



An
Bord
Pleanála

Inspector's Report

ABP-316998-23

Development	Demolition of Richview House, construction of 4 houses, internal road layout, open space, access from Bellevue Hill via estate road currently under construction.
Location	Richview House, Bellevue Hill, Delgany, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	23/130.
Applicant(s)	Napier Ventures Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V Refusal
Appellant(s)	Napier Ventures Ltd.
Observer(s)	None.
Date of Site Inspection	3 rd August 2023
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The subject site (c. 0.24 ha) is located northwest of Delgany village, County Wicklow. The site is located on the eastern side of Bellevue Hill, which is a public road that runs north south and has a junction with the R762 to the south of the site in the village centre.
- 1.2. The original overall landholding included Richview House, Gate Lodge, and associated outbuildings. Richview (Gorteen) House is located to the eastern side of the site and the gate lodge at the entrance from the western side of the site.
- 1.3. The overall site generally slopes down southeast (from Bellevue Hill Road) towards the coast, and benefits from sea views.
- 1.4. Permission for a residential development was permitted under PA.Reg.Ref. 15/1307 and PL.27.248401 as extended by as extended by PA.Reg.Ref.22/540. This permission which was subject to a number of further amendments is currently being implemented on site.
- 1.5. The appeal site itself includes 'Richview House' a two-storey property which is currently vacant and in poor repair and derelict condition.
- 1.6. The house is adjoined to the north and east by newly constructed two storey semi-detached residential houses. Significant site works have already taken place such that the existing house is elevated above the immediately adjoining newly constructed residential houses. Retaining walls bound the site to the north, east and south. The remaining area of the appeal site to the west is currently in use as part of the great construction site.
- 1.7. The site is currently accessed via the internal road layout and the main vehicular entrance to the overall development adjoining the existing gate lodge at the southwestern end of the site along the Bellevue Hill Road.

2.0 Proposed Development

- 2.1. This is an application for permission for the following;
 - Demolition of Richview House (275 sqm)
- 2.2. It is proposed to provide;

- Construction of 4 No. houses (comprising 3no. four bed and 1no. five bed units)
- 2.3. The development will also include an extension to the internal road layout, and associated open space, site services and utilities, with access from Bellevue Hill via estate road currently under construction.
- 2.4. The application for the proposed development was accompanied by the following;
- Planning Report
 - Architectural Heritage Impact Assessment (AHIA) Report
 - Building Survey of Richview House
 - Landscape Masterplan
 - Traffic and Transport Assessment Report
 - Water Services Report
 - Site-Specific Flood Risk Assessment Report
 - AA Screening Report
 - Bat Fauna Impact Assessment Report

3.0 **Planning Authority Decision**

3.1. **Decision**

Wicklow County Council (WCC) decided to **refuse** permission for the above-described development for one no. reason.

1. 'Having regard to the special architectural and social interest of Richview (Gorteen House), which has an NIAH rating of 'Regional Importance', it is considered that it has not been satisfactorily demonstrated that the proposed demolition of the building would not be contrary to the objectives of the County Development Plan 2022-2028, which seek the retention and reuse of historic buildings which contribute to the County's architectural heritage. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planner's report** dated **28/03/2023** is the basis for the Planning Authority decision. It includes;

- *Principle* – Notes justification for demolition provided in the Planning Report, AHIA and Building Survey Report, considered inadequate.
- When recorded on the NIAH in 2004, Richview (Gorteen) House special interest was identified as 'Architectural' and 'Social'.
- Present condition has arisen due to neglect rather than accidental damage. Notes some roof repair works were carried around the time of the planning application PRR 15/1307. Considers had the building been occupied and/or maintained in recent years, the current level of disrepair could have been avoided. Despite this it appears to retain elements of architectural and cultural heritage interest and appears to be reasonably intact and capable of renovation.
- Building Condition Survey does not appear to have been prepared by a specialist structural engineer, as per the Architectural Heritage Guidelines 2011. The report notes damage and disrepair to the building, but it is not evident that the structure is beyond repair.
- Notes damage/disrepair to some historic features of the building but also note that most of the original fabric and many original features survive, including some listed in the NIAH description. Consider that the external character of the building remains and that, together with the associated Gate Lodge, makes a contribution to the built heritage and character of the local area in terms of its architectural and social interest. Note that the building has an elevated position, visible from the surrounding area.
- Urban Design Appraisal submitted in support of PRR 15/1307 noted that the retention of Richview House and its amphitheatre shaped existing garden contribute to the distinctiveness and creation of a sense of place for the wider residential development. The retention and reuse of recognisable features supports an emotional attachment to the place. The

house and garden/public open space were intended as the focal point of the scheme.

- Notes relevant decisions by the Board, ABP 308127-20 & PL04.245744, whereby permission for demolition of structures on the NIAH was refused.
- Consider that the building's essential character remains, that it contributes to the special character of the area and not clear that it is beyond restoration.
- *Design* – In keeping with row of houses to the north and is acceptable. House type D2 has a dual aspect overlooking the open space to the south and west.
- *Density* – Similar to existing density approved for the site and meets the required standards with regard to house design, open space, parking, access etc.
- *Open Space* – Quantity of public open space for the overall development would decrease by 55sqm to 959.7sqm (37% of site area), which still exceeds the Development Plan standards. Private open space meets with minimum requirements for open space set out in the CDP.
- *Parking/access* – Existing internal access road would be extended to serve the new dwellings.
- *Bat Survey* – Dated February 2023 shows no evidence of bats roosting on the building proposed for demolition. Two bat species roosting on site may be displaced during construction and a derogation licence will be required to remove the roost on site. Mitigation measures are proposed to minimise any impacts on the bats.
- *Water/Wastewater* – Connection to existing mains supply proposed.
- *Flooding* - Flood risk assessment submitted has determined that a justification test is not required for the development and SUDS measures will be implemented to limit the discharge rates to the site.
- *Archaeology* - Comments received from the Department of Housing, Local Government & Heritage request an Archaeological Impact Assessment in respect of the site area, which wasn't subject to testing previously.

3.2.2. Other Technical Reports

Heritage Officer: Report dated 27/03/2023 recommends **refusal**. *'It is clear that the house has suffered considerably from neglect since its description on the NIAH as 'a late Georgian style gentleman's residence of c.1840' .. a fine, well maintained example of its genre'. Despite this it appears to retain elements of architectural and cultural heritage interest and would appear to be reasonably intact and capable of renovation. I recommend that demolition be resisted, and the house be retained as per the original permission for the scheme PRR 7517307 & 27.248401.'*

Greystones Municipal District Engineer: Report dated 10/03/2023 notes the following *'As the original application 15/1307 sought to keep Richview House and the Gate Lodge as architectural heritage features should planning be granted for the demolition of Richview House it should be conditioned that the Gate Lodge also be demolished. During the planning process for the main application 15/1307 the demolition of the Gate Lodge was sought by the road authority in order to allow for future road improvements to Belleview Hill. However, as the main house was to be kept it was considered appropriate to keep the gate lodge too. So should it be decided to grant this application a condition should be attached to also demolish the gate lodge and set back the roadside boundary in the same fashion as the roadside boundary along Belleview Hill outside 15/1307 in the interests of road safety.'*

Transportation, Water & Emergency Services: Report dated 06/03/2023 no observations from a road's perspective, refer to the previously granted application with planning reference PRR 15/1307.

Fire Service: Report dated 08/03/2023 recommends no objection subject to requirements.

3.3. Prescribed Bodies

TII: No observations.

Irish Water: No objection subject to standard conditions.

Development Applications Unit (DAU), Dept. Housing, Local Government and Heritage: Report dated 20/03/2023 recommends further information. It notes that the proposed development is located in the vicinity of an archaeological site

identified as WI013-141 cremation pit in the Archaeological Survey of Ireland records. Recommends that an Archaeological Impact Assessment including archaeological testing be carried out and a report submitted by way of further information.

3.4. Third Party Observations

There was one objection lodged with the planning authority from the following parties;

- Colin Acton and Charlotte Byrne 15, Valley View, Delgany

Issues raised can be summarised as follows;

- Agree with the refusal of the previous application in October 2022.
- Building Survey Report submitted was undertaken by a Chartered Building Surveyor and not by a Chartered Structural Engineer. The survey is no more than a visual inspection.
- Planning application reference to much needed houses is incorrect as Greystones-Delgany already has more than enough constructed, and/or under construction.

4.0 Planning History

Parent Permission (for overall development)

PA.Reg.Ref.15/1307 **ABP PL27.248401** as extended by PA.Reg.Ref.22/540

Permission **granted** 09/10/2017 under PL27.248401 for development on the current site for 89 houses, removal of stables, outbuildings and partial removal and change of use of house to crèche, ESB substation, car parking, vehicular and pedestrian entrances at Richview House, Bellevue Hill, Delgany, Co. Wicklow.

This permission was extended by PA.Reg.Ref.22/540 on 12/07/2022.

Amendment Application (which included the construction of 10 additional units)

PA.Reg.Ref.20/545 **ABP-309081-21**

Permission **granted** 03/05/2022 for - Amendments to the previously permitted residential development (PL27.248401 / PA Reg.Ref.15/1307). The amendments will consist of the following:

A) An amendment to the layout of 36 no. previously permitted dwellings (no. 19 to 34 inclusive, 54 to 60 inclusive and 72 to 84 inclusive) for the construction of 10 no. additional dwellings. The amended development will consist of 92 no. new single, two and three storey dwellings including 5 no. 4 bed detached dwellings, 14 no. 4 bed semi-detached dwellings, 44 no. 3 bed semi-detached dwellings, 28 no. 3 bed terraced dwellings and 1 no. 2 bed terraced dwelling. The proposal includes the omission of previously permitted house types A, B, E & F and the inclusion of new houses types J1, M1 & N;

B) The position of previously permitted dwelling no's 43 to 53 inclusive are to be moved south. The alignment of the internal estate road and public open space in front of these dwellings is to be amended; accordingly,

C) The position of the previously permitted northern site boundary wall and fencing is proposed to be moved;

D) The proposed alteration to previously permitted house type H (previously permitted dwelling no's 47, 48 & 49). The 2-no. type H end of terrace 3 bed dwellings are to be reduced in gross floor area from 103.8sqm to 101.7sqm;

E) The previously permitted 3m high boundary wall with the convent land on the southeast site boundary is to be reduced in height to provide a 1.8m high capped and rendered blockwork wall;

F) A 10sqm extension to the rear of the previously permitted crèche. The new gross floor area is to be 154sqm with a proposed increase in childcare capacity from 23 to 25 child spaces.

Appeal Site

PA.Reg.Ref.22/957 **ABP-315095-22** Appeal Withdrawn

Permission **refused** 21/10/2022 for demolition of Richview House (275sqm). The construction of 4 no. dwellings, including 3 no. 4 bed semi-detached units and 1 no. 5 bed semi-detached unit. Internal road layout and associated open space. Required site services and utilities.

The **Assistant Planner's Report** dated 19/10/2022 recommends a **grant** of permission subject to conditions. This report was superseded by the Senior Executive Planner's **Supplementary Report** dated 19/10/2022 which recommends permission be **refused** for the following reason;

'Having regard to the special architectural and social interest of Richview (Gorteen) House, which has an NIAH rating of 'Regional Importance', it is considered that it has not been satisfactorily demonstrated that the proposed demolition of the building would not be contrary to the objectives of the County Development Plan 2016-2022, which seek the retention and reuse of historic buildings which contribute to the County's architectural heritage. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.'

5.0 Policy Context

5.1. The National Planning Framework (NPF)

- 5.1.1. National 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".
- 5.1.2. 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".

5.2. The Eastern and Midland Regional and Spatial Economic Strategy

- 5.2.1. The RSES sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City and suburbs, Regional Growth Centres (Drogheda, Athlone and Dundalk) at the top of the settlement hierarchy and identifies Key Towns in each area with the highest potential to accommodate growth. Other centres lower in the settlement hierarchy including Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns & Villages, and Rural Areas are not specifically identified, and remain to be defined by the development plan.

5.3. Wicklow County Development Plan 2022-2028

- 5.3.1. According to the planning authority the Development Plan 2022-2028 came into effect on 23rd October 2022. A Ministerial Direction under Section 31 of the Act was issued to the PA on 21st February 2023. On my reading of the Direction none of the proposed amendments relate to the current appeal site or issues raised in the appeal.
- 5.3.2. The Wicklow County Development Plan 2022-2028 identifies Greystone/Delgany as a Level 3 (Large Growth Town II) town. The population of Greystone/Delgany is to grow from a current population of approximately 18,021 (2016 Census), to a target population of 21,727 by 2028.

Architectural Heritage – Objectives include:

CPO 8.10 To protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations.

CPO 8.11 To support the work of the National Inventory of Architectural Heritage (NIAH) in collecting data relating to the architectural heritage, including the historic gardens and designed landscapes of the County, and in the making of this information widely accessible to the public and property owners.

CPO 8.12 To have regard to ‘*Architectural Heritage Protection: Guidelines for Planning Authorities*’ (Department of Arts, Heritage and the Gaeltacht, 2011) in the assessment of proposals affecting architectural heritage.

Other Structures & Vernacular Architecture Objectives

CPO 8.18 To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.

CPO 8.19 Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.

CPO 8.20 Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.

5.4. **Greystones/Delgany & Kilcoole 2013-2019 Local Area Plan**

- 5.4.1. This is the latest LAP for the area. This plan will be reviewed during the lifetime of the County Development Plan 2022-2028. According to the planning authority the pre-draft stage of the new Greystones/Delgany & Kilcoole Local Area Plan will be commencing soon.
- 5.4.2. The vision is as follows: 'to build on the dynamism between the settlements of Greystones/Delgany and Kilcoole, so that the area develops in a mutually dependent and complementary manner as a prosperous and growing community. Each settlement shall have a distinct identity and shall perform a function in sustaining its own local community and in providing enhanced opportunities for the creation of new local enterprise. The area shall be a high quality, attractive and sustainable place to live, visit and conduct business. The combined area shall maximise the potential opportunities associated with its strategic location at the edge of the Dublin Metropolitan Area.'
- 5.4.3. The site is located on lands with the **zoning objective R22**, the objective of which is as follows: To provide for the development of sustainable residential communities up to a maximum density of 22 units per hectare and to preserve and protect residential amenity.

5.5. **Architectural Heritage Protection Guidelines**

Architectural Heritage Protection Guidelines: Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

5.6. **Natural Heritage Designations**

Not relevant.

5.7. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that 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

A first party appeal against the decision to refuse permission by the planning authority has been lodged by MacCabe Durney Barnes on behalf of the applicant.

In summary, the appeal states:

- The Planning Authority has not recorded Richview House in the Record of Protected Structures (RPS) in any County Development Plan varied, prepared or adopted since its inclusion on the NIAH in 2004.
- The structure has been deemed as a danger on health and safety grounds and incapable of repair by the respective appointed experts in Architectural Heritage and Building Surveying.
- A Structural Conditions Report has been prepared by a Chartered Structural Engineer, which concluded that the retention of Richview House is inappropriate due to the extremely poor condition of the fabric of this property.
- The NIAH currently displays an inaccurate portrayal of the condition of Richview House. No updated appraisal has been conducted of the structure since its addition to the archive in 2004.
- The development has been designed in accordance with national, regional and local policy and will provide much needed residential accommodation in the existing built-up footprint of Delgany village.

The appeal was accompanied by the following.

- Report on Structural Condition dated 20th April 2023 prepared by Michael Browne, Structural Engineer.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Architectural Heritage
- Compliance with Planning Permission
- Residential Units
- Other Matters
 - Access and Traffic Safety
 - Foul and Surface Water
 - Open Space
 - Impact on Bats
 - Archaeology

7.2. Architectural Heritage

Designation

- 7.2.1. Reason for refusal no. 1 refers to the proposed demolition of Richview House which has a NIAH rating of 'Regional Importance'. It is considered that it has not been satisfactorily demonstrated that the proposed demolition of the building would not be contrary to the objectives of the County Development Plan 2022-2028, which seek the retention and reuse of historic buildings which contribute to the County's architectural heritage.
- 7.2.2. The appeal makes the case that the planning authority has not recorded Richview House in the Record of Protected Structures (RPS) in any County Development Plan varied, prepared or adopted since its inclusion on the NIAH in 2004.
- 7.2.3. The applicant's submission that Richview House it is not a protected structure nor is it located within the Delgany Architectural Conservation Area (ACA) as identified in the Greystones/Delgany & Kilcoole LAP 2013-2019 is not disputed. It is also evident that the recent review of and adoption of the current Wicklow County Development Plan 2022-2028, made no changes to the designation afforded to Richview House were made.
- 7.2.4. I also note that there are no designated protected views of Richview House, nor is it visible in the landscape from Bellevue Hill, as it is screened by mature trees.
- 7.2.5. The applicant asserts that the NIAH currently displays an inaccurate portrayal of the condition of Richview House. The applicant also notes that no updated appraisal has been conducted of the structure since its addition to the archive in 2004.
- 7.2.6. The existing house on the site is a building of 'architectural' and 'social significance'. The following is noted on the structure from the National Inventory of Architectural Heritage (NIAH) which is under the administration of the Department of Housing, Local Government and Heritage:

'NIAH Registration No. 16305020: Gorteen House, DELGANY, Delgany,

Wicklow

Rating – Regional

Categories of Special Interest – Architectural, Social

Original Use – House

Date – 1830-1850

Description

‘Detached three-bay two storey house, built c.1840. The façade is clad in slate, with large sections obscured by ivy growth. The hipped roof is slated with an overhang supported on paired brackets and rendered chimneystacks. The entrance is located within a large gabled porch and consists of a panelled timber door; the porch itself is now largely covered in ivy. The windows are flat-headed with timber sash frames, with those to the ground floor mainly four over four with margin panes. Cast iron rainwater goods. Gravel covered forecourt and extensive grounds to all sides.’

Appraisal

‘This late Georgian style gentleman's residence of c.1840 is a fine, well maintained example of its genre and apart from the undoubtedly later (and undoubtedly necessary) slate cladding, appears largely original.’

- 7.2.7. It is apparent from the above (last recorded in 29/07/2004) that the house is no longer ‘well maintained’ and the ‘extensive grounds to all sides’ are currently being developed for housing. The building from my visual inspection (externally and internally) has fallen into a state of significant disrepair. I would, therefore, concur with the appellant that an updated appraisal of ‘Richview House’ is warranted.
- 7.2.8. The objective in the Wicklow County Development Plan as it relates to Architectural Heritage is ‘To support the work of the National Inventory of Architectural Heritage (NIAH) in collecting data relating to the architectural heritage, including the historic gardens and designed landscapes of the County, and in the making of this information widely accessible to the public and property owners.’ (Objective CPO 8.11).
- 7.2.9. I note that the Greystones/Delgany & Kilcoole LAP 2013-2019 is to be updated as part of the newly adopted Wicklow County Council County Development Pan 2022-2028. It is also clear that an updated appraisal of ‘Richview House’ was not undertaken as part of the review of the County Development Plan.

Development Management

- 7.2.10. The objective in the Wicklow County Development Plan as it relates to the Other Structures & Vernacular Architecture is 'To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged.' (Objective CPO 8.18)
- 7.2.11. The County Development Plan policy under CPO 8.19 clearly states that 'Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process.'
- 7.2.12. I also note CPO 8.20 which states that where 'a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.'
- 7.2.13. The matter of whether it has been satisfactorily demonstrated that the proposed demolition of 'Richview House' would be contrary to these objectives outlined above, is the crux of the appeal.

Justification

- 7.2.14. The applicant is submitting in the appeal that the structure has been deemed as a danger on health and safety grounds and incapable of repair by the respective appointed experts in Architectural Heritage and Building Surveying.
- 7.2.15. In support of the proposed demolition of 'Richview House' the applicant submitted an Architectural Heritage Impact Assessment (AHIA) Report and Building Survey Report. The former was prepared by prepared by Deirdre Conroy, Architectural Heritage Consultant, and the later was prepared by ABL Surveyors.
- 7.2.16. A third-party submission received by the PA noted that the Building Survey Report was undertaken by a Chartered Building surveyor and not by a Chartered Structural Engineer. The first party appeal is accompanied by a Report on the Structural

Condition of the building. It was prepared by Michael Browne, Structural Engineer and dated 20th April 2023.

- 7.2.17. I note the report of the PA Heritage Officer which concedes ‘that the house has suffered considerably from neglect....despite this it appears to retain elements of architectural and cultural heritage interest and would appear to be reasonably intact and capable of renovation’. The report recommends that ‘demolition be resisted’.
- 7.2.18. I note the submission from the DAU Dept. Housing Local Government and Heritage is largely silent on the proposal to demolish Richview House. I would therefore, dispute the applicant’s assertion that the DAU has no objection to the proposal.
- 7.2.19. I have had regard to the AHIA and Building Survey reports submitted and from my visual inspection of the house, can confirm that many of the features that merited the structures placing on the NIAH no longer remain in place i.e. the timber sash window frames and window panes, interior has been stripped. Given that the Development Plan seeks the retention, conservation, appropriate repair and reuse of vernacular features, I would concur with the applicant that there are very few features remaining capable of repair.

Structural Condition

- 7.2.20. I have also had regard to the Structural Condition report which has undertaken an inspection of the roof, external and internal walls, floors, windows etc. The report notes that the property ‘is in a significant state of dereliction due to the exposure to the elements and significant ingress of moisture’.
- 7.2.21. Internally - the report notes that the first-floor timber floors are dangerous and recommend their removal. The hall/stairs/landing is reported to be in extremely poor condition, is dangerous and should be removed, and that ground floor timber floors are collapsing and should also be removed.
- 7.2.22. Externally - significant cracking on all facades, with no evidence of damp proof courses anywhere to existing walls is noted. The report highlights ‘given the lack of foundation to the structure significant underpinning would be required to both external and internal walls to justify use of the walls as low bearing elements.’
- 7.2.23. The report concludes that due to the extremely poor condition of the fabric of the property, that the retention of the property will be extremely difficult and onerous. It

further notes that there is no structural merit in retaining the dilapidated structure which is in a dangerous condition in many areas and that the property is not fit to be retained for habitable use.

- 7.2.24. I would argue that the construction works in the vicinity of the house have already significantly undermined and eroded the context of the house and its relationship with surrounding development. I would argue that the permitted residential development and site works have in themselves undermined the architectural interest of the NIAH.
- 7.2.25. This is particularly so in terms of site excavation works which has resulted in significant site level differences in the vicinity of the house which are supported by retaining walls. The finished floor level of the house now sits elevated above adjoining development.
- 7.2.26. The demolition of vernacular buildings is never a decision taken lightly, however there are in my opinion circumstances where this is justified. I am satisfied that the reason for refusal has been adequately addressed in the appeal.
- 7.2.27. I am therefore satisfied that sufficient justification for the demolition of 'Richview House' has been provided and that it would not be contrary to CDP objective CPO 18, 19 and 20 of the Wicklow County Council County Development Plan 2022-2028.
- Precedent*
- 7.2.28. The planners report of the PA refers to two planning decisions from the Board which related to precedent for removing structures from the NIAH.
- 7.2.29. These two decisions under ABP 308127-20 and PL04.245744 are cited. Both applications refer to developments which provide for the demolition of existing buildings listed on the NIAH. Both structures were no longer in use.
- 7.2.30. ABP 308127-20 relates to the demolition of a former Convent building and development of a surface car park. Permission was refused on the grounds that no justification had been provided for the demolition of the Convent building listed on the NIAH.
- 7.2.31. PL04.245744 relates to the demolition of a former school building and development of a surface car park. Permission was granted on the basis that a justification for the car park was made.

- 7.2.32. I am satisfied that in the current appeal where the house is vacant, and it is proposed to replace it with four no. additional dwellings warrants a compatible land use and a planning gain in terms of residential accommodation needed.
- 7.2.33. Finally, I note the *Architectural Heritage Protection Guidelines for Planning Authorities* published by the Department of the Environment, Heritage and Local Government in 2004. Chapter 2 refers to the Development Plan and the Record of Protected Structures. Section 2.4 refers to the means of identifying structures of special interest. In reference to Ministerial recommendations, it is submitted that, where an NIAH survey has been carried out, structures which have been attributed a rating value of international, national or regional importance in the inventory will be recommended by the Minister to the planning authority for inclusion (para.2.4.4).
- 7.2.34. While I acknowledge the 'Regional' rating of the existing building, I submit to the Board that given the current building condition, outlined in the Building Condition Survey submitted on appeal, planning precedent, and the buildings relationship with the adjoining residential development, that in this instance there is merit in a grant of permission for the structure's demolition.
- 7.2.35. I am satisfied, therefore, that the grounds of appeal should be upheld on this basis.

7.3. Compliance with Planning Permission

- 7.3.1. The applicant has indicated that the parent permission granted under ABP PL27.24801 as extended by PA Reg.Ref.22/540 is being implemented on site.
- 7.3.2. The applicant has also indicated in the appeal that they will not be proceeding with a later permission under ABP-309081-21.
- 7.3.3. I note that there are no specific conditions attached to the parent permission which relate specifically to the retention of Richview House. However, I also accept that neither planning applications permitted by the Board previously relied on demolition of Richview House. The more recent planning application for demolition of Richview House under PA.Reg.Ref.22/957 was refused by the PA, and subsequent appeal withdrawn. The current application and appeal are almost identical to PA.Reg.Ref.22/957.

Crèche Use / Facility

- 7.3.4. The parent permission under ABP PL27.248401 provided for a crèche facility to serve the residential units. It was proposed to provide for a change of use of the existing dwelling Richview House to use as a crèche. Item no. 2 of the request for further information under PA Reg.Ref.15/1307 outlined how the PA had regard to:
- A) The internal design and layout of the crèche, which is poorly laid out and does not comply with the requirements of the Childcare Regulations
 - B) The inadequacy of the outdoor play space
 - C) The location of the crèche,
 - D) The age and state of the existing structure
- 7.3.5. The applicant was requested to address these concerns and advised '*that the crèche as proposed is entirely unsuitable for a viable childcare facility and is highly unlikely to be considered favourably.*'
- 7.3.6. The applicant's response included a reduction in the overall number of housing units and therefore, argued the requirement to provide a crèche no longer applied. This was not accepted by the PA and the issue was further addressed by way of clarification of item no.2 of CFI.
- 7.3.7. In response, the applicant proposed a custom-built childcare facility (144sqm) with a capacity for 22 no. childcare places. Accommodation proposed was over two floors and located proximate to the entrance to the overall development. It also included a secure external play area. Architects' drawings CFI-001 and CFI-004 refer. The decision by the PA to grant permission was upheld by the Board.
- 7.3.8. The subsequent application under ABP309081-21 provided for an extension in area to the permitted crèche. This was in response to the additional 10 no. housing units proposed. The extension to the permitted crèche was acceptable to the planning authority and the planning inspector in their report.
- 7.3.9. The current application Drawing no. D-125-PL-SL-110 Revision 10 indicates the location in the northwestern corner of the overall site and floor area (144sqm) of the proposed crèche as per ABP PL27.248401. I am satisfied therefore, that a crèche use is provided for within the overall development and is cited in a more suitable

location than the subject appeal site. The current application which provides for an additional 4 no. house units may require additional childcare spaces/increased capacity but this in my opinion is outside the scope of the current application.

- 7.3.10. Richview House would appear to have been last occupied as a dwelling in 2009 and has progressively been allowed to fall into disrepair. I note that the appeal submission would appear to indicate that there is an acknowledgement of non-compliance with the parent planning permission when the applicant states that the house was already in significant disrepair when they purchased the site in June 2021.
- 7.3.11. The proposed development before the Board seeking demolition of Richview House and the provision of 4 no residential units is a separate, standalone planning application. The noncompliance with planning permission is an enforcement issue for the planning authority.

7.4. Residential Units

- 7.4.1. The applicant makes the case that the proposed development will provide much needed residential accommodation in the existing built-up footprint of Delgany Village.
- 7.4.2. The proposal provides for the construction of 4 no. residential units on the site of the existing Richview House. The four houses (house no.s 66-69) will comprise 3 no. four bed and 1 no. five bed units. The two storey semidetached houses will be in line with and similar in design and finish to adjoining houses to the north (house no.s 60-65). The finished floor levels and subsequent ridge heights will continue to step up along the extended row of houses.
- 7.4.3. The proposed end house no. 69 is a different house type. The front entrance door and porch are located along the end south facing gable elevation which includes fenestration at ground and first floor. This allows for maximising the southerly and western aspect and providing passive surveillance of the adjoining communal open space.
- 7.4.4. The proposed houses are located to the west of and backing onto the end gable and rear garden of house no. 70 located to the east. This house is the end of a row of 4

no. houses which are nearing completion and are located at a lower level to the appeal site.

- 7.4.5. I note from my site inspection that significant site works have already taken place in the vicinity of the appeal site such that the existing 'Richview House' is now significantly elevated above the immediately adjoining newly constructed residential houses. Retaining walls bound the site to the north, east and south.
- 7.4.6. It is proposed to further reduce site levels to accommodate the proposed housing units. Proposed site cross sections Drawing no. D125-PL-SS-200 indicate proposed site levels and details of proposed retaining walls. I am satisfied that the site works proposed will result in a more satisfactory overall layout and the proposed site levels and dwelling units will relate better to adjoining recently constructed dwellings.
- 7.4.7. I am satisfied that the design and layout of the proposed development is in keeping with the pattern and design of existing development on site. The planning authority did not raise concerns with respect to the layout and design of the proposed houses.
- 7.4.8. I consider that these 4 no. units do not raise any planning concerns, give a wider variety of units on the overall site and brings up the overall density on site to better reflect the objectives set out in the Sustainable Residential Development in Urban Area Guidelines to Planning Authorities.
- 7.4.9. In summary, I am satisfied that the proposed development provides for a good standard of residential amenity for future occupants and would not significantly impact on the permitted and proposed amenities of the area.

7.5. Other Matters

Access and Traffic Safety

- 7.5.1. It is proposed to extend the permitted internal access road (The Green) serving house no. 62-65 and Richview House by approx. 12.3m.
- 7.5.2. The internal access road proposed to serve the appeal site, includes a turning bay at the end of a cul de sac. Parking for two cars for each dwelling is proposed and includes permeable paving.
- 7.5.3. The report of the Transportation Dept. of the PA is noted and while it raises an issue in relation to the potential demolition of the Gate Lodge (on the grounds of future

road improvements to Belleview Hill) in tandem with the current proposal. I consider the issue raised is beyond the scope of the current application.

- 7.5.4. In summary, I am satisfied that the proposed development will not give rise to a significant increase in traffic and is acceptable in terms of traffic safety and convenience.

Foul and Surface Water

- 7.5.5. It is proposed to connect to the watermain, foul sewer and surface water permitted under PA Reg.Ref.15/1307 currently under construction on site. The applicant has submitted a Confirmation of Feasibility letter provided from Irish Water dated 5th Aug 2022 which is included in Appendix 1 of the Water Services Report.

- 7.5.6. Irish Water reported no objection in relation to foul water drainage and the planning authority did not take issue with surface water drainage. I am satisfied that there is an existing permission on this site and amendments proposed do not materially alter the wastewater/surface water infrastructure being installed.

- 7.5.7. If the Board are minded to grant permission, I am satisfied that the drainage issues can be agreed with the PA.

Open Space

- 7.5.8. 959.7sqm of public open space is proposed to serve the 4no. dwellings. This open space is contiguous with the adjoining permitted open space proposed for the overall residential development. I note the Landscape Masterplan Drawing no. _App3_300 prepared by Brady Shipman Martin, indicates that the redesigned open space (which accommodates the extended internal access road and turning area) results in a deficit of 35sqm.

- 7.5.9. The redesigned open space layout as proposed is referenced in the Planning Report submitted with the application as resulting in a decrease of 55sqm. There is therefore, a discrepancy between the area of open space indicated on Landscape Masterplan drawing, and the area referenced in the Planning Report.

Notwithstanding, when taken in the context of the permitted overall area of open space of 6,625sqm, I consider the reduction in open space to be acceptable.

- 7.5.10. Private open space for the four dwellings meets the with the minimum requirements for open space set out in the County Development Plan.

7.5.11. I am satisfied that the provision of public and private open space is acceptable.

Impact on Bats

7.5.12. I note the content of the Bat Fauna Impact Assessment Report submitted with the application.

7.5.13. I note the bat survey carried out on 23rd August 2022 which is not exactly relevant to the hibernating time of September-October. Bat species recorded included Soprano Pipistrelle, Common Pipistrelle and Leisler's Bat. Foraging activity on site was observed with two Soprano Pipistrelle (*Pipistrellus pygmaeus*) noted emerging from the main building on site.

7.5.14. The Bat Survey report also assesses the potential for bat roosting within the trees present on site, but notes that no trees of bat roosting potential are noted on site. The report notes that the development will result in the loss of a bat roost for two Soprano Pipistrelle (*Pipistrellus pygmaeus*). It notes that a derogation licence will be acquired from NPWS for the removal of bats roosting on site, and that 4 no. additional bat roosts will be placed on site. It also indicates that the lighting plan has been revised to provide lighting that will be sensitive to bats thus ensuring that bats can continue to forage on site.

7.5.15. I am satisfied that the applicant has demonstrated that mitigation measures proposed and are acceptable.

7.5.16. If the Board are minded to grant permission, I am satisfied that this can be dealt with by way of an appropriately worded condition which can be agreed with the NPWS and the PA.

Archaeology

7.5.17. The Report of the Development Applications Unit (DAU), Dept. Housing, Local Government and Heritage Report notes that the proposed development is located in the vicinity of an archaeological site identified as WI013-141 cremation pit in the Archaeological Survey of Ireland records. The DAU recommends that an Archaeological Impact Assessment including archaeological testing be carried out and a report submitted by way of further information.

7.5.18. If the Board are minded to grant permission, I am satisfied that this can be dealt with by way of an appropriately worded condition which can be agreed with the DAU and PA.

8.0 Recommendation

I recommend a grant of permission.

9.0 Reasons and Considerations

Having regard to the location of the application site on lands zoned for residential development in the Greystones/Delgany and Kilcoole Local Area Plan 2013-2019 (lifetime extended), the development permitted under PL27.248401, to the pattern of development in the area and subject to conditions set out below it is considered that the proposed development would not seriously injure the amenity of residential or other property in the area, would accord with the provisions of the current Wicklow County Development Plan 2022-2028 and with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 10 th May 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity. Reason: In the interest of clarity.
2.	This order permits the development of 4 no. houses and associated works. Reason: In the interests of clarity.

3.	<p>Before any development authorised by this permission takes place, Richview House shall be removed in such a manner as to enable its construction and detailing to be recorded and photographed. Details including measured architectural drawings and coloured photographs shall be recorded in accordance with the requirements of the planning authority. Details of procedures for its removal and recording shall be submitted to, and agreed in writing in advance with, the planning authority.</p> <p>Reason: To ensure the preservation of an accurate record of an item of architectural heritage value.</p>
4.	<p>Details of boundary treatments shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works and design standards, as outlined in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: in the interests of amenity and of traffic and pedestrian safety.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any units.</p> <p>Reason: In the interests of visual amenity and public safety.</p>
7.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>

8.	<p>The proposed development shall be carried out in accordance with the plans and particulars and subject to conditions imposed in the grant of permission reference number PL27.248401 except where amendments permitted under this permission apply.</p> <p>Reason: In the interests of clarity.</p>
9.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
10.	<p>The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the</p>

	<p>planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>A bat survey shall be undertaken annually at the site of the proposed development, for a period of three years following commencement of operation of the development. The survey shall be undertaken by an ecologist with appropriate qualifications, training and experience in bat surveys, and shall be undertaken in accordance with the provisions of the “Bat Mitigation Guidelines for Ireland – Irish Wildlife Manuals No. 25”, issues by the Department of the Environment, Heritage and Local Government (2006) or any document that might supersede it. Surveys shall incorporate appropriate time periods during which the development is in operation and otherwise. The survey reports shall be submitted to, and agreed in writing with, the planning authority within three months of completion of each annual survey.</p> <p>Reason: To monitor bat species in the area during times of activity.</p>
13.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and</p>

	<p>locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p>

	Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Susan McHugh
Senior Planning Inspector

11th August 2023