



An
Bord
Pleanála

Inspector's Report

ABP-321158-24

Development	Permission for development consisting of a new detached two-storey dwelling house and all associated site works within the curtilage of Tallon House (a protected structure).
Location	Tallon House, Golf Lane, Foxrock, Dublin 18, D18 T2N6
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D24A/0616
Applicant(s)	Basl Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Basl Developments Limited.
Observer(s)	(1) Shane O'Toole (2) Albert & Mary Connaughton (3) Alexander Kearney

(4) Frank McDonald

(5) An Taisce.

Date of Site Inspection

2nd January 2025.

Inspector

Oluwatosin Kehinde

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1.0 Site Location and Description

- 1.1. The 0.7Ha site is within the grounds of Tallon House located in the established residential suburb of Foxrock. The site is approximately 9km south of Dublin city centre. Access to the site is off Golf Lane and there are established houses on either side of Golf Lane.
- 1.2. Tallon House is a protected structure under the Dun Laoghaire Rathdown County Development Plan (RPS ID 2045). The design of the house was inspired by Mies Van Der Rohe's Farnworth House. A pavilion-inspired house with a steel frame structure infilled with a wall of glass.
- 1.3. The site and surrounding landscape form an integral part of the setting of the existing Tallon House. The site currently comprises of the car port, store/garden studio associated with the main house.

2.0 Proposed Development

- 2.1. It is proposed to construct a detached two storey dwelling house adjoining the existing single storey car port, store and garage within the south east portion of the curtilage of Tallon House. Works included a new dividing boundary hedge/fence to the east side of Tallon House and a new vehicular access to be provided off Golf Lane through the existing gates and driveway serving Tallon House.
- 2.2. Site works also included tree removal, provision of parking, landscaping, boundary works and all associated site works.
- 2.3. Upon appeal, the applicant submitted a revised design proposal for consideration. The revised proposal includes a reduction in height for the two storey dwelling house repositioned close to the southern boundary of the site. A revised elevational treatment and landscaping strategy has also been proposed.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) refused permission for the following reason:

- *The proposed two storey dwelling by way of its height, design, form and scale would have an overbearing visual impact on the Protected Structure of Tallon House and would be detrimental to its unique character and setting. The proposed development therefore, fails to comply with County Development Policy Objectives HER 8, that seeks to Protect structures included on the RPS from any works that would negatively impact their special character and appearance to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure. It is considered that the proposal would be contrary to Policy HER8 of the Dun Laoghaire Rathdown County Development Plan 2022-2028 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 decision to refuse permission by the PA is consistent with the Planning Officer's (PO) report. The PO raised the following concerns:

- The proposed development would impact on the architectural interest of Tallon House.
- The development and associated works are out of character with the existing protected structure.
- The removal of trees would detract from the significance and value of Tallon House and would be contrary to the Development Plan.

3.2.2. Other Technical Reports

- Drainage Planning – Report received stated no objection to the development subject to drainage conditions.
- Conservation Officer – Report dated 18th of September 2024 stated that the proposed development would materially and adversely impact on the architectural interest of Tallon House and recommended that permission be refused.

- Transportation Planning – Report dated 17th of September 2024 stated no objections subject to conditions.
- Parks and Landscape Services – Report dated 06th of September 2024 recommended that further information be requested. The applicant should revise the layout to protect pine tree no. 126 and redirect the mains service route on the driveway to avoid obstruction to the root protection area of trees in the driveway.

3.3. Prescribed Bodies

- 3.3.1. Uisce Eireann – Report dated 10th of September 2024 recommended further information. There may be limited capacity in the area and the applicant is requested to engage with Uisce Eireann through the submission of a Pre-Connection Enquiry (PC) to determine the feasibility of connection to the public water/wastewater infrastructure.
- 3.3.2. The application was also referred to the following prescribed bodies and no submissions were received.
- Heritage Council
 - Arts Council
 - Failte Ireland
 - DAU (Architectural Heritage)

3.4. Third Party Observations

The PA did not receive any submissions from third parties.

4.0 Planning History

There is no planning history on the site.

4.1.1. Adjoining area

ABP 317457-23 (D23A/0001) – Planning permission granted on appeal for the construction of 2 no. two storey five-bedroom detached dwellings. This is an infill

backland development. The site comprises two large back garden sites behind the two detached 19th Century houses, Ardenza and Glenarm, on Torquay Road. The frontal houses are Protected Structures of regional significance.

I note that this permission is referenced in the appeal submitted by the applicant. The design, layout, form and scale of the proposed development are reported to be similar to this permitted development.

ABP 315388-22 (D22A/508) – Permission granted by the Board for four houses to the rear garden of Chadsley House (a Protected Structure), Leopardstown Road, Foxrock.

The first party appellant referred to this development and stated that the Board granted permission with separation distances significantly below those as proposed at the subject site from Tallon House. I refer the Board to the inspector's report and note the separation distance in this case was in excess of 22m between the first-floor level and the rear elevations of Chadsley House.

5.0 Policy Context

5.1. Section 28 Ministerial Guidelines

The following is a list of Section 28 – Ministerial Guidelines considered to be relevant to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

5.1.1. Architectural Heritage Protection – Guidelines for Planning Authorities 2011

These guidelines issue objectives for protecting structures, or part of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and for preserving the character of architectural conservation areas. Chapter 13 of the guidelines that relate to curtilage and attendant grounds of protected structures is of relevance to this application.

5.1.2. Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024)

The creation of sustainable communities also requires a diverse mix of housing and variety in residential densities across settlements. This will require a focus on the delivery of innovative housing types that can facilitate compact growth and provide greater housing choice that responds to the needs of single people, families, older people and people with disabilities, informed by a Housing Needs Demand Assessment (HNDA) where possible.

5.2. Development Plan

5.2.1. The relevant Development Plan is the Dun Laoghaire Rathdown County Development Plan 2022-2028. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities.

5.2.2. Section - 4.3.1.2 Policy Objective PHP19: Existing Housing Stock - Adaptation states that it is a policy objective to: *"conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods"*.

5.2.3. Policy **Objective HER 8**: Work to Protected Structures

It is the objective to:

- i. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- ii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
- iii. Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise.
- iv. Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and

designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

- v. Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.
- vi. Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.
- vii. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.
- viii. Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.
- ix. Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- x. Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).

5.2.4. Policy **Objective HER 21**: Nineteenth and Twentieth Century Buildings, Estates and Features.

It is the objective to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised.
- ii. Encourage the retention and reinstatement of features that contribute to the character of exemplar nineteenth and twentieth century buildings, and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

- iii. Ensure the design of developments on lands located immediately adjacent to such groupings of buildings addresses the visual impact on any established setting.

5.2.5. Policy **Objective PHP19**: Existing Housing Stock – Adaptation

It is a policy objective to:

Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF.

Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

- 5.2.6. Sections 12.11.2.1 and 12.11.2.3 of the Development Plan relate to works to a protected structure and development with the grounds of a protected structure.

5.3. **Natural Heritage Designations**

pNHA – Fitzsimon’s Wood (Site Code 001753) is located approximately 3km north west of the site.

Special Area of Conservation: South Dublin Bay SAC (Site Code 000210), pNHA – South Dublin Bay and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) are located approximately 3.3km east of the site.

6.0 **EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal submitted by Basl Developments Ltd. The issues raised are summarised as follows:

- Reference is made to the permitted development under ABP 317457-23 (D23A/0001), and the grant of permission is stated to have set a precedent for similar developments in the area.
- Reference is also made to 4 cases in the area where the Board granted permission for development where the separation distances were significantly below those as proposed.
- A revised design for the development with minor amendments has been submitted for consideration to the Board. The amendments include a revised landscaping strategy, the repositioning of the house, boundary treatment to be created with a semi mature hedge and refined elevational changes.
- The proposed development has been designed to have regard to the adjoining protected structure Tallon House in the context of design, scale and siting. The height of the proposed house is c.1.2m higher than Tallon House and the footprint of the development is smaller than Tallon House.
- The proposed house is consistent with other dwellings in the vicinity and the massing has been informed by existing and recently granted backland infill developments in the area.
- The revised design, repositioning of the house and the proposed landscape strategy will overcome any negative impact on Tallon House.
- The proposed house has been carefully repositioned on site at appropriate distances from boundaries, mature trees and Tallon House to ensure that the amenities of all surroundings are protected.
- It should be noted that 40 new trees and hundreds of shrubs have been planted since the property was purchased in 2023. Very few trees will be removed as a result of the proposed house.

- The creation of an evergreen boundary 13.0m from the main gable of Tallon House will help define the attendant grounds of the protected structure.
- The proposed development will not be overbearing or dominant to the protected structure.
- The proposal is compliant with HER 8 of the Dun Laoghaire Rathdown County Development Plan.
- The requirement of Uisce Eireann is noted and a confirmation of feasibility will be submitted in due course.
- The appeal is accompanied by a set of architectural drawings relating to the revised design and a landscaping feasibility assessment.

7.2. Planning Authority Response

- The PA considered that the grounds for appeal had not raised any matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

7.3. Observations

Five submissions were received from the following observers:

Shane O'Toole, Albert & Mary Connaughton, Alexander Kearney, Frank McDonald, An Taisce.

The issues raised can be summarised as follows:

- The subject proposal, having regard to the previously presented site layout would reflect an inappropriate form of development. The proposal will have an irreversible impact on the unique character and setting of the protected structure.
- The revised layout is noted and while a host of revisions have been made, none of them have a bearing on the refusal reason. Having regard to the refusal reason, there is no amended design option that could be considered appropriate given the unique and site-specific nature of the wider landholding associated with Tallon House.

- Tallon House was purposely designed to provide extensive views of the surrounding gardens for its residents and the proposed dwelling at a limited separation distance will compromise the views to the gardens.
- It is considered that there is no infill development that could be achieved on the site without having a detrimental impact on the setting of the protected structure.
- The proposal has no regard for the presence of the existing gate lodge structure on the site which, having been constructed in the 1980s effectively represents the only extent of infill development which could have been achieved on the site.
- The proposed dwelling will impact upon the setting of the protected structure as it will compromise the unique approach to the structure.
- The points made by the PA Conservation Officer are supported.
- The car port, garage/store and studio are part of the protected structure and should not be demolished.
- The proposal would seriously injure the visual amenity of the parent property and grounds.
- An Taisce shares the PA's concerns about the impact of the proposed two storey house on the protected structure. The submitted plans would take up a significant portion of the grounds to the south east of Tallon House and would have an overbearing and detrimental impact on the character and amenities of Tallon House.
- The proposed development would permanently and adversely affect the curtilage and landscape context of the protected structure.
- The proposal will intrude into a landscape that is crucial to the setting of Tallon House. The proposed development is not compliant with HER 8 of the Dun Laoghaire Rathdown County Development Plan.
- Tallon House is an important late 20th century architecture and its intrinsic relationship with the landscape in which it is serenely situated cannot be denied.

8.0 Assessment

- 8.1. I note that the applicant has submitted a revised design proposal for consideration to address the PA refusal reason. The revised proposal includes a reduction in the height of the two storey dwelling, the repositioning of the footprint of the dwelling closer to the southern boundary, a revised elevational treatment and a landscaping strategy. As part of this proposal, the applicant seeks to demolish the existing car port and store/garden studio associated with the main house. The Board should note that I will assess the initial development submitted to the PA in the first instance and then consider the revised proposal.
- 8.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:
- Principle of Development and Compliance with the Development Plan.
 - Tallon House (Protected Structure).
 - Impact on the character and setting of Tallon House.
- 8.3. **Principle of Development and Compliance with the Development Plan**
- 8.3.1. The site is zoned 'A' with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities. Table 13.1.2 of the Development Plan sets out that residential land use is permitted in principle. The appeal site is within the curtilage of Tallon House, which is designated a protected structure under the provisions of the Development Plan. In delivering homes in the County, I note objective PHP19 of the Development Plan that support appropriate infill developments having due regard to amenities of the existing established residential neighbourhood. The proposed development is within the setting of Tallon House and notwithstanding the principle of having a dwelling on the site, I will have regard to the provisions in the plan that relate to developments within the curtilage of protected structures.
- 8.3.2. Chapter 11 of the Development Plan relates to heritage and conservation and notes that in certain circumstances, the curtilage of a protected structure may comprise a clearly defined garden or grounds, which may have been laid out to complement the

design or function. I note policy objectives HER 8 and HER 21 that seek to ensure the protection of structures within the Record of Protected Structures (RPS) and protect the character of exemplar twentieth century buildings and estates. The full text of these objectives is contained in Section 5.2 above. The applicant has stated that the proposed development will not negatively affect Tallon House, whose form and integrity will remain untouched and will comply with objectives HER 8 and HER 21. I do not accept this assertion for reasons that relate to the unique landscape setting of Tallon House which I will consider further in this report.

8.4. Tallon House (Protected Structure)

- 8.4.1. Tallon House is a twentieth century architectural building, protected under the Dun Laoghaire Rathdown County Development Plan 2022-2028 (RPS ID 2045) and is also included in the National Inventory of Architectural Heritage (NIAH-60230029). The building is of national importance and comprises a detached three-bay single storey flat-roofed house. I note the PA's conservation report stating that the architectural style is modelled after the Ludwig Mies Van Der Rohe designed Farnsworth House (1945-51) with attributes of a compact rectilinear plan form floating on monolithic pilotis, seamless steelwork framing sliding glass curtain walls and a flat roofline. The house is set in a landscaped ground (sylvan setting), and the design approach was to carefully integrate Tallon House with its natural surroundings. I again refer to policy objective HER 8(viii) of the Development Plan which seeks to protect the curtilage of protected structures. I further note the PA's conservation report stating that the curtilage of Tallon House is unique and valuable. The landscape setting is intrinsic to the design of the house and the relationship between the natural and built features on the site is interdependent. I agree with the conservation officer for the reason that the character of the protected structure cannot be separated from its setting and the design of Tallon House cannot be appreciated without its landscaped grounds.

8.5. Impact on character and setting of Tallon House (Protected Structure)

Design of Proposed House

- 8.5.1. The proposed dwelling is a contemporary two storey building and the original proposal provided for a maximum height of c.7m at parapet level. The house has a total floor area of 318m² and will be finished in mainly grey/white clay brick. I refer

the Board to Drawing No. 23005-PL-007. The PA determined that by reason of height, design, form and scale, the development would have an overbearing impact on the protected structure of Tallon House and would be detrimental to its unique character and setting. From the drawings submitted, Tallon House has a floor area of 264m² and this does not account for the external podium and decks. This protected structure also has a general height of c.4.8m at roof level. I consider that the design of the proposed dwelling is not in keeping with the design concept of Tallon House in that the house proposed will be more than 2m higher than the protected structure with a larger floor area. The design proposed will detract from the character of Tallon House. Having regard to the above, I agree with the PA in this regard that the development would impact on the character and setting of Tallon House.

8.5.2. Upon appeal, the applicant submitted a revised design for consideration that includes the reduction in height of the proposed dwelling to c.6.45m and it is stated that the impact on Tallon House will now be reduced. Having reviewed the revised drawings, the elevational treatment of the house has been refined to include full height glazing systems and provide material finishes similar to Tallon House. It is also proposed to manufacture the front external screen for the central double height hallway in Iroko to match a similar designed screen on the Tallon House end sections. While I acknowledge that the revised design tries to be in keeping with Tallon House, I still have concerns regarding the impact of the development on the protected structure. The applicant refutes the concerns of the PA that the scale and massing of the house would impact on the setting and character of Tallon House. I note policy objective HER 21 of the Development Plan that states *inter alia* “encourage the appropriate development of exemplar nineteenth and twentieth century buildings, and estates to ensure their character is not compromised”. I consider that the proposed house will still be taller than Tallon House and will be vertically orientated compared to the low horizontal profile of the protected structure. Furthermore, having regard to the scale of the development, the house proposed will not be subordinate to the protected structure. Having regard to the revised proposal, I am still not satisfied that the dwelling will not undermine the architectural significance of Tallon House.

8.5.3. The applicant also asserts that the house will be legible as a later addition to the protected structure. I do not agree with this assertion because of the special

relationship between protected structure and its setting. I note section 12.11.2.3 of the development that states that any development within the grounds of a protected structure should be sensitive and not sever the relationship between the principal residence and its adjoining lands. The living experience of Tallon House is directly linked with its natural surroundings and I consider that the applicant has not provided information to demonstrate how the proposed house will be sensitive and not sever the relationship Tallon House has with its landscape. I am of the opinion that the form of the proposed house to be more akin to a suburban type dwelling similar to other houses within the area. From the drawings submitted, the house is essentially enclosed by the landscaping proposed. Furthermore, I am of the view that the new dwelling and its associated site works will present their own residential character and accordingly, I cannot see how the development can be a later addition to the protected structure.

- 8.5.4. It is proposed to demolish the existing store/garden studio and car port to allow greater separation between Tallon House and the proposed house. I note that the removal of these structures formed part of the revised proposal by the applicant and the PA did not comment on this revision. I note Section 6.7.3 of the Architectural Heritage Protection Guidelines for Planning Authorities which states the demolition of a protected structure, or of elements which contribute to its special interest, may only be permitted in exceptional circumstances. I consider that these structures for demolition to be intrinsic to the setting of Tallon House. I am of the view that the existing store/garden studio allows Tallon House to be separated from non-living spaces, while the car port affords the grounds to be free from parked vehicles. These structures in my opinion, help amplify the views from the house. The applicant has not provided any rationale for demolishing these structures other than to gain greater distance from Tallon House. I am therefore not satisfied that this justification warrants the demolition of the structures. This proposal would conflict with the guidelines and would be contrary to the proper planning and sustainable development of the area.

Siting

- 8.5.5. The original proposal submitted to the PA was set back c.10m from Tallon House and the PA considered that the development was out of character with the existing protected structure. I again agree with the PA in this regard that the proposed

development will be out of character with the protected structure having regard to the proximity of the development to Tallon House and its setting. The applicant, upon appeal submitted a revised proposal to carefully reposition the new house at appropriate distances from boundaries, mature trees and 15m -18m from Tallon House to ensure that amenities are protected. Notwithstanding the proposed revision, I am still of the opinion that the proposed development will be detrimental to the intrinsic relationship between the protected structure and its sylvan landscape setting. The new house will be located on approach to Tallon House and I am of the view that the development will detract from the sense of openness within the sylvan setting on arrival. Section 13.6.1 of the Architectural Heritage Protection – Guidelines for Planning Authorities provides that designed landscapes which form the attendant grounds of a protected structure may form part of a unified design concept. Tallon House is specifically orientated to be approached from the side and the full extent of the protected structure is only revealed as one moves from the driveway towards the north west direction. I am of the view that the development proposed will compromise this unique approach to the protected structure. I agree with the PA's conservation report that the placing of dwelling at this location is a physical and visual distraction severing the relationship of Tallon House with its landscape.

- 8.5.6. The applicant referred to 4 cases where the Board granted permission with separation distances significantly below those as proposed. I note that the applicant did not provide any reference to the cases and I assume that the applicant refers to the development at Chadsley House and at Ardenza & Glenarm within the area. Having reviewed the inspectors' reports for these cases (ABP 315388-22 & ABP 317457-23) I note that separation distances from their subject protected structures are in excess of 18m and I also note that the gardens of these protected structures are not intrinsically linked to the design of the main buildings. Accordingly, infill developments were considered having regard to the usual planning assessment criteria. I consider Tallon House and its landscaped grounds to be unique and I do not see how an infill development can be considered within the grounds. Notwithstanding the proposed 15m-18m separation distance, I consider that the provision of a new dwelling will seriously impact on the character and setting of Tallon House.

Trees and Landscape

- 8.5.7. The applicant submitted an arboricultural report accompanied by a tree survey as part of the PA application. This report was prepared by The Tree File Consulting Arborists and it was initially proposed to remove 16 trees to facilitate the proposed development. The PA's parks section had concerns about the loss of trees and recommended that the applicant be invited to revise the layout protecting pine tree no. 126 and redirect the mains service route on the driveway to avoid obstruction to the root protection area of trees in the driveway. I note that RFI was not sought as the PA decided to refuse permission outright. Upon appeal, the applicant has taken on board the comments of the park's section and revised the proposal to limit the amount of tree loss.
- 8.5.8. The applicant submitted a revised landscaping proposal and having reviewed the drawings, the landscaping proposed is not so dissimilar from the original. The significant difference is that more existing trees will be retained with only 5 trees to be lost (tree nos. 16,22,23,24 & 129 from the tree survey). The applicant states that the revised proposal together with the landscape strategy can be considered on this portion of the site while maintaining the integrity and character of Tallon House. Notwithstanding the revised proposal, the intrinsic value of this natural landscape cannot be overlooked.
- 8.5.9. A landscape feasibility assessment has been submitted as part of the revised proposal and the proposed house will now be positioned in between two mature trees. This is so that the building can be shielded from view of the south-west facing façade of Tallon House. It is also proposed to provide a 2.0/2.5m evergreen hedge along the boundary between the proposed house and Tallon House, thereby creating a distinct partition for the development and also stated to rejuvenate the site's landscape. Having reviewed the assessment drawings, I am not satisfied that the proposal will maintain the integrity and character of Tallon House. Upon site inspection, I observed the natural feel and sense of the landscape with Tallon House juxtaposed to take advantage of this setting. I consider that this landscape (sylvan) setting is crucial to the character of Tallon House and as I have previously stated that the two elements cannot be separated. Reference is had to Architectural Heritage Protection Guidelines for Planning Authorities (13.3.1 & 13.5.2) which relates to designed landscapes associated with protected structures that are often

intrinsic to the original design concept and developments not interrupting protected structures and their ancillary features. I am of the view that the proposed landscaping, in particular the hedging along the boundary between the house and Tallon House will create a barrier and interrupt the relationship that exists between the protected structure and its natural landscape setting.

8.5.10. Having reviewed the revised proposal, the development still intends to provide for a hedgerow boundary treatment, a garden area, a driveway and a planting scheme around the new dwelling. The PA considered that the proposal would detract from the significance and value of Tallon House and the surrounding landscape. I am also of the view that the revised landscaping proposal for the new dwelling which tries to create a new residential setting, would impact negatively on the setting of Tallon House and I agree with the PA in this regard.

8.5.11. Furthermore, I consider that the revised landscaping that includes tree planting constitutes a deliberate design approach to screen the development from Tallon House and also signpost the new entrance to the front of the house. This approach is not consistent with the natural landscaping setting of the wider site area and I consider the proposal to be a departure from the original design concept of Tallon House and its sylvan setting. Accordingly, the proposed development would visually impact on the setting of Tallon House (protected structure).

Conclusion

8.5.12. Overall, I do not consider the development and the revised proposal to be an appropriate form of development for the site. The applicant contended in their appeal that the refinement of design and repositioning of the house with the proposed landscape will combine to overcome any negative impact as a result of the development on the protected structure. I do not agree with this assertion because of the special relationship between Tallon House and its landscaped setting. As Tallon House was designed specifically to take advantage of the views of the surrounding gardens, the full height glazing on the north east and south west elevations of the structure (Drawing No. 23005-SV-0007) provides for a seamless connection with the surrounding landscape setting, highlighting the integrity of the original design concept. The natural setting that is integral to the enjoyment of the living spaces within Tallon House contributes to the overall sense of serenity around the house. I

also note the views on approach to Tallon House that presents a floating modern structure set within a sylvan environment and the architectural distinctness of Tallon House is experienced as you approach the building. I, therefore, consider that the proposed development will interrupt these views from and on approach to Tallon House. Having regard to the architectural character and setting of Tallon House, I am of the view that the site cannot absorb a new dwelling without negatively impacting on the protected structure and I agree with the PA's conservation officer in this regard.

- 8.5.13. Having regard to the foregoing, I consider that the proposed development will undermine the original design concept of Tallon House, interrupt the views from Tallon House and will visually detract from the experience of arriving at the side of the protected structure. Notwithstanding the revised proposal, I consider that the proposed development would be detrimental to the architectural value of Tallon House and its surrounding landscape.

9.0 AA Screening

- 9.1.1. I have considered the proposed house in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 3.3km west of South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)

The proposed development comprises the construction of a house within the curtilage of Tallon House (Protected Structure)

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows

- Scale and nature of the development
- Distance from nearest European site and lack of connections

- Taking into account screening report by Planning Authority

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that permission be refused for the proposed development.

11.0 Reasons and Considerations

11.1. Tallon House (RPS ID 2045) is a twentieth century architectural building modelled after the Ludwig Mies Van Der Rohe designed Farnsworth House (1945-51), and it is set in a sylvan landscaped ground. This landscape setting is intrinsic to the design concept of the house and the relationship between the natural and built features on the site is interdependent. Having regard to its design, scale, landscaping and siting, the proposed development, would negatively impact on the character and setting of Tallon House. The development proposed would undermine the original design concept of Tallon House, will interrupt the views from the protected building and the development would visually detract from the experience of arriving at the side of the Tallon House. The inclusion of a house at this location would negatively impact on the special character and setting of the protected structure. The proposed development would therefore be contrary to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would conflict with Policy Objectives HER 8 and HER 21 of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Oluwatosin Kehinde
Senior Planning Inspector

29th May 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 321158-24		
Proposed Development Summary	Construction of a house		
Development Address	Tallon House, Golf Lane, Foxrock, Dublin 18		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes		Schedule 5 Part 2 Class 10 (b) (i) construction of more than 500 dwelling units. Construction of a house	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321158-24
Proposed Development Summary	Construction of a house
Development Address	Tallon House, Golf Lane, Foxrock, Dublin 18
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development is on a 0.7ha site. The development is a modern two storey building with a maximum height of 6.45m at roof level.</p> <p>The site is on a relatively flat land and the development involves the demolition of a car port, store and garden studio. The development does not require the use of substantial</p>

	natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.	
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban setting surrounded by properties within the Foxrock area. The site is located in a built-up area that is removed from sensitive natural habitats and designated sites of identified significance in the Dun Laoghaire Rathdown County Development Plan 2022-2028	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the	Schedule 7A Information required to enable a Screening Determination to be carried out.	No

likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____