

# Comhairle Chontae Atha Cliath Theas

**PR/0205/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0342      **Application Date:** 15-Dec-2021  
**Submission Type:** New Application      **Registration Date:** 15-Dec-2021  
**Correspondence Name and Address:** Eoin Wynne, Wynne Civil Engineering Ltd.  
Greenhills, Kill, Co. Kildare  
**Proposed Development:** Demolition of habitable house and new boundary fence.  
**Location:** Main Street, Rathcoole, Co. Dublin  
**Applicant Name:** Liam Fyans  
**Application Type:** Permission

### **Description of Site and Surroundings**

#### Site Area

Stated as 0.287Hectares.

#### Site Description

The subject site is located on the northern edge of Main Street Rathcoole and is comprised of a terrace of 3 two-storey buildings which front directly onto the public realm along Main Street. The site also contains a number of derelict outbuildings to the rear of the terrace of buildings and a single storey dwelling located to the northwest of the terraced buildings.

The proposed development of this Planning Application pertains to the dwelling positioned at the eastern end of the terrace of 3 No. two storey buildings. According to the drawings submitted by the Applicant, the dwelling is comprised of a living room, dining room and kitchen at ground floor level and 2 No. bedrooms and a bathroom at first-floor level.

### **Proposal**

Planning Permission is sought for the following:

- Demolition of the existing two storey habitable dwelling, which has a Gross Floor Area of 71.1sq m.
- Provision of a new 1.8m high concrete post and hit and miss timber panel boundary fence, along the front boundary of the subject site, adjacent to Main Street Rathcoole.
- All associated site works.

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### **Zoning**

The subject site is designated with two zoning objectives, with the southern portion containing the building proposed for demolition design the 'VC' zoning objective in the South Dublin County Development Plan, for which the stated objective is – 'to protect, improve and provide for the further development of Village Centres'. The remaining portion of the subject site to the north is designated with the 'RES' zoning objective, for which the stated objective is – 'to protect and/or improve residential amenity'.

The subject site is located within the Rathcoole Village Architectural Conservation Area.

### **SEA Sensitivity Screening**

Overlap is indicated with the following SEA Sensitivity layers:

- Architectural Conservation Areas.
- Areas of Archaeological Potential.
- Record of Monuments and Places.

### **Consultations**

- Roads Department: No objection, subject to conditions.
- Drainage and Water Services: No report received.
- Parks and Public Realm Department: No objection.
- Heritage Officer: No report received.
- Architectural Conservation Officer: Refusal recommended.
- Department Housing, Local Government and Heritage: No report received.
- An Taisce: No report received.

### **Submissions/Observations /Representations**

Final date for submissions – 27<sup>th</sup> January 2022.

One submission was received, the key points of which are summarised below:

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- The terrace of two-storey buildings is located within the Rathcoole Village Architectural Conservation Area.
- Although not individually listed, the terraced buildings are a good example of South County Dublin village architecture and contribute to the character of the Main Street.
- The buildings should be re-purposed and maintained.

### Relevant Planning History

#### Subject Site

**SD09A/0302**

Outline permission sought for 3 No. ground floor retail units ( 256 sq m in total); first floor offices (256 sq m); 3 No. two bedroom apartments at second floor with storage, study & private residential roof gardens & pedestrian access including gallery, lobby, stairs & lift ( 102 sq m) at ground, first and second floors, the demolition of one habitable house, ancillary site & development works including 23 off street parking spaces and the demolition of two derelict cottages and sundry outbuildings. **Decision:** Outline Permission Granted.

### Relevant Enforcement History

No recent Enforcement History recorded for the subject site.

### Pre-Planning Consultation

None recorded.

### Relevant Policy in South Dublin County Council Development Plan 2016-2022

Urban Centre (UC) Policy 3 Village Centres

*It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.*

UC3 Objective 1

*To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).*

UC3 Objective 6

*To encourage and facilitate the re-use and regeneration of derelict land and buildings for appropriate centre uses and encourage the full use of buildings, and in particular the use of upper floors and backlands, with due cognisance to the retail sequential approach, quality of urban design, integration and linkages.*

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### UC3 Objective 7

*To reinforce village centres as a priority location for new mixed use development and to promote and support new development that consolidates the existing urban character with quality of design, integration and linkage as important considerations.*

### Heritage, Conservation and Landscapes (HCL) Policy 4 Architectural Conservation Areas

*It is the policy of the Council to preserve and enhance the historic character and visual setting of Architectural Conservation Areas and to carefully consider any proposals for development that would affect the special value of such areas.*

### HCL4 Objective 1

*To avoid the removal of structures and distinctive features that positively contribute to the character of Architectural Conservation Areas including buildings, building features, shop fronts, boundary treatments, street furniture, landscaping and paving.*

### HCL4 Objective 3

*To address dereliction and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within Architectural Conservation Areas.*

### Heritage, Conservation and Landscapes (HCL) Policy 5 Older Buildings, Estates and Streetscapes.

*It is the policy of the Council to encourage the preservation of older features, buildings, and groups of structures that are of historic character including 19th Century and early to mid 20th Century houses, housing estates and streetscapes.*

### HCL5 Objective 1

*To retain existing houses that, while not listed as Protected Structures, are considered to contribute to historic character, local character, visual setting, rural amenity or streetscape value within the County.*

### HCL5 Objective 3

*To encourage the retention, rehabilitation, renovation and re-use of older buildings and their original features where such buildings and features contribute to the visual setting, collective interest or character of the surrounding area.*

### Section 11.5.3 Architectural Conservation Areas

*The carrying out of exterior works in an Architectural Conservation Area (ACA) can only be exempt where it is considered that the works would not materially affect the character of the area and where the works are consistent with the appearance of the structure itself and neighbouring structures. All proposals for development within an ACA shall comply with the*

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*requirements of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011) and shall seek to protect the historic character, existing amenities, visual setting and streetscape character of the ACA. The scale of new structures should be appropriate to the general scale of buildings within the ACA. Where it is proposed to demolish a structure or part of a structure that contributes to the character of an ACA, the onus is on the applicant to justify demolition and redevelopment as opposed to rehabilitation, renovation and re-use. All development works within ACAs should seek to limit, reduce and remove urban and visual clutter including building signage, traffic signage, bollards, utility boxes and other free standing installations. In addition to the general requirements of this Development Plan, signage proposals within ACAs shall have regard to the requirements outlined in Chapter 12 of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011).*

### Section 11.5.4 Older Buildings, Estates and Streetscapes

*Development proposals to demolish a dwelling that is not a Protected Structure or in an ACA but is considered to be of historic character or architectural interest will be carefully considered. In such cases, a strong justification for the demolition of the dwelling will be required, addressing the potential impact on the historic character and visual setting of the area. Proposals to extend and/or renovate older buildings and houses should seek to retain original features and finishes that contribute to their architectural or collective interest.*

### Section 6.4.4 Car Parking

#### Policy TM7 Car Parking

#### Section 11.4.2 Car Parking Standards

#### Table 11.24: Maximum Parking Rates (Residential Development)

#### Section 11.4.4 Car Parking Design and Layout

### Section 7.1.0 Water Supply & Wastewater

#### Policy IE1 Water & Wastewater

*It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.*

### Section 7.2.0 Surface Water & Groundwater

#### Policy IE2 Surface Water & Groundwater

*It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

### Section 7.3.0 Flood Risk Management

#### Policy IE3 Flood Risk

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*It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.*

*Section 8.0 Green Infrastructure*

*Policy G1 Overarching*

*Policy G1 Green Infrastructure Network*

*Policy G3 Watercourses Network*

*Policy G4 Public Open Space and Landscape Setting*

*Policy G5 Sustainable Urban Drainage Systems*

*Policy G6 New Development in Urban Areas*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1(iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

*Section 11.6.1 (vi) Water Services*

*Section 11.7.2 Energy Performance in New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Relevant Government Guidelines**

***Project Ireland 2040 National Planning Framework, Government of Ireland, 2018***

***Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.***

***Design Manual for Urban Roads and Streets***, Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport, (2013).

***Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities***, Department of the Environment, Heritage and Local Government, (2009)

***The Planning System and Flood Risk Management - Guidelines for Planning Authorities***, Department of the Environment, Heritage and Local Government & OPW, (2009).

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### Planning Note

The Planning Authority has identified the following issues with the documentation provided by the Applicant:

- **Cover Letter and Statutory Notices** – The Cover Letter prepared by Wynne Civil Engineering Limited states that *'the Applicant wishes to demolish these two derelict units along with the habitable house adjacent in order to remove this risk'*. The Statutory Notices for the subject application describe the proposed development as *'demolition of a habitable house and new boundary fence'*. It appears from the Cover Letter that the Applicant intends to demolish the 2 No. units which form a terrace with the habitable house. The Statutory Notices make no reference to the demolition of these units. Furthermore, it is noted that the accompanying drawings do not indicate that it is proposed to demolish these 2 No. units. The Planning Authority is concerned that, should the Applicant intend to demolish all 3 No. of the units within the terrace adjacent to Main Street, the Statutory Notices do not adequately describe the proposed development
- **Plans, Elevations, Section, Photographs** – The elevations shown on Drawing No. 200P do not include principal dimensions as per the requirement laid out in Article 23(1)(f) of the Planning and Development Regulations 2001-2022 (as amended).

Despite the above outlined issues with the documentation provided by the Applicant, the Planning Authority has set out below an assessment of the proposed development.

### Assessment

The main issues for assessment are:

- Zoning
- Council Policy
- Architectural Conservation
- Boundary Treatment
- Screening for Appropriate Assessment
- Environmental Impact Assessment

### **Zoning**

The site is subject to two land-use zoning objectives, the portion of the site pertaining to this Planning Application and the adjoining terrace is zoned 'VC' – 'to protect, improve and provide for the further development of Village Centres'. The remaining portion of the subject site to the north is designated with the 'RES' zoning objective, for which the stated objective is – 'to protect and/or improve residential amenity'.

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The demolition of an existing dwelling on lands zoned 'VC' and 'RES' is considered to be acceptable in principle, subject to assessment against the relevant policies and objectives contained within the South Dublin County Development Plan 2016-2022.

### Council Policy

The existing dwelling, which the Applicant proposes to demolish, is not designated a Protected Structure. However, it does appear on the National Inventory of Architectural Heritage for South Dublin County (NIAH Reg. No. 11213019) along with the adjoining buildings to the west (NIAH Ref. No. 11213020). The subject site is located within the Rathcoole Village Architectural Conservation Area ('ACA'). Having regard to the location of the subject site within the Rathcoole ACA, the following extract from Section 11.5.3 of the Development Plan is of particular relevance:

*'Where it is proposed to demolish a structure or part of a structure that contributes to the character of an ACA, the onus is on the applicant to justify demolition and redevelopment as opposed to rehabilitation, renovation and re-use.'* [Emphasis added]

The Cover Letter prepared by Wynne Civil Engineering Limited provides the following detail in relation to the building it is proposed to demolish:

*'The habitable house forms part of a terrace of three two storey buildings on Main Street, Rathcoole. The house is in a very poor state of repair and has been unoccupied for over ten years.'*

Notwithstanding the current state of the habitable dwelling proposed for demolition, the subject site is located within the Rathcoole ACA and as such, there is a responsibility on the Applicant to justify the demolition of a structure that clearly contributes to the character of the Rathcoole village streetscape. The Planning Authority is of the opinion that the poor state of repair is not sufficient justification for the demolition of the urban fabric of Main Street, Rathcoole.

Urban Centre (UC) Policy 3 of the Development Plan outlines the Council's policy in relation to Village Centres, such as Rathcoole. In particular, UC Policy 3 Objective 1 states that it is an Objective of the Council:

*'To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).'* [Emphasis added]

The Planning Authority is of the opinion that the demolition of the habitable house and the potential future demolition of the adjoining 2 No. units would be contrary to UC Policy 3



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Objective 1, as they form a terrace of buildings that contribute significantly to the historic core of Rathcoole village that lies within the Architectural Conservation Area.

Policy UC3 Objective 6 of the Development Plan states that it is Council policy:

**'To encourage and facilitate the re-use and regeneration of derelict land and buildings** for appropriate centre uses and encourage the full use of buildings, and in particular the use of upper floors and backlands, with due cognisance to the retail sequential approach, quality of urban design, integration and linkages'. [Emphasis added]

Having regard to the content of Policy UC3 Objective 6, the Planning Authority consider that there is potential for the terrace of buildings fronting onto Main Street, Rathcoole to be regenerated and form a key part of any future development proposal at the subject site, contributing towards the retention of the historic fabric and architecture within the Rathcoole Architectural Conservation Area.

Heritage, Conservation and Landscapes (HCL) Policy 4 of the Development Plan outlines further policy in relation to Architectural Conservation Areas:

*'It is the policy of the Council to **preserve and enhance the historic character and visual setting of Architectural Conservation Areas** and to carefully consider any proposals for development that would affect the special value of such areas.'* [Emphasis added]

Having regard to HCL Policy 4, the Planning Authority considers the demolition of the habitable dwelling at the subject site would not preserve or enhance the historic character and visual setting of the Rathcoole ACA. Conversely, the Planning Authority is of the opinion that the demolition of the habitable dwelling at the subject site and the potential future demolition of the 2 No. units adjacent to the dwelling would significantly detract from the character of the streetscape in the centre of Rathcoole village.

Regarding the removal of structures contributing to the character of Architectural Conservation Areas, HCL4 Objective 1 states the objective:

*'To avoid the removal of structures and distinctive features that positively contribute to the character of Architectural Conservation Areas including buildings, building features, shop fronts, boundary treatments, street furniture, landscaping and paving'.* [Emphasis added]

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It is considered that the removal of the dwelling fronting directly onto Rathcoole Main Street would significantly diminish the character of the Architectural Conservation Area and would therefore be contrary to HCL4 Objective 1 of the Development Plan.

HCL4 Objective 3: of the Development Plan outlines the objective:

*'To address dereliction and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within Architectural Conservation Areas'.*

To ensure compliance with HCL4 Objective 3 of the Development Plan, the Planning Authority considers that the Applicant should consider the sensitive re-use and rehabilitation of the building at the subject site as it forms a key feature of the streetscape along Main Street, Rathcoole within the Architectural Conservation Area.

Heritage, Conservation and Landscapes (HCL) Policy 5 Older Buildings, Estates and Streetscapes states that:

*'It is the policy of the Council to encourage the preservation of older features, buildings, and groups of structures that are of historic character including 19th Century and early to mid 20th Century houses, housing estates and streetscapes'.*

The terrace of buildings at the subject site, of which it is proposed to demolish the dwelling at the eastern end, dates from c. 1820-1860 and provides a linear frontage along Main Street which contributes to the form and character of the streetscape. In this regard, the Planning Authority is of the opinion that the proposed demolition would be contrary to HCL Policy 5.

HCL5 Objective 3 of the Development Plan states that it is Council policy:

*'To encourage the retention, rehabilitation, renovation and re-use of older buildings and their original features where such buildings and features contribute to the visual setting, collective interest or character of the surrounding area'.*

The Planning Authority is of the opinion that the Applicant should consider the retention, rehabilitation and renovation of the existing building at the subject site, as the proposed demolition would be contrary to HCL5 Objective 3 of the Development Plan.

### **Architectural Conservation**

A report received from the Architectural Conservation Officer generally concurs with the above-outlined assessment of the Planning Authority. The Report provides the following appraisal of the proposed development:

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*'This is an application for the demolition of a habitable dwelling on Main Street, Rathcoole. The existing building is a two-storey, 3-bay dwelling c. 1820-1860 and is one of two semi-detached houses which are located on Main Street. The dwelling which is subject to this planning application (NIAH Ref. 11213019) and the adjoining property (NIAH Ref. 11213020) are both included on the National Inventory of Architectural Heritage (NIAH) for South Dublin County, 2002. This house forms a strong group with its eastern neighbour, showing the former character of the village street. The form and character of the pair of structures adds to the existing streetscape in providing the Main Street with linear frontage and historic building form and character.*

*Rathcoole is an Architectural Conservation Area as designated under the CDP 2016-2022, as such where it is proposed to demolish a structure that contributes to the character of an ACA the onus should be on the applicant to make the case for demolition. Although the existing structure is in a poor state of disrepair the dwelling in question is of sufficient architectural merit which along with its neighbour, contributes to the character of the Architectural Conservation Area and to the streetscape along Main Street'.*

The Report concludes that:

*'Based on the above information it is considered that the proposed demolition of an existing habitable dwelling on Main Street, Rathcoole is unacceptable.*

- *The applicant has failed to make a case for the proposed demolition of a building within an Architectural Conservation Area.*
- *The removal of this structure will cause a direct negative impact on the character of the Architectural Conservation Area and on the existing streetscape value of the historic form and setting along Main Street.*
- *There will be an overall negative visual effect on the balance of the architectural composition on the adjoining structure and overall setting of adjacent protected structures and historic buildings along Main Street.*

*In conclusion it is considered that the character and special interest of the Architectural Conservation Area would be diminished by the demolition of the existing property and is therefore completely unacceptable and should be refused permission for the reasons above'.*

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Having regard to the Report of the Architectural Conservation Officer, the Planning Authority considers that permission should be refused for the proposed development.

### **Boundary Treatment**

In addition to the proposed demolition of the habitable dwelling on the subject site, the proposed development of this Planning Application also includes the provision of a 1.8m high concrete post and hit and miss timber panel boundary fence, along the front boundary of the subject site, adjacent to Main Street Rathcoole.

HCL4 Objective 1 of the Development Plan states the objective:

*'To avoid the removal of structures and distinctive features that positively contribute to the character of Architectural Conservation Areas including buildings, building features, shop fronts, boundary treatments, street furniture, landscaping and paving'.*  
[Emphasis added]

The Planning Authority is of the opinion that the installation of a 1.8m high boundary treatment along Main Street Rathcoole would be contrary to HCL4 Objective 1 of the Development Plan as it would obscure the distinctive features of the terrace of buildings dating from c.1820-1860 and would therefore significantly alter the character of the streetscape and have an adverse impact on the historic form and character of the Architectural Conservation Area.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Conclusion**

Having regard to the location of the subject site within the Rathcoole Architectural Conservation Area, the architectural significance of the existing buildings and their contribution to the historic form and character of the streetscape along Main Street Rathcoole

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and the provisions of the South Dublin County Development Plan 2016 – 2022, in particular the policies and objectives outlined in Chapters 9 and 11, it is considered that the proposed development is contrary to the Development Plan and the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

### **SCHEDULE**

#### **REASON(S)**

1. Based on the information submitted, the proposed demolition of a habitable dwelling and provision of a 1.8m high boundary treatment, on a prominent site along Main Street, Rathcoole and within the Rathcoole Architectural Conservation Area would significantly alter the historic form and character of the streetscape and diminish the character and special interest of the Architectural Conservation Area. The Planning Authority considers that the proposal would not be in accordance with Section 11.5.3 and would contravene UC Policy 3 Objective 1, HCL4 Objectives 1 and 3, HCL Policy 5, HCL5 Objective 3 of the South Dublin County Council Development Plan 2016-2022.  
The proposed development would be contrary to the proper planning and sustainable development of the area.

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**REG. REF. SD21A/0342**

**LOCATION: Main Street, Rathcoole, Co. Dublin**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

**Date:**

17/2/22

  
**Eoin Burke, Senior Planner**