

Comhairle Chontae Atha Cliath Theas

PR/1012/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0271 **Application Date:** 14-Jun-2022
Submission Type: New Application **Registration Date:** 14-Jun-2022

Correspondence Name and Address: Donna Ryan, Downey Planning 29, Merrion Square, Dublin 2

Proposed Development: (a) demolition of some existing structures on site; (b) the internal modification /reconfiguration and refurbishment of and extension to Prospect House (a protected structure RPS 340) and the renovation and modification of its associated coach house to provide for a 4-bed dwelling with associated private open space and car-parking provision; (c) the re-opening of a gap between Prospect House and its detached coach house to the rear to provide a gated access into the new communal gardens proposed to the west of Prospect House; (d) Reconstruction of the Gate Lodge (in ruins) to provide for a 2-bed, single storey dwelling 63.4sqm with associated private open space and car-parking; (e) the provision of 1 apartment block (3-storey plus setback penthouse level) to the western side of Prospect House to provide for 22 residential units (11 one bedroom units and 11 two bedroom units) over a single storey basement comprising a total of 25 car parking spaces, 2 motor bike spaces and 40 bicycle parking spaces; The basement will also include associated bin stores, plant and storage rooms; (f) Removal of a portion of the western boundary wall to provide a new vehicular & pedestrian access from Stocking Lane to the new apartment block; (g) All associated hard & soft landscaping, including the provision of a play area and an ESB sub-station & all associated engineering & site development works necessary to facilitate the development, all on a site of 0.51ha at Prospect House (a protected structure RPS 340).

Location: Lands at Prospect House, Stocking Lane, Rathfarnham, Dublin 16, D16 E5D0

Applicant Name: MSJA Ltd

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Application Type: Permission

(CM)

Description of Site and Surroundings

Prospect House is located along Stocking Lane. A rendered curved entrance and gate posts provide access to an avenue where there is a single storey rendered gate lodge with a slate roof to the south just inside the entrance. The main house is a detached five-bay two-storey over basement house, built c.1882, with smooth rendered front wall with slates hung to sides and rear elevations. There is a walled garden and outbuildings to the rear and west of the house. The main house and gate lodge fronts onto open land that is bounded by a granite wall. A large housing estate has been developed in the lands adjacent to Prospect House.

Prospect House is designated in South Dublin County Council's Record of Protected Structures (RPS Ref. 340).

Site Area: Stated as 0.51 Ha.

Site Visit: 29/7/22

Description of Development

- (a) demolition of some existing structures on site;
- (b) the internal modification /reconfiguration and refurbishment of and extension to Prospect House (a protected structure RPS 340) and the renovation and modification of its associated coach house to provide for a 4-bed dwelling with associated private open space and car-parking provision;
- (c) the re-opening of a gap between Prospect House and its detached coach house to the rear to provide a gated access into the new communal gardens proposed to the west of Prospect House;
- (d) Reconstruction of the Gate Lodge (in ruins) to provide for a 2-bed, single storey dwelling 63.4sqm with associated private open space and car-parking;
- (e) the provision of 1 apartment block (3-storey plus setback penthouse level) to the western side of Prospect House to provide for **22 residential units** (11 one bedroom units and 11 two bedroom units) over a single storey basement comprising a total of 25 car parking spaces, 2 motor bike spaces and 40 bicycle parking spaces; The basement will also include associated bin stores, plant and storage rooms;
- (f) Removal of a portion of the western boundary wall to provide a new vehicular & pedestrian access from Stocking Lane to the new apartment block;
- (g) All associated hard & soft landscaping, including the provision of a play area and an ESB sub-station & all associated engineering & site development works necessary to facilitate the development,

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- all on a site of 0.51 ha at Prospect House (a protected structure RPS 340).

Development Statistics

Gross Site Area (Ha.)	0.51
Proposed	
No. of Proposed Units	24
1-Bed Apartments	11
2-Bed / 4-person Apartments	11
2-Bed / 3-person House	1
3-Bed House (Prospect House)	1
Gross Floor Area (Sq.M.)	
Existing	429
Proposed	1928.1
Demolition	41.88
Proposed Plot Ratio	0.3
Site Coverage	Stated as 25%
Residential Density	47
Open Space (Sq.M)	Stated as 1,720*
*Variously cited as public or semi-private communal. Appears to be proposed as communal space with no public provided.	

Zoning:

The site is zoned 'RES,' "to improve and/or protect residential amenity."

SEA Environmental Sensitivity Screening

The site accommodates a Protected Structure.

Consultations

Internal

SDCC Architectural Conservation Officer	Requests Additional Information.
Environmental Services	Requests Additional Information.
SDCC Heritage Officer	Requests Additional Information.
Housing	No objection, subject to conditions.
Roads	Requests Additional Information.
Public Lighting	No objection, subject to conditions.

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Public Realm	Requests Additional Information.
Waste Management	No objection, subject to conditions.

External

HSE Environmental Health Officer	No objection, subject to conditions.
Irish Water	Requests Additional Information.
An Taisce	Objects.

Submissions/Observations/Representations

Submissions have been received from Prospect Manor Residents' Association and a considerable number of Prospect Manor estate residents. The issues raised can be summarised as follows:

Principle of Development

- Development of this scale is completely unsuitable and would represent overdevelopment.
- Density as presented is misleading, being presented as 41 d/ha., but closer to 70 when certain lands and roads are discounted.
- Site is 35-40 minutes' walk from Rathfarnham Village and is therefore not 'in close proximity'.
- Lower density (35 DpH) would be more suitable given the proximity to local centres and lack of transport options.
- Does not comply with zoning objective to protection and/or improve residential amenity.
- Density is above the statutory planning guidance for development on a country lane, 3km from a town and not on a quality public transport corridor.
- 50% provision of 1-beds indicates aim for college students. Poor public transport links from here to UCD, TUD and Griffith College.
- Observer does not object to development if it is not overdevelopment, protects ecology, is in sympathy with the houses and respects the topography and elevation of the site.
- Proposed development should be reduced in scale so that it fits in with the surrounding residences and landscape and protects views of Prospect House.

Visual Impact and Design

- Building height would be out of character for the area (4 storeys and 12 metres above ground).
- Overbearing impact on Stocking Lane – a country lane.
- Very dramatic impact on houses in Prospect View cul-de-sac, due to loss of privacy, overlooking and overshadowing of dwellings and private open spaces.

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- Development contains high level balconies which will be overlooking gardens of existing dwellings.
- Development would be visually obtrusive.
- Development design does not take account of natural slope of the land.
- Applicant has omitted visuals that would show full impact on adjoining areas.
- Incompatible with character and therefore zoning of the area.
- Observer's Amenity and privacy will be reduced.
- Lack of verified views.
- With underground car park, this is essentially a 5-storey building and would be out of context.
- Balconies would directly overlook gardens on Prospect View.
- 2/3 storey houses would be more suitable.
- Not enough separation from southern boundary of site.
- Eyesore
- Would reduce daylight to gardens
- Observer invites developer or planning authority to see the visual impact from their garden

Conservation

- Proposed development is taking place on site of a protected structure, RPS 340.
- Development would detract from the character and setting of the protected structure.
- Proposed apartment block will be taller than the protected structure.
- Proposed apartment block will dwarf, and will have an overbearing impact on, the protected structure.
- Character and design of scheme will detract from Prospect House.
- Proposed development may affect the structure of Prospect House.
- Prospect House must be defended from unscrupulous builders.
- Proposals to modify and restructure the internal area, and add an extension, do not respect that Prospect House is a protected structure.
- Concern that building will not be protected due to proposed works to renovate and extend the house. Notes responsibility to ensure structure is not endangered.

Access, Transport and Parking

- Difficult to safely exit Prospect Manor due to increased traffic in the area.
- Proposed development will create even more congestion and traffic safety issues.
- Cars exiting the development will pose a danger to road users on Stocking Lane.
- Entrance to site is on a dangerous bend.
- Sightlines may be partially obscured from site entrance.
- On school days, traffic congestion makes it difficult to use Stocking Lane.
- Insufficient visitor parking provided.

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- Additional parking likely on Stocking Drive, making the exit from Prospect Manor less safe.
- The area is too densely developed, and more development is being permitted on several sites; heavy traffic is only going to get worse here.
- The environment and traffic volumes on Stocking Lane are unacceptable. The situation is getting worse due to developments to the south coming on-stream without additional infrastructure in place.
- Car emissions in the area must be a huge concern. Council is ignoring local residents on this and favouring developers.
- Public Transport provision is disastrously inadequate, and Bus Connects will not improve the situation here.

Public Realm & Ecology

- Removal of over 20 trees will have an excessively negative impact on wildlife and biodiversity in the area.
- Ensure the protection of established trees due to their wildlife/biodiversity value.
- Removal of boundary trees will reduce privacy to Prospect View, which adjoins the scheme.
- Proposed to dig through main green in Prospect Manor estate to provide drainage. Prospect Manor estate has been maintained by residents at their own expense notwithstanding that it is in charge.
- Loss of trees will strip the landscape of a significant natural asset.
- Protection of trees is crucial as part of efforts to limit global warming.
- Observer has seen bats at Prospect House.
- Bats roost at Prospect House.

Water Services

- Alternative route for sewer should be sought.

Other Impacts

- Construction close to boundary walls.
- Lighting and Noise impact on neighbouring dwellings.
- Property value
- security

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Planning History

SD19A/0312 & ABP-306282-19

Permission **refused by An Bord Pleanála** (upholding a decision of SDCC) for: (a) Internal modification/reconfiguration of an **refurbishments to Prospect House (Protected Structure RPS 340) to provide for: 1 two bed unit & two one bed units** ranging from 66sq.m - 148sq.m with 5 in-curtilage car parking spaces; (b) the extension, internal reconfiguration of and refurbishments to the detached outbuildings & courtyard to the rear (south) of Prospect House in order to accommodate a single storey one bedroom apartment unit (52sq.m); (c) the re-opening of a gap between Prospect House and it's detached outbuilding to the rear to provide access into the new communal gardens proposed to the west of Prospect House; (e) revised landscaping to the north of Prospect House, including the removal of a portion of the existing railings to the north of the driveway to facilitate a new vehicular access & parking provision; all served by the existing entrance & avenue to Prospect House; (f) the renovation of the existing derelict gate lodge; (g) the provision of 1 apartment block (three storey setback penthouse level) to the western side of Prospect House to provide for **25 residential units** (8 one bedroom units, 16 two bedroom units and 1 three bedroom unit) over a single storey basement comprising a total of 27 car parking spaces and 11 bicycle parking spaces; (h) removal of a portion of the western boundary wall to provide a new vehicular & pedestrian access from Stocking Lane to the new apartment block; (g) all associated hard & soft landscaping, the provision of an ESB sub-station and all associated engineering and site development works necessary to facilitate the development all on a site of 0.4832ha.

ABP Reasons for refusal:

1. Having regard to the existing character and the prevailing pattern of development and the presence of a structure on site of architectural heritage interest which is listed as a Protected Structure in the South Dublin County Development Plan 2016- 2022, it is considered that the proposed development, by reason of its overall layout, and its scale, height, massing and design, together with the extensive removal of the front boundary wall along Stocking Lane, would be out of scale with its surroundings, would represent an overdevelopment of the site, would dominate and seriously detract from the architectural character and setting of 'Prospect House', a protected structure with RPS Number 340 referring and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would be contrary to the requirements of HCL Policy 3 Protected Structures of the South Dublin County Development Plan 2016 - 2022, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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2. Having regard to the prominent location of the site, to the established built form and character of Stocking Lane and to the existing buildings and boundary walls of Prospect House, protected structure, on the site which are considered to be of importance to the streetscape, it is considered that the proposed development would be incongruous by reason of its design, bulk and fenestration, which would be out of character with the streetscape and would set an undesirable precedent for further inappropriate development in the vicinity of the site. The design is not considered to justify the demolition of the existing boundary walls of the site and the removal of the gardens in their entirety, which comprise elements of the curtilage of Prospect House, a protected structure. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development, by reason of its inadequate qualitative and quantitative provision of public/communal open space and lack of designated children's play area, would conflict with the provisions of the South Dublin County Development Plan 2016-2022, for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in 2009 and would constitute an excessive density of development on this site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The results of the 'M50 Motorway Noise Assessment' prepared by Byrne Environmental Consulting Ltd, do not demonstrate compliance with Section 11.6.3 (ii) Noise and Policy 7, Environmental Quality of the South Dublin County Council Development Plan 2016 – 2022 and Volume 4 of the Dublin Agglomeration Environmental Noise Action Plan 2018 – 2023, in that daytime and night time noise levels are outside of the desirable levels expected for residential development. The applicant has not provided sufficient detail as to how sufficient residential amenity is to be provided for future occupants of the proposed units. The proposed development would, therefore, be prejudicial to public health.

SD18A/0181 & ABP-302285-18

Permission **refused** by An Bord Pleanála (upholding an SDCC decision) for: Part demolition of the existing wall along Stocking Lane and the construction of a three to four storey development of **19 residential units** consisting of: nine houses (8 four bed and 1 three bed), eight apartments (4 three bed, 2 two bed and 2 one bed) and two duplex units (three bed). Development also includes the proposed new vehicular entrance off Stocking Lane to the ground floor enclosed car parking area, associated rear gardens for the houses at podium level,

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associated private open space in the form of balconies for the apartments and landscaped public open space. Both Prospect House and the Gate Lodge are to remain intact. All with associated signage, landscaping, street lighting, drainage, site works and ESB substation at Prospect House (a Protected Structure RPS Number 340), Stocking Lane, Rathfarnham, Dublin.

ABP reasons for refusal:

1. Having regard to the existing character and the prevailing pattern of development and the presence of a structure on site of architectural interest which is listed as a Protected Structure in the current Development Plan for the area, for which no proposals for its upkeep or maintenance are submitted or proposed, it is considered that the proposed development, by reason of its overall layout, and its scale, height, massing and design, together with the extensive removal of the front boundary wall, would be out of scale with its surroundings, would represent an overdevelopment of the site, would dominate and seriously detract from the architectural character and setting of Prospect House, Protected Structure RPS Number 340, and of the streetscape generally. The proposed development would, therefore, materially and adversely affect the character of this Protected Structure, would be contrary to the requirements of HCL Policy 3 Protected Structures of the South Dublin County Development Plan 2016-2022, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site, to the established built form and character of Stocking Lane and to the existing buildings and boundary walls of Prospect House, protected structure, on the site which are considered to be of importance to the streetscape, it is considered that the proposed development would be incongruous by reason of its design, scale, bulk, fenestration, height and design, which would be out of character with the streetscape and would set an undesirable precedent for further inappropriate development in the vicinity of the site. The design is not considered to justify the demolition of the existing boundary walls of the site, which comprise the curtilage of Prospect House, a protected structure. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the information presented in support of the proposed development, together with the proposed undercroft car park, it is considered that the proposed development would result in an inappropriate form of development which would preclude access for service vehicles and emergency vehicles. In addition, having regard

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to the scale of the proposed development and the traffic to be generated by it, together with the proposed layout of the site, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

4. Having regard to the design, bulk and height of the proposed development and its proximity to neighbouring residential properties, it is considered that the proposed development would seriously injure the residential amenities of such neighbouring properties by reason of overlooking and would be overbearing in its context. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
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5. The proposed development would not be in compliance with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and local Government in December 2015. The proposed development would, therefore, be contrary to the Ministerial Guidelines issued under section 28 of the Planning and Development Act, 2000, as amended.

SD05A/0630

New single storey dwelling house. The site measures approximately 0.5 hectares and is within the curtilage of Prospect House, which is listed as a Protected Structure in the South Dublin County Council Development Plan (2004-2010). The proposed development consists of a four bedroom detached bungalow measuring 162.5sq.m. The application includes proposals for the demolition of the existing derelict gate lodge on the site of the proposed dwelling. The application includes proposals for new water services connections from the existing public mains supply, and connections to the existing foul and surface water drains on/adjoining the application site. Access to the proposed dwelling is from the existing vehicular entrance and a private avenue to Prospect House from Stocking Lane.

Decision: Application **declared withdrawn** as Additional Information requested was not responded to.

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The following was requested as Additional Information:

'The Conservation Officer has recommended that the proposed development be refused as the demolition of the gate lodge, a Protected Structure, would not be acceptable, and as the proposed development would have a negative impact on the character of the Protected Structure. The applicant is therefore requested to submit revised plans which include the retention and restoration of the gate lodge. Any proposed expansion of the gate lodge should be done in a sensitive manner so that the character of the structure is not compromised.'

'The applicant is requested to submit an outline specification and method statement indicating the type of proposed works to the gate lodge, to prioritise the repair of elements over replacement and require the use of appropriate treatments, in accordance with highest conservation standards.'

'The applicant is requested to submit revised plans whereby the minimum private amenity space as set out in the South Dublin County Development Plan 2004-2010 is met.'

The applicant should note that any proposal resulting in the demolition of the gate lodge or that would have a negative impact upon the character of the Protected Structure will result in a refusal of planning permission.

Other Sites

SD20A/0193 at Stocking Lane (site to south-west)

Permission **refused** by SDCC for: Construction of a detached four bedroom two storey house with attic level accommodation; vehicular entrance from Stocking Lane; All associated site works and services. Reasons for Refusal:

1. Given the topography of the site, the proximity of neighbouring residential properties and their private rear amenity space at a lower ground level to the east and the lack of information submitted in relation to site levels and the proposed dwelling, the planning authority is not satisfied on the basis of the information submitted that the proposal would not have an adverse impact on neighbouring residential amenity in terms of being overbearing. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

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2. Given the topography of the site and the lack of information submitted in relation to site levels, accessibility, usability and quantity of private amenity space proposed, the planning authority is not satisfied on the basis of the information submitted that the proposal would provide a sufficient quality and quantity of useable private amenity space. The proposal would therefore be contrary to Policy H11 Residential Design and Layout and Policy H13 Private and Semi-Private Open Space of the South Dublin County Council Development Plan (2016-2022), to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and the proper planning and sustainable development of the area.
3. Given the topography of the site, the proposed siting of the new dwelling in a visually prominent location adjacent to Stocking Lane and the lack of information submitted in relation to site levels, the planning authority is not satisfied on the basis of the information submitted that the proposal would have an acceptable visual impact on the site and surrounding area. The proposal is therefore considered to be contrary to policy H16 of the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.
4. Having regard to the location of the proposed vehicular access on Stocking Lane, the proximity of other vehicular entrances to the site and the ability of refuse collection and emergency vehicles to safely access the site without causing obstruction close to a bend, the proposed development would generate a traffic hazard and would endanger public safety. The proposal would therefore be contrary to the proper planning and sustainable development of the area.
5. Having regard to the lack of information submitted in relation to surface water attenuation and the topography of the site, the Planning Authority is not satisfied, on the basis of the information submitted, that the proposed development would not be prejudicial to public health and therefore is considered to not be in the interests of the proper planning and sustainable development of the area.

SD20A/0170 and ABP-309307-20 at Garrettstown House (site to south of SD20A/0193 site)
Permission **granted** by ABP (upholding a decision of SDCC) for: (i) Demolition of existing 2-storey dwelling, Garrettstown House; (ii) **Construction of 24 terraced houses**, comprising 8 2-bedroom, 2 storey houses; 8 3-bedroom, 2 storey houses; and 8 4-bedroom, 2 storey houses with attic level accommodation; Vehicular and pedestrian access from Stocking Lane; Car parking, public open space, and all associated site works and services.

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Enforcement History

No recent relevant enforcement history recorded.

Relevant Policy

National Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the National Planning Framework (NPF). In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of 'Compact Growth'. The NPF states,

'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.'

The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

'A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.'

and National Policy Objective 3a, which states,

'Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.'

The National Planning Framework also includes a specific Chapter, No. 6, entitled 'People, Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. 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.

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Other Ministerial Guidelines and Policy

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

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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Departmental Circulars, Department of Housing, Planning and Local Government (2020) – as listed:

- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

Circular Letter NRUP 03/2021 – s.28 Guidelines on the Regulation of Institutional Investment in Housing

Relevant Policy in South Dublin County Council Development Plan 2022 – 2028

Chapter 2 Core Strategy and Settlement Strategy

Policy CS1 Strategic Development Areas

Section 2.6 Total Land Capacity within Strategic Development Areas

Table 2.8 Total Land Capacity within Strategic Development Areas

Table 2.9 Capacity of undeveloped lands within South Dublin

Policy CS5 Lands for Employment

Section 2.7 Settlement Strategy

Policy CS6 Settlement Strategies – Strategic Planning Principles

Section 2.7.1 Dublin City and Suburbs

Section 2.7.1: Tallaght

Policy CS7 Promote the consolidation and sustainable intensification of development within the Dublin City and Suburban settlement boundary.

Chapter 3 Natural, Cultural and Built Heritage

Policy NCBH1 Overarching

Policy NCBH2 Biodiversity

Policy NCBH5 Protection of habitats and species outside of designated areas.

Policy NCBH19 Protected Structures

Chapter 4 Green Infrastructure

Policy GI1 Overarching

GI1 Objective 4

To require development to incorporate GI as an integral part of the design and layout concept

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for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2 Biodiversity

Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

Policy GI4 Sustainable Drainage Systems

Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

GI4 Objective 3:

To require multifunctional open space provision within new developments to include provision for ecology and sustainable water management.

GI4 Objective 4:

To require that all SuDS measures are completed to a taking in charge standard.

Section 4.3.1 Components of the GI Network

Figure 4.4. Green Infrastructure Strategy Map

Chapter 5 Quality Design and Healthy Placemaking

Policy QDP1 Successful and Sustainable Neighbourhoods

Policy QDP2 Overarching – Successful and Sustainable Neighbourhoods

Policy QDP3 Neighbourhood Context

Policy QDP4 Healthy Placemaking

Policy QDP5 Connected Neighbourhoods

Policy QDP6 Public Realm

Policy QDP7 High Quality Design

Policy QDP8 High Quality Design – Building Height and Density

Policy QDP8 Objective 2

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Policy QDP9 High Quality Design - Building Height and Density

Policy QDP10 Mix of Dwelling Types

Chapter 6 Housing

Policy H1 Housing Strategy and Interim Housing Need and Demand Assessment

Policy H7 Residential Design and Layout

Policy H8 Public Open Space

Policy H9 Private and Semi-Private Open Space

Policy H10 Internal Residential Accommodation

Chapter 7 Transport and Movement

Policy SM1 Overarching – Transport and Movement

Table 1 7.1 Cycle South Dublin Routes and Projects

Policy SM2 Walking and Cycling

Policy SM3 Public Transport – General

Policy SM3 Public Transport – Bus

Policy SM3 Public Transport – Rail, Transport Interchange and Park and Ride

Table 7.5 Six Year Road Plan

Policy SM5 Street and Road Design

Policy SM6 Traffic and Transport Management

Policy SM7 Car Parking and EV Charging

Chapter 8 Community Infrastructure & Open Space

Policy COS5 Parks and Public Open Space – Overarching

Section 8.7.3 Quantity of Public Open Space

Policy COS7 Childcare Facilities

Chapter 10 Energy

Policy E3 Energy Performance in Existing and New Buildings

Policy E4 Electric Vehicles

Policy E5 Low Carbon District Heating Networks

Chapter 12 Implementation and Monitoring

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Assessment

The main issues for consideration are:

- Works proposed outside of the Red Line Boundary
- Zoning and Council Policy
- Visual Impact, Design and Layout
- Residential Amenity
- Architectural Conservation
- Access, Transport & Parking
- Public Realm
- Ecology
- Water and Drainage
- Environmental Health
- Public Housing
- Waste Management
- Appropriate Assessment
- Environmental Impact Assessment

Proposed Works outside Red Line Boundary of the Planning Application

The applicant is proposing works outside the red line boundary of the Planning Application and without a letter of consent from the landowners (South Dublin County Council) to make the application. These works consist of the installation of SW and foul drainage pipes to connect to existing pipes in the Prospect Manor estate to the north-east.

The applicant should be required to re-advertise the development and re-adjust the red line boundary of the planning application, as indicated on the Site Location Map and Site Layout Plan, and any other relevant drawings, in order to properly identify the full extent of the site on which works are proposed. This would need to be resolved by way of **additional information**; however, as there are other issues with this application, it can be included as a **reason to refuse permission**.

Potentially Unauthorised Works to a Protected Structure

The Architectural Conservation Officer has advised that certain works (including but not limited to the placement of fire safety equipment on the walls of the house) have been shown in the applicant's own reports to have been undertaken to the protected structure, without planning permission.

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The applicant should be required to seek retention permission for these works either as part of this application or as part of a separate application. If included in this application, the applicant should re-advertise the development and provide **additional information**, with a revised notice, and provide adequate drawings, photographic records and any other relevant records and commentary on works to the protected structure. There are other issues with this development and this issue would be an appropriate **reason for refusal** in the event of a decision to refuse permission.

See the Conservation section below for more information on this aspect of the development.

Zoning and Policy

The site is zoned 'RES,' "to improve and/or protect residential amenity." The proposed use is residential and is permitted in principle on these lands, subject to all other relevant policies and the impact on adjoining residential properties.

Visual Impact, Design and Layout

The proposed development provides for the demolition of some outbuildings at Prospect House, the renovation and delivery of a 2-bed, 3-person dwelling at the existing gate lodge, and the provision of a 3-4 storey apartment block within the grounds of the walled garden to the west of Prospect House. The apartment block would contain 22 units (11 no. 1-beds and 11 no. 2-beds). In addition, Prospect House itself is to be altered and extended, and provided as a 3-bed/6-person house.

It is considered that the proposed development would have an overbearing visual impact on adjoining properties, would cause overlooking and loss of privacy, as well as loss of perceived privacy, and would not have due regard to the built context or residential character of the area, and would constitute overdevelopment of the grounds of a protected structure and in particular the walled garden element of the grounds.

Overdevelopment

Whilst it is acknowledged that there are material differences in the layout proposed in the current application compared to the previous 2018 and 2019 applications, there are still concerns that the site would be overdeveloped and would detract from the setting of the protected structure. Further commentary on the impact on the protected structure is contained in the next section.

Overlooking and Loss of Privacy

Concerns regarding the potential for overlooking have been raised by local residents. The closest existing residential units are located in Prospect View to the south of the site located across a laneway. These properties are orientated in such a way that the front/rear of the

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properties are facing in an east/west direction with the gable walls facing into the application site to the north. Most balconies in the proposed development are north-facing, but east and west facing balconies on the end units would have a direct view to the south into the gardens on Prospect View.

Overbearing Visual Impact

The redesigned apartment block would be located approx. 4 metres from the southern site boundary, and 10-11 metres from the properties on Prospect View. The building is 12m tall (setback) in its central element and has a height of 10m above ground level excluding the setback. It presents a **50 metre wide elevation** to the north and south. At this separation distance, and with these dimensions, the proposed apartment block would be seriously overbearing for houses on Prospect View. The design does not have due regard to context or contextual height and does not provide an adequate transition in height.

Perception of Privacy

The proposed development's southern façade is provided with many windows, the most of these being to circulation areas and corridors along the southern edge of the scheme. As such there is much less direct overlooking from units than would be perceived. However, there would be a major loss of perceived privacy due to the proximity of the southern façade to houses and gardens on Prospect View, and this would compromise the enjoyment of residential amenity.

Works to the protected structure and the gate lodge would not impact adjoining properties; however, views of the protected structure would be compromised by the development. Views of the building are not protected per se as part of the zoning objective or the RPS designation, but development inside the curtilage of the protected structure is required to protect its setting. The conservation section contains more detail on this aspect.

Overall, the proposed development is not acceptable due to the overbearing visual impact it would have on adjoining properties, the lack of regard for residential character and context in its design. The height of the structure (3-4 storeys) does not by and of itself create an overbearing impact, but rather in conjunction with its siting, alignment and massing. The development would thus be contrary to the 'RES' zoning objective. It is considered that a major redesign of the scheme would be needed to resolve these issues, and this would be outside the proper scope of a request for additional information. Permission should be **refused**.

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Residential Amenity

Residential Standards

All units have been assessed against the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020) and the 'Quality Housing for Sustainable Communities – Best Practice Guidelines' (2007) as appropriate. The proposed units meet the minimum standards under these guidelines in terms of quantum of development, and there is general compliance with additional standards such as storage.

Aspect

The layout of the apartment block is of concern, as most units are effectively 1-bed single-aspect units. Some units are considered by the applicant to be dual aspect, though the Planning Authority would not accept them as being such. Under the 2020 guidelines, north-facing single aspect developments should be avoided.

Inward Noise

The proposed development is located close to the M50, and an Acoustic Design Statement has been provided. The HSE Environmental Health Officer has provided a report but has not commented on inward noise and has stated no objection to the development.

Open Space

The application particulars provide inconsistent information on the open space provision. This is referred to as public open space in the Housing Quality Assessment, and communal open space within the Design Statement. The applicant would need to provide clarity in this matter by way of **additional information**.

Under the County Development Plan, the Planning Authority has the discretion to apply a higher quantitative standard for public open space where necessary. It is considered that the main objective for the council at this location would be to adequately maintain the setting and character of the protected structure. In doing so, public open space may be provided on the site, or a contribution may be required in-lieu; however, it is considered that the 10% minimum standard can apply in the event that the Planning Authority supports the work on the protected structure and in its curtilage.

The Planning Authority does not agree the current layout however and cannot establish the quantum of public open space proposed without clarity on this matter from the applicant prior to a grant of permission. This could be addressed by **additional information** but, as there are other significant issues with this application, it is appropriate to list as a **reason for refusal**.

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Architectural Conservation

The SDCC Architectural Conservation Officer has provided a report, which is reproduced below in full.

Record of Protected Structures

Prospect House is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2022-2028 under Map Ref. No.340. Under Section 2 of the Planning and Development Act 2000, the term 'structure' means "any building, structure, excavation, or other thing constructed or made on, in, or under any land, or any part of a structure so defined, (a) where the context so admits, includes the land on, in or under which the structure is situate, and (b) in relation to a protected structure or proposed protected structure, includes (i) the interior of the structure, (ii) the land lying within the curtilage of the structure, (iii) any other structures lying within that curtilage and their interiors, and (iv) all fixtures and features which form part of the interior or exterior of any structure or structures". Therefore, the entire site is a protected structure, including all existing buildings on site including their exteriors, interiors, fixtures and fittings. The Protection also extends to the lands of the site and as such come under the provisions of the Planning and Development Act 2000.

Appraisal

This is an application for (a) demolition of some existing structures on site; (b) the internal modification /reconfiguration and refurbishment of and extension to Prospect House (a protected structure RPS 340) and the renovation and modification of its associated coach house to provide for a 4-bed dwelling with associated private open space and car-parking provision; (c) the re-opening of a gap between Prospect House and its detached coach house to the rear to provide a gated access into the new communal gardens proposed to the west of Prospect House; (d) Reconstruction of the Gate Lodge (in ruins) to provide for a 2-bed, single storey dwelling 63.4sqm with associated private open space and car-parking; (e) the provision of 1 apartment block (3-storey plus setback penthouse level) to the western side of Prospect House to provide for 22 residential units (11 one bedroom units and 11 two bedroom units) over a single storey basement comprising a total of 25 car parking spaces, 2 motor bike spaces and 40 bicycle parking spaces; The basement will also include associated bin stores, plant and storage rooms; (f) Removal of a portion of the western boundary wall to provide a new vehicular & pedestrian access from Stocking Lane to the new apartment block; (g) All associated hard & soft landscaping, including the provision of a play area and an ESB sub-station & all associated engineering & site development works necessary to

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facilitate the development, all on a site of 0.5ha at Prospect House (a protected structure RPS 340).

The most recent planning application (SD19A/0312) included for the construction of 4-storey apartment block to include basement car park and setback penthouse level. This provides 25 residential units. The development also included internal modifications and layout of Prospect House; a protected structure (RPS Ref. 340) detailed above to provide 4 units within the original house. It is also proposed to construct an extension and carry out internal revisions to the existing detached outbuildings and courtyard to the rear.

It should be noted that a previously planning application for development within the curtilage of Prospect House was refused under Reg. Ref. SD18A/0181 and SD19A/0312. Having assessed the planning application it is very disappointing to see after two previous refusals that a further application for apartments has been submitted rather than a development type that would sit sensitively within the site and have due regard to the overall context within the curtilage and existing walled garden area of the Prospect House.

Under previous applications the assessment provided within the Councils Architectural Conservation Officers report has stated that "The proposed development constitutes overdevelopment of the site and completely detracts from the setting of the Protected Structure. The overall negative impact and the further reduction in formal setting by way of complete development of the walled garden, would materially affect the character of the Protected Structure and its setting. The proposed development would have further visual negative impact along Stocking Lane and the surrounding area due to its location and the proposed height, scale and mass which would be highly visible along the existing streetscape. Once again, no attempt has been made to design a low-level contemporary scheme which would sit better within the subject site and allow for a high-quality development set within a historic landscape setting with Prospect House as providing architectural quality and character".

Proposals re Protected Structure and associated buildings

It should be noted that a Conservation Report should have been provided for the Protected Structure, to include a room-by-room account and a method statement and schedule of works, along with an overall assessment of impact on the proposed works and mitigation for same. As such a Conservation Report carried out by a suitably qualified Conservation Architect should be submitted to include a Method Statement for proposed works to the Protected Structure (Prospect House, RPS Ref. 340) including the works/proposed changes to the original built fabric to facilitate a new rear

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extension. The Gate Lodge and Coach House within the curtilage of the Protected Structure, should be included in the Conservation Report and Architectural Impact Assessment.

Under the current application the reuse of the existing Coach House to the rear is proposed is welcomed, however there is very little information on the current stable building and the works required for its adaptative reuse for residential is provided. Overall, the planning application lacks the necessary assessment of the Protected Structure and its associated buildings. The Coach House is not included in the Architectural Impact Assessment Report and there are no photographs showing the current condition to the interior/exterior of the Coach House or Gate Lodge. It is proposed to demolish the existing Gate Lodge which is in a ruinous condition.

In order to full assess the proposals for its removal and its replacement with a new larger structure its demolition will have to be justified and therefore a full and proper record/survey is required.

The demolition of the existing gate lodge has not been justified and no effort has been provided in order to retain the original structural elements and incorporate this into a new structure, thereby retaining the original fabric. It is considered that in order to facilitate any new development within the curtilage of the Protected Structure certain elements/architectural features and associated structures need to be retained in order to retain the overall character of the site and setting of the Protected Structure. It is therefore considered that the necessary detail and retention of elements should be submitted as further information. The proposed design for the gate lodge and the design ethos has been considered however the demolition needs justification along with considering the retention of the original fabric.

The assessment provided is insufficient and fails to provide a proper overview and account of the entire site context and protected structures. There is very little information provided with regard to the justification for the removal of rear porch and WC and also a large section of original boundary wall to facilitate a new vehicular entrance. As already stated the Architectural Impact Assessment Report provides no detail on the proposed level and scope of works required to the protected structure and its associated structures (gate lodge and coach house) it fails to provide specifications and methodology for the works required along with details on insertion of services, fire safety and energy upgrading works in line with CDP climate change requirements with regard to thermal upgrading etc all of which should be included in a Conservation Report prepared by a Conservation Architect which will allow a proper assessment of the proposed works. A full assessment of the direct impact on the original built fabric of the protected structure is difficult as there is no method statement and schedule of

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works providing a room-by-room account of the works required especially works to allow fire safety upgrades etc and insertion of additional services.

It should be noted that there is evidence that works have been carried out to include fire alarms and lighting with upgrading of services without planning permission being sought. It is completely unacceptable that the owners of the property have carried out any such works without the proper approval and formal permission. The owners would be aware given the previous applications submitted that any works to Prospect House, Protected Structure (RPS Ref. 340) or within its curtilage would require planning permission. The undersigned has no knowledge of this work and has no way of assessing the work that has been carried out to date. In order to assess the works which are believed to have been carried out to the Protected Structure without planning permission or an appropriate Declaration a full survey should be provided as part of the Conservation Report in order to detail the current condition and the recent works undertaken.

Under the previous planning applications (Reg. Ref. SD18A/0181 and SD19A/0312) the issue of the re-use and suitable adaptability of Prospect House and the existing single-storey gate lodge was raised. The current proposal allows for the continued residential use of Prospect House with the reuse of the existing Coach House and new Gate Lodge also for residential use.

During a Pre-Planning meeting during 2019 it was advised that the amount of development being sought should be reduced in order to provide a more suitable type of development on a smaller scale within the curtilage of the protected structure, therefore minimising the overall impact on the protected structure site. It was suggested that in order to allow the protected structure to be re-used that in principle extending the house to the rear by way of providing more useable floor space could be considered. The current proposal includes for a rear/side extension which is of contemporary design and allows the new addition to read clearly in contrast to the Protected Structure. In principle the proposed rear/side extension is acceptable and details of how the extension will be inserted, and the overall design and materials should be included in the Conservation Report and Impact Assessment.

With regard to the overall setting and curtilage of the Protected Structure, as previously detailed in reports by the undersigned the Walled Garden is of particular importance with regard to the existing landscape setting and site context. It is therefore of upmost importance that any development within the walled garden area is a small-scale development which sits sensitively within this location and as part of the setting. Currently the development reads as a separate development site as there is very little

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incorporation within the site of the existing Protected Structure, its architectural features/structures, and the new development. The new units would constitute overdevelopment of the site and although there is set back provided the apartment building will dominate the site and completely consume the setting and visual integrity of Prospect House.

The site context and the relationship of the protected structure and the walled garden and existing setting needs to be re-examined with regard to the overall design of any new development. As previously highlighted as part of the assessment for previous proposals any new development should read as associated structures/vernacular buildings which would clearly read as secondary buildings within the site and that would be designed using vernacular elements and materials in order that a sensitive building type can sit within the walled garden in a sensitive nature and add architectural interest and high-quality architectural design elements to the site.

Proposed 22 Units

Although the proposed apartment development has been set back to improve the views of the Protected Structure there are still concerns on the overall impact of such a development within the original walled garden. These concerns have been outlined under the previous applications which were refused. "The current proposal for the construction of the proposed height, scale and mass of apartment blocks allows the new build which is located within the existing wall garden to completely overshadow and dominate the Protected Structure. The new development fails to be sensitive to the Protected Structure with regard to its location within the site. The insertion of such a massive apartment block and the removal of the original stone boundary wall which runs along Stocking Lane to allow for a large access to the existing site and underground carpark, completely changes the overall character and visual quality of the area at this location".

The proposed development continues to constitute overdevelopment of the site and completely detracts from the setting of the Protected Structure. The overall negative impact and the further reduction in formal setting by way of complete development of the walled garden, would materially affect the character of the Protected Structure and its setting. The proposed development would have further visual negative impact along Stocking Lane and the surrounding area due to its location and the proposed height, scale and mass which would be highly visible along the existing streetscape.

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The overall design continues to read as generic apartment units without any design rationale based on the overall existing site context and proposal within the curtilage of a Protected Structure. It continues to be viewed out of place within the surrounding area. No attempt has been made to design a low-level contemporary scheme which would sit better within the subject site and allow for a high-quality development set within a historic landscape setting with Prospect House, in providing architectural quality and character. It should be noted that the Planning Statement provides examples of other developments within the curtilage of Protected Structure sites, however the development proposed fails to reflect any of the smaller scale developments as precedent cases within a protected structure. Applications not included are Rockbrook House and Ballyroan House, where developments opted for a mixed use and residential type units that reflected the context of the site in ensuring sensitive development.

The development is located within the original walled garden which will result in the loss of original features and relationship and connection of the Main House and the formal setting/associated features. The setting of Prospect House has been completely diminished due to previous housing developments such as Prospect Manor, therefore the existing setting including walled garden, avenue and rear site is particularly important in providing adequate setting to the existing Protected Structure. Allowing further development of this scale within the curtilage will completely destroy the existing setting and overall architectural quality of the site. This issue has been raised a number of times during Pre-Planning meetings and as part of assessments for previous proposals.

It is not considered acceptable to propose such a large-scale development within the curtilage of a Protected Structure and completely redevelop the existing buildings without due consideration to the site context and a how low-scale contemporary development and adaptative reuse of the protected structure and outbuildings could be delivered. On this basis the planning consultant and architects were advised to look at examples of low-level developments which were achieved in a sensitive manner within the curtilage of Protected Structures. This is documented in the planning report, however there is no evidence that having looked at exemplar sites that the proposed development or overall site context has been re-evaluated in providing a more sensitive and suitable development for this site. Reference is also made to Archaeological policies in relation to development within the curtilage of a Protected Structure rather than the correct CDP policies which relate to Protected Structures and specifically to developments within the curtilage of a Protected Structure site.

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The visual link from the Protected Structure (Prospect House, RPS ref. 340) from Stocking Lane and the removal of a large section of original boundary wall completely changes the overall character of the site and area. The large apartment block completely dominates the entire site which is unacceptable

The proposed development in its current form would result in an irreparable negative change to the character of the Protected Structure and its setting, and it is for this reason and the concerns outlined above that the proposed development should be completed redesigned. A number of other items need to be addressed with regard to the proposed works to the Protected Structure (Prospect House RPS Ref. 340), Coach House and Gate Lodge as part of any request for Further Information.

Recommendation

It is considered that a number of items need to be addressed. As such there are a number of concerns that in its current form the proposed development and in particular the new build will cause a loss of setting and compromise the visual integrity and setting of Prospect House, Protected Structure (RPS Ref. 340).

Due to the following concerns, it is recommended that the new development should be completely redesigned to provide a more suitable and sensitive development within the walled garden area of the Protected Structure as follows;

The proposed apartment development within the curtilage of the Protected Structure is not acceptable in its current form. The proposed development still remains to be inappropriate in terms of scale, height, mass, and overall design which allows the proposed new build to be the dominate structures on the site. It is considered that allowing a 4-storey, large scale apartment block within the walled garden of the site allows the entire site to be compromised.

With regard to the overall setting and curtilage of the Protected Structure. As previously detailed in reports by the undersigned the Walled Garden is of particular importance with regard to the existing landscape setting and site context. It is therefore of upmost importance that any development within the walled garden area is a small-scale development which sits sensitively within this location and as part of the setting. Currently the development reads as a separate development site as there is very little incorporation within the site of the existing Protected Structure, its architectural features/structures, and the new development.

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The new units would constitute overdevelopment of the site and although there is set back provided the apartment building will dominate the site and completely consume the setting and visual integrity of Prospect House. The site context and the relationship of the protected structure and the walled garden and existing setting needs to be re-examined with regard to the overall design of any new development. As previously highlighted as part of the assessment for previous proposals any new development should read as associated structures/vernacular buildings which would clearly read as secondary buildings within the site and that would be designed using vernacular elements and materials in order that a sensitive building type can sit within the walled garden in a sensitive nature and add architectural interest and high-quality architectural design elements to the site.

The visual link from the Protected Structure (Prospect House, RPS ref. 340) from Stocking Lane is lost and the removal of a large section of original boundary wall completely changes the overall character of the site and area. In order to provide a second vehicular entrance, the proposed removal of a large section of original boundary wall is proposed, thereby completely changing the overall character of the site and existing streetscape. No such justification has been provided for the removal of a large section of original boundary wall. This concern was highlighted previously with regard to the impact and loss of original fabric.

It is therefore considered that the proposed development should be revised in order to provide for a low level, reduce mass/form and more suitable building type within the walled garden area.

The following items should be requested as part of a request for Further Information in order to address the lack of detail and items of concern;

A Conservation Report carried out by a suitably qualified Conservation Architect should be submitted to include a method statement for proposed works to the Protected Structure (Prospect House, RPS Ref. 340) including the works/proposed changes to the original built fabric to facilitate a new rear extension. The Gate Lodge and Coach House within the curtilage of the Protected Structure, should be included in the overall Conservation Report. A Conservation Report should include a room-by-room account and a Method Statement and Schedule of Works, along with an overall assessment of impact on the proposed works and mitigation for same.

The Architectural Impact Assessment Report provides no detail on the proposed level and scope of works required to the protected structure and its associated structures (gate lodge and coach house) it fails to provide specifications and methodology for the

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works required along with details on insertion of services, fire safety and energy upgrading works in line with CDP climate change requirements with regard to thermal upgrading etc all of which should be included in a Conservation Report prepared by a Conservation Architect which will allow a proper assessment of the proposed works.

A full assessment of the direct impact on the original built fabric of the protected structure is difficult as there is no method statement and schedule of works providing a room-by-room account of the works required especially works to allow fire safety upgrades etc and insertion of additional services. The Architectural Impact assessment also fails to provide a proper overview and account of the entire site context and Protected Structure. There is very little information provided with regard to the justification for the removal of rear porch and WC and also a large section of original boundary wall to facilitate a new vehicular entrance.

It should be noted that there is evidence that works have been carried out to include fire alarms and lighting with upgrading of services without planning permission being sought. It is completely unacceptable that the owners of the property have carried out any such works without the proper approval and formal permission. The owners would be aware given the previous applications submitted that any works to Prospect House or within its curtilage would require planning permission.

The undersigned has no knowledge of this work and has no way of assessing the work that has been carried out to date. In order to assess the works which are believed to have been carried out to the Protected Structure without planning permission or Declaration a full survey should be provided as part of the Conservation Report in order to detail the current condition and the recent works undertaken in order that these works are regularised. This item needs to be addressed in the response to the Request for Further Information.

The demolition of the existing gate lodge (ruinous structure) has not been justified and no effort has been provided in order to retain the original structural elements and incorporate this into a new structure, thereby retaining the original fabric. It is considered that in order to facilitate any new development within the curtilage of the Protected Structure certain elements/architectural features and associated structures need to be retained in order to retain the overall character of the site and setting of the Protected Structure. It is therefore considered that the necessary detail and retention of elements should be submitted as further information. The proposed design for the gate lodge and the design ethos has been considered, however the demolition needs justification along with considering the retention of the original fabric.

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Irenie McLoughlin
Architectural Conservation Officer

Date: 4th August 2022

Planning Department's Conclusion

The above report is noted. The central recommendation of the report is that the scheme be completely redesigned to provide for a low level, reduce mass/form and more suitable building type within the walled garden area. Additional materials are sought in the form of a Conservation Report and Method Statement. Additionally, a full survey of unauthorised works is sought as part of the conservation report.

Notwithstanding the recommendation that the above is sought as further information, it is considered that the nature and significance of changes required is beyond the scope of such a request and would constitute a significantly different scheme. A Pre-Planning request and consultation would be a more appropriate mechanism for bringing the design of the scheme to a resolution and allow third parties to comment in due course. Permission should be **refused** at this time, with regard to the damaging impact the proposed development would have on the protected structure, its character and setting.

Access, Transport and Parking

The Roads Department has recommended a request for additional information as follows:

- 1. The applicant/developer is requested to submit details of not less than 1:100 scale of the location, design and construction of the pedestrian crossings to be constructed by the applicant/developer and at their own expense.*
- 2. Please submit a revised layout showing access to proposed development is moved as far north as possible away from the access point to the south of the development.*
- 3. A revised layout of not less than 1:100 scale, showing boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 4. A revised layout of not less than 1:200 showing the car parking, bicycle parking and pedestrian routes within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022.*
- 5. Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site, without reversing onto the public road.*

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6. *Revised layout of not less than 1:100 scale, showing the continuous footpath to the front boundary of the development. The minimum width of footpaths shall be 2.0m wide to aid mobility impaired users.*

It is noted that the above references to the 2016 County Development Plan are outdated. The new County Development Plan contains successor standards and tables in relation to car and bicycle parking and if requested additional information, these updated references should be used.

In their report, the Roads Department notes the limited visibility splays at the vehicular entrances due to retention of high boundary walls along Stocking Lane, and the very close proximity of the new access to an existing access on an adjoining site to the south.

The issues are noted. The issue of the site entrance is one of traffic hazard and should be included in any decision to **refuse permission**.

A number of third parties have mentioned traffic levels on Stocking Lane. The applicant has provided a Traffic and Transport Assessment. The Roads Department has not stated any objection due to additional traffic arising from the development.

Public Realm

The Public Realm Department has noted a lack of information in relation to the detail of the landscape scheme. They seek 6 items of additional information, relating to:

- Landscape design
- Play provision
- SUDs
- Attenuation and public open space
- Ecology
- Invasive plant species

The report also provides comment on arboricultural impact but proposes that this issue can be resolved by condition in the event of a grant.

The applicant has not provided a Green Infrastructure Plan, nor have they provided calculations to show what 'Green Space Factor' score is being achieved on the site.

The above is noted.

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Ecology

The SDCC Heritage Officer has sought additional information in the form of a detailed assessment of the current ecological status of the lands, to include a survey for bats taken at an appropriate time of year (April to September). Third party observers have suggested the presence of bats on the site. It would not be possible to grant permission prior to the undertaking of accurate and properly-timed surveys to establish the ecological baseline on the site. Such surveys should **inform the design** of the scheme and the development of any measures to protect or enhance ecology on the site.

Permission should be **refused** on the basis that such information has not been provided.

Water and Drainage

The Environmental Services Department has sought additional information due to lack of information relating to SUDs and attenuation calculations.

Irish Water has sought as additional information, that the applicant engages with Irish Water to obtain a Confirmation of Feasibility for the development.

The above requests are acceptable. In the case of SUDs, this is an issue that should be listed in a decision to **refuse permission**, as the application does not comply with County Development Plan policy on sustainable drainage.

Environmental Health

The EHO has provided a report recommending conditions relating to air quality, noise and the ESB substation. In relation to air quality and noise during the construction phase, these are standard conditions which can be applied in the event of a grant.

Public Housing

The Housing Department has submitted a report. The preference of the council is to acquire units on site, and subject to a revised proposal being agreed with the applicant. The details should be agreed by **condition** in the event of a grant of permission.

Waste Management

The Waste Management section has recommended that a **condition** be attached requiring the submission and agreement of a bespoke Construction and Demolition Resource Waste Management Plan (RWMP), due to the quantity of materials being removed. This is acceptable and appropriate.

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Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment

Having regard to the scale 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.

Conclusion

The Planning Authority accepts in principle the possibility of sensitive residential development within the walled garden area, appropriate to its context. The proposed development does not appropriately respond to the protected structure or the residential context and character of the area, and would not complement the historic structures and landscape setting within the site.

The proposed development would be contrary to the South Dublin County Council Development Plan 2022 – 2028 in respect of the 'RES' land-use zoning objective, Policy NCBH 19 'Protected Structures', Policy GI5 Climate Resilience, Policy COS5 Parks and Public Open Space, and other relevant policies, objectives and considerations relating to the following issues:

- Overdevelopment of a site within the curtilage of a protected structure, which would disrupt the character and setting of that structure;
- Lack of appropriate supporting information/particulars to allow proper assessment of works to and within the curtilage of a protected structure;
- Unauthorised works having taken place to the protected structure
- Unsatisfactory justification for works to the gate lodge;
- Overbearing visual impact;
- Overlooking and loss of perceived and actual privacy;
- Predominance of single aspect north-facing units;
- Lack of clarity regarding public open space provision
- Traffic hazard at proposed vehicular entrance
- Proposed removal of a section of boundary wall
- Lack of ecological impact assessment or green infrastructure proposals
- Lack of natural SUDs proposed
- Proposed works outside the red line boundary without a letter of consent from SDCC (the land owner)

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and the scheme would therefore be contrary to the proper planning and sustainable development of the area and should be refused permission.

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. The proposed development would detract from the Protected Structure on the basis of inappropriate height, mass (i.e. one single long block) and architectural design (materials, articulation and finishes). The proposal would be an irreparable detriment to the setting and visual integrity of Prospect House, the protected structure. The development would therefore constitute overdevelopment and would contravene Policies NCBH1 'Overarching', NCBH19 'Protected Structures', and NCBH25 'Placemaking and the Historic Built Environment', of the South Dublin County Council Development Plan 2022 - 2028, and would be contrary to the proper planning and sustainable development of the area. Small-scale development within the walled garden area, sitting sensitively within this location and as part of the setting, thereby incorporating the original landscape setting of the protected structure and its curtilage, would provide for an acceptable development.
2. There are a number of deficiencies in terms of the particulars provided to support development on the site of a protected structure, Prospect House (RPS. 340), and as such the Planning Authority is not satisfied that the development would comply with Policies NCBH1 'Overarching', NCBH19 'Built Heritage', NCBH23 'Architectural Conservation and Design', NCBH24 'Adapting and Reusing Historic Buildings', and NCBH26 'Climate Change, Adaptation and Energy Efficiency in Traditional and Historic Buildings' of the South Dublin County Council Development Plan 2022 – 2028, or conservation best practice. These issues are:(a)The application does not include a Conservation Report carried out by a suitably qualified Conservation Architect. Any application for development on this site should be supported by such a report, to include a method statement for proposed works to the Protected Structure (Prospect House, RPS Ref. 340) including the works/proposed changes to the original built fabric to facilitate a new rear extension. The Gate Lodge and Coach House within the curtilage of the Protected Structure, should be included in the overall Conservation Report. A Conservation Report

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should include a room-by-room account and a Method Statement and Schedule of Works, along with an overall assessment of impact on the proposed works and mitigation for same.

(b) The Architectural Impact Assessment Report provides no detail on the proposed level and scope of works required to the protected structure and its associated structures (gate lodge and coach house) it fails to provide specifications and methodology for the works required along with details on insertion of services, fire safety and energy upgrading works in line with CDP climate change requirements with regard to thermal upgrading etc all of which should be included in a Conservation Report prepared by a Conservation Architect which will allow a proper assessment of the proposed works. A full assessment of the direct impact on the original built fabric of the protected structure is difficult as there is no method statement and schedule of works providing a room-by-room account of the works required especially works to allow fire safety upgrades etc and insertion of additional services. The Architectural Impact assessment also fails to provide a proper overview and account of the entire site context and Protected Structure. There is very little information provided with regard to the justification for the removal of rear porch and WC and also a large section of original boundary wall to facilitate a new vehicular entrance.

3. There is evidence in the particulars provided that works have been carried out to include fire alarms and lighting with upgrading of services without planning permission being sought. It is unacceptable that the owners of the property have carried out any such works without the proper approval and formal permission. The applicant should apply for retention for these works and such application should be supported by a full survey, to be provided as part of the Conservation Report, in order to detail the current condition and the recent works undertaken, and to regularise these works in line with the policies set out in Chapter 3 of the South Dublin County Council Development Plan 2022 – 2028.
4. The proposed works at the site of the existing gate lodge (ruinous structure) have not been consistently represented in the particulars supplied, with adaptation and/or demolition of the structure noted in different instances. The demolition of the existing gate lodge (ruinous structure) has not been justified and no effort has been provided in order to retain the original structural elements and incorporate this into a new structure, thereby retaining the original fabric. It is considered that in order to facilitate any new development within the curtilage of the Protected Structure certain elements/architectural features and associated structures need to be retained in order to retain the overall character of the site and setting of the Protected Structure. It is therefore considered that the necessary detail and retention of elements should be submitted as further information. The proposed design for the gate lodge and the design ethos has been considered, however justification is required regarding the demolition or re-use of the original fabric. As

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such, the Planning Authority is not satisfied that the proposed development would comply with policies NCBH1, NCBH19, NCBH24 and NCBH26 of the South Dublin County Council Development Plan 2022 – 2028.

5. The proposed development is designed and oriented in such a way that single-aspect north-facing units predominate throughout the apartment block. The proposed development would therefore be contrary to s.28 guidelines ('Sustainable Urban Housing: Design Standards for New Apartments' (2020)) which discourage the provision of such units. The proposed development would adversely impact on the residential amenity of future occupants and is contrary to the proper planning and sustainable development of the area.
6. The applicant proposes to provide a new vehicle and pedestrian access from Stocking Lane and utilises an existing access. The proposed new access would be facilitated by way of a removal of a section of the existing boundary wall.

(a) Both the proposed and existing access have limited visibility splays considering the retention of the high walls along the boundary with Stocking Lane, the maximum height for forward visibility of a boundary wall is 900mm at an access location. The SDCC Roads Department has stated that an addition of another access near an existing one approximately 8m to the south of the site, would be considered a traffic hazard. The applicant has not adequately demonstrated that the development would not endanger public safety by reason of a traffic hazard.

(b) As per the proposed development, the visual link from the Protected Structure (Prospect House, RPS ref. 340) from Stocking Lane would be lost and the removal of a large section of original boundary wall would completely change the overall character of the site and area. No justification has been provided for the removal of a large section of original boundary wall. This concern was highlighted previously with regard to the impact and loss of original fabric. The Planning Authority is not satisfied that this element of the development would comply with Policies NCBH1, NCBH19, NCBH23 and NCBH25 of the South Dublin County Council Development Plan 2022 – 2028.

7. The applicant has failed to provide adequate information relating to proposals for natural SUDs features to be used on the site. The applicant has also failed to provide a Green Infrastructure Plan or a Green Space Factor calculation. The application therefore does not comply with Policies GI4 (Sustainable Drainage) or GI5 (Climate Resilience) of the South Dublin County Council Development Plan 2022 - 2028.
8. Adequate ecological impact assessment has not been undertaken, including in particular bat surveys for the site. Development of the site prior to the undertaking of adequate surveys, given its context and location, and the presence of multiple older structures and mature trees on the site, would not be in support of Policy NCBH 1 Overarching or Policy

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NCBH2 Natural Heritage of the South Dublin County Council Development Plan 2022 - 2028, and the Planning Authority is not satisfied that the development would comply with Policy NCBH5 Protection of Habitats and Species Outside of the Designated Areas by way of potential affording inadequate protection to those species that are protected under the Wildlife Acts 1976 to 2018 and other relevant Irish and European statute, or Policy NCBH11 Objective 3 as it relates to the protection and retention of existing trees, hedgerows and woodlands.

9. The applicant has provided inconsistent information relating to open space proposals, such that it is unclear if any publicly accessible open space is proposed to be made available on the site. The Planning Authority is therefore not satisfied that adequate provision has been made for public open space, either by way of on-site provision or by way of a contribution in-lieu of such provision, the following elements of the South Dublin County Council Development Plan 2022 - 2028:
 - Policy COS5 Parks and Public Open Space
 - Table 8.2
 - Policy GI6 Human Health and Wellbeing
 - Policy GI7 Landscape, Natural, Cultural and Built Heritage
10. The applicant has not provided a Green Infrastructure Plan, a Green Space Factor calculation, or an assessment/survey of Invasive Species. The Planning Authority is therefore not satisfied that the development would comply with the following policies of the South Dublin County Council Development Plan 2022 - 2028:
 - Policy NCBH10 Invasive Species
 - Policy NCBH11 Objective 3
 - Policy GI1 Objective 4
 - Policy GI2 Biodiversity
 - Policy GI5 Climate Resilience
 - Policy GI5 Objective 4
 - Policy GI7 Landscape, Natural, Cultural and Built Heritage
 - Section 12.4.2 Green Infrastructure and Development Management
11. The applicant is proposing works outside the red line boundary of the Planning Application and without a letter of consent from the landowners (South Dublin County Council) to make the application. These works consist of the installation of surface water and foul drainage pipes to connect to existing pipes in the Prospect Manor estate to the north-east.


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REG. REF. SD22A/0271


LOCATION: Lands at Prospect House, Stocking Lane, Rathfarnham, Dublin 16, D16
E5D0



Colm Maguire,
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: 08.08.2022



Mick Mulhern, Director of Land Use,
Planning & Transportation