Policy 5 Older Buildings, Estates and Streetscapes; HCL4 Objective 1; HCL4 Objective 2; and, HCL4 Objective 3 of the Development Plan. For this reason, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.
- 7.3.2. I consider that the fourth reason given by the Planning Authority to refuse permission adds to this concern in that it considers that removal of stone walls and mature trees would adversely affect the character of Lucan Architectural Conservation Area, it would seriously injure the amenities of the area and it would set an undesirable precedent for other similar developments within the ACA which would in themselves and cumulatively, be harmful to the amenities and character of Lucan Village. For these reasons it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 7.3.3. Having inspected the site and its setting I observed that there were several mature trees on the site that added to sylvan character of this stretch of street and undoubtedly adds to the biodiversity in this urbanscape. The level of biodiversity I concur with observers in their submission to the Planning Authority has not been fully explored in the documentation accompanying this application. Including the potential for the site to be a place for bats to roost and/or feed by way of preparation of a Bat Survey that accords with best professional practice.
- 7.3.4. In relation to the stone wall, despite the presence of an unsympathetic corrugated metal gate and the lack of upkeep of the historic boundary wall it nonetheless positively contributes to the built historic sense of place and uniqueness of this section of the

Lucan ACA. Moreover, it is a surviving part of the former curtilage of Griffin Lodge, the adjoining Protected Structure to the north, from which it and the adjoining semi-detached ruined cottage have been severed.

- 7.3.5. Needless to say, in an ideal the world the latent potential of these particular properties including how they relate to their streetscape setting and connect with it whether that is by car or by vulnerable users would have been best realised in a collective, coordinated and site sensitive manner.
- 7.3.6. Such an approach in my view would have realised their maximum potential but also it would have most probably resulted in a more cohesive response to this built heritage sensitive village core site and setting allowing for built and natural features of merit to be properly considered in this context.
- 7.3.7. Policy HCL 4 of the Development Plan deals with the matter of Architectural Conservation areas and it states that: "it is the policy of the Council to preserve and enhance the historic character and visual setting of Architectural Conservation Areas and to carefully consider any proposals for development that would affect the special value of such areas.
- 7.3.8. In tandem HCL4 Objective 1 seeks to avoid the removal of structures and distinctive features that positively contribute to Architectural Conservation Areas including boundary treatments and landscaping; HCL Objective 2 seeks to ensure that new developments within ACA's preserve or enhance the special character and visual setting of the ACA including vistas and streetscapes; and HCL4 Objective 3 seeks to address dereliction and promote appropriate sensitive reuse and rehabilitation of building features and sites within ACA's.
- 7.3.9. In addition, HCL Policy 5 sets out that it is the policy of the Council to encourage the preservation of older features and the like that are of historic character.
- 7.3.10. Having regard to the submitted plans including having regard to the appellants submission I concur with the Planning Authority that the sylvan character of the site which adds to this stretch of the ACA would be adversely diminished and, in its place, would be a building whose overall design, scale, height, massing and articulation of built for would be at odds with its surrounding setting in an overtly dominant manner. This loss would not be compensated for in the landscaping scheme proposed,

including having regards to the suggested improvements in the same in the appeal submission.

- 7.3.11. In relation to the period stone wall, its loss would also diminish the character of this stretch of the ACA, and it is unlikely that with the best of intentions and best of skills that a patina of its age as well as character would result in its rebuilding at a setback. Particularly in a context whereby the substandard nature of the road and the design as layout of the new entrance has not fully considered the need for both improved vehicle and vulnerable user movement along it.
- 7.3.12. The combined loss of the mature trees and the stone wall would in this context adversely affect the character and intrinsic quality of the Lucan Village Architectural Conservation Area in a manner that would not be in the interests of the greater good.
- 7.3.13. I consider that whilst any future applications proposing similar losses must be considered on their merits with regard to all relevant planning considerations at the time they are made; notwithstanding, there is some merit to the argument that the loss and erosion of built and natural features of merit could set a harmful precedent that would cumulatively erode the amenities and character of this historic ACA. In turn this would diminish the ACA's sense of place, identity and uniqueness in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.14. I therefore concur with the reasons given by the Planning Authority under Refusal Reasons No. 2 and 4. I also consider that the proposed design of the dwelling to be visually incongruous and overtly dominant, which would be out of character with the streetscape scene and would set an undesirable precedent for future development in this area where insufficient regard is had in the design resolution to site setting and place. The design of this dwelling together with the landscaping through to site access provisions is not such to justify the loss of significant number of mature trees within limited replacement or landscaping measures to ameliorate the loss or the loss of the existing historic stone wall fronting Adamstown Road. The proposed development would for these reasons seriously injure the visual and built heritage amenities of the area in a manner that would be contrary to the proper planning and sustainable development of the area.

7.4. Refusal Reason No. 3:

7.4.1. I consider that this reason for refusal has been addressed by the suite of architectural drawings accompanying the appeal submission. As such I consider that the appellant has addressed this reason for refusal by way of providing missing drawings and amending inaccuracies present in the suite of drawings accompanying the application as submitted to the Planning Authority for their determination.

7.5. Appropriate Assessment

7.5.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.6. Other Matters – Flood Risk

7.6.1. Flood Risk Assessment:

The appeal submission is accompanied by a Flood Risk Assessment that concludes that the site is located in Flood Zone C and that there is low probability for a flooding event (1 in 1,000-year event) at a small portion of the site. The site is suitable for development subject to the finished floor levels of the dwelling being set above potential floor extent levels.

The proposed FFL is given as 25.06 and I note that the ground levels of the site fall significantly from east to west with this fall in ground levels responded to in the design of the three storeys of habitable accommodation proposed in the dwelling sought under this application.

The assessment provided notes that when the River Griffeen Flood Protection Works are complete that this would further protect the site and it is recommended that SuDS principles be incorporated.

The amended drawings accompanying this appeal submission do not show evidence of the same and of concern on the day of my inspection of the site and the setting there appeared to be a steady run of water running in an easterly direction not just on the adjoining land to the north of the site but on the small area of the site which I was able to access.

I note that it is a requirement under Section 11.5.5 of the Development Plan in contexts like this, i.e., where sites with steep or varying topography are the subject of

development proposals that they are accompanied by a comprehensive site analysis with this in part demonstrating how the proposal incorporates drainage features of the site.

It is therefore a concern that such an appraisal is not provided alongside no specific drainage measures have been incorporated into the design put forward for the proposed development for consideration.

8.0 Recommendation

8.1. I recommend that permission is **refused**.

9.0 Reasons and Considerations

1. The proximity of the proposed vehicular access to a congested signalised junction, the substandard nature of this section of the Adamstown Road including the substandard width of the road adjoining the Adamstown Road roadside boundary, the absence in the design of an adequate setback and a provision for pedestrian access by way of extending the footpath of Adamstown Road where it terminated to the north of the site to the south of where the roadside boundary ends, would endanger public safety by reason of a traffic hazard.
2. The proposed development, by reason of its removal of significant number of mature trees and a historic stone wall, which together add to the sylvan and built heritage character of their streetscape scene, would materially affect the character of the Lucan Architectural Conservation Area, and would thereby seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The development of the kind proposed would be premature pending the determination by the planning authority of a road layout and traffic management arrangements in the immediate vicinity of the Adamstown Road and Lucan Road T-junction.
4. Having regard to the location of the site in the Lucan Architectural Conservation Area, to the built form and character of the Adamstown Road and the localised views from the Lucan Road streetscape scene the site forms part of, to the built heritage

importance to the streetscape, it is considered that the proposed development, consisting of a three-storey apartment building of an overly dominant and incongruous built form and design, would be visually incongruous in its setting which it would be out of character with and it would set an undesirable precedent for future development in this area. The design is not considered to justify the demolition of the existing period stone wall or the loss of mature trees on the site. The proposed development would seriously injure the visual amenities of the area as well as the intrinsic character of the ACA at this location and would therefore be contrary to Policy HCL4 of the South Dublin County Council Development Plan, 2016 to 2025, which seeks to preserve and enhance the historic character and visual setting of Architectural Conservation Areas as well as to carefully consider any proposals for development that would affect the special value of such areas, in relation to urban development and would therefore be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

13th day of December, 2021.