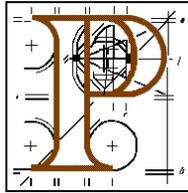


An Bord Pleanála



Inspector's Report

Proposed Development:

The demolition of part of an existing single storey extension to the rear and the construction of a new rear extension comprising two twin rooms, one double room, living room and staff accommodation and all associated site development works at Roseville Nursing Home, Meath Road, Bray, Co. Wicklow

Planning Application

Planning Authority: Bray Town Council
Planning Authority Reg. Ref.: 12/75
Applicant: Noel and Denise Dunne
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Damien and Brid Nolan
John and Mary Guy
Type of Appeal: 3rd Party
Date of Site Inspection: 21/03/2013

Inspector: Stephen Kay

1.0 SITE LOCATION AND DESCRIPTION

The subject site, which has a stated area of 0.15 hectares, is located on the eastern side of Meath Road, Bray. Co. Wicklow. The site is located in an established residential area in close proximity to the seafront, and the prevailing pattern of development in the vicinity of the site is relatively large scale detached dwellings on generous sites. The DART/rail line abounds the eastern boundary of the site and runs at an elevated height above the dwellings on Meath Road in this location. The site has a narrow access onto Convent Avenue to the north immediately adjacent to the railway embankment.

The site currently contains a detached two-storey Victorian red brick dwelling, which is currently in use as a nursing home. The property has a stated floor area of 645 square metres. The property has been previously extended to the rear and a number of additions are evident with the development now extending a significant distance into the rear of the site. The area to the front of the premises is in use as a car parking area.

The area at the rear of the site which is the location of the proposed development is adjoined to the north by a single storey dwelling that has been constructed in what was originally the rear garden of the property to the north. To the south of the appeal site, the rear garden area of the adjoining property is largely undeveloped apart from a shed located adjoining the southern boundary.

The area at the rear of the appeal site which is the location of the proposed development comprises an existing single storey extension with courtyard area to the north. This area is partially covered and is bounded to the east by a concrete block wall, beyond which there is an area that is undeveloped and unused at present as an amenity space or for any purpose connected with the nursing home. It was noted at the time of inspection that there was a portacabin structure located to the north of the building between the extension and the boundary with the property to the north.

2.0 PROPOSED DEVELOPMENT

The proposed development comprises two parts. The first is the demolition of part of an existing single storey element to the rear of the original dwelling ad which has a pitched roof. This part of the existing building which is proposed for demolition is located on the southern side of the site and has a stated floor area of 44 sq. metres.

In place of the structure which is proposed for demolition, it is proposed to construct an L shaped single storey extension with a stated floor area of 137.5 sq. metres. The extension proposed would connect with the existing building at the southern side of the site in approximately the same location as the structure proposed for demolition.

The extension is proposed to have a flat roof and a maximum parapet height of c. 3.3 metres above ground level. The roof of the extension is proposed to be finished as a sedum roof and the L shaped nature of the extension would enclose a small courtyard measuring c.7.5 by 7.5 metres and which would face north towards the existing dwelling located directly to the north and which is constructed in the rear garden of the adjoining property ('Alvernor').

The extension is proposed to be within c. 5.23 metres of the northern site boundary at the closest point and tree planting / screening is indicated along this boundary on the submitted site Plan. The proposed development would extend to within 4.3 and 2.65 metres of the eastern and southern boundaries respectively.

From the details submitted with the application, no additional bedspaces are being proposed. The floor plans indicate three locations within the existing development where two bedspaces are proposed to be removed and it is stated that there will be an additional 6 no. bedspaces provided under the proposed development with two additional twin rooms and one additional double room. I would note however that the submitted drawings appear to indicate only an additional 5 no. bedspaces in the form of two additional twin rooms and one single room.

3.0 PLANNING HISTORY

Bray TC Ref. 11/116; Permission refused by the Planning Authority for an extension to the rear of nursing home.

Bray TC Ref. 10/78; Permission granted by the Planning Authority for a laundry extension and staff changing room to be located on the northern side of existing nursing home, provision of pedestrian gate and removal of pre fab structure.

Bray TC Ref. 09/113; ABP Ref. 39.235526 – Permission granted by the Planning Authority and refused on appeal by the Board for the construction of a single storey extension to the rear and north of existing nursing home. This proposal incorporated the extension of the existing single storey pitched roof element at the rear of the site in an easterly direction close to the southern boundary of the site. The extension would have been c. 9.2 metres from the northern boundary of the site at the closest point. Permission was refused by the Board on the basis of excessive site coverage, over development and over intensification of use of the site and that the significant reduction in private space would seriously injure the residential amenity of the existing nursing home on the site.

Bray TC Ref. 08/183; ABP Ref. PL39.231668 - Permission refused by the Planning authority and decision upheld on appeal for the construction of a single storey extensions to rear and north side of existing nursing home. The reason for refusal related to excessive site coverage and the overdevelopment and over-intensification of use on the site. Stated that the elimination of the private open space to facilitate the proposed extension would seriously injure the residential amenity of the existing nursing home on the site and that the proximity of the proposed development to the northern site boundary is such that the proposed development would seriously injure

the amenities of the neighbouring property to the north by reason of noise and disturbance.

Bray TC Ref. 03/27; ABP Ref. PL39.202964 - Permission refused by the Planning authority and decision upheld on appeal for the construction of a sunroom at rear of existing nursing home. The reason for refusal related to the limited extent of undeveloped ground directly associated with the nursing home, the proposed development, cumulatively with the existing, would result in excessive site coverage constituting overdevelopment, and would, having regard to its proximity to the northern boundary, seriously injure the amenities of property in the vicinity by additional noise and disturbance.

Bray TC Ref. 00/133 - Permission granted by Bray TC for rebuilding and extending existing front porch (front/side area).

Bray TC Ref. 99/19 – Permission granted for a single storey extension comprising 9 bedrooms with en-suite, day room, kitchen, sluice room; first floor extension of 1 existing bedroom and associated parking.

Bray TC Ref. 98/16; PL 39.106369 - Permission refused by Bray TC and decision upheld on appeal for extension comprising ten bedrooms en-suite bathrooms dayroom kitchen and service areas alterations to building, car park, site works.

4.0 PLANNING AUTHORITY ASSESSMENT AND DECISION

4.0 REPORTS

Planner's Report - It is considered that the current application has taken account of, and resolved the issues raised as reasons for refusal on the previous application, Reg. Ref. 11/116. It is noted that as the scale of the proposal in terms of site coverage and plot ratio is significantly reduced and that the impact on the adjoining properties would be less due to the ridge height being reduced from the 6 metre / 3 metres in the part single and part 2 storey development previously refused to the c. 3.4 metres of the current proposal. Noted that the development would extend into the existing rear space however considered that this area is currently underutilised.

Engineering Report - No objections, subject to conditions.

4.2 NOTIFICATION OF DECISION

The Planning Authority issued a Notification of Decision to Grant Permission subject to 13 no. conditions which are generally standard in nature. Condition No. 5 is specifically noted as it requires the construction of a 1.8 metre high solid block wall between the appeal site and the adjoining property to the north with the stated reason for the condition being to prevent noise pollution.

5.0 APPEAL GROUNDS

The grounds of appeal raised in the two third party appeal submissions made can be summarised as follows:

- That the development is excessively close to the northern boundary.
- That there will be a negative impact on residential amenity due to noise. Noise levels will not be eliminated as stated in the design statement submitted.
- That the development would be contrary to the zoning objective for the area. Site coverage and plot ratio are above the plan standards.
- That the previous inspectors report (Ref. PL39.235526) states that upgrading should be within the existing fabric given the scale of development that has already occurred. This is considered a sensible and reasonable interpretation.
- Many of the concerns set out in Report relating to PL39.235526 remain valid, notable the elimination of open space, over development of the site and extent of development proximate to the southern boundary.
- That while the floor area is reduced relative to previous proposals the footprint remains largely the same.
- That the concerns set out in the objections were not addressed by the Planning Officer in their report.
- That Ref. 11/116 has a very similar footprint to the current proposal and was refused permission less than a year ago indicating inconsistencies in the approach of the planning authority. Not clear how the issues in 11/116 (notably overdevelopment of the site and impact on open space) have been addressed.
- That the design of the extension is such that it could be converted into a two storey structure.
- That the proposed screen planting would be ineffective.
- That compliance with the new HIQA standards re room sizes is not a justification for extension of the property.

6.0 RESPONSE SUBMISSIONS

6.1 First Party Response

The following is a summary of the main points raised in the response submitted:

- That the nursing home was in operation when the appellants moved into the property.
- That the development is located close to the DART and is readily accessible.
- The development is needed to meet new HSE standards. If the development does not proceed then the viability of the operation is an issue. The property currently has 30 bed spaces and would lose 6 no. bedspaces to meet the required new standards.
- That Bray has a large population and there will be an ongoing need for nursing home places. The area where the site is located is a well established location for nursing homes.
- That the site coverage is 54 percent and meets the plan standard.
- That there is no intention to develop a second storey.
- Noise will be minimised by the use of triple glazing and good quality materials. There will be no increase in the number of staff or residents.

- Requested that details of the screen planting be conditioned for agreement.

6.2 Planning Authority Response

The submission received from the Planning Authority notes the following:

- Noted that no increase in staff or resident numbers.
- Considered that the use is consistent with the land use zoning objective. Noted that it is a use that can be ancillary to existing residential areas.
- Noted that the plot ratio and site coverage have been significantly reduced from that in the previous application on site (11/116).
- That the proposed courtyard will enhance the amenity of the development and that the 1.8 metre wall will screen it from adjoining properties.
- That the extension replaces an existing structure that is 8 metres in depth relative to the 15 metres of the current proposal.

6.3 Further Response Submissions

The following is a summary of the issues raised in the submissions of the third party appellants relating to the other third party appeals:

- The proposal would reduce residential amenity and property values of both properties.
- Agreed that the issues of relevance have been addressed in Inspectors Reports relating to previous applications on the site.
- Agreed that the logic of the Planning Authority in the assessment of this application relative to previous applications hard to follow.
- Agreed that the proposed development would impact very negatively on the residential amenity of the dwelling of Mr and Mrs Nolan to the north of the appeal site.
- Considered that the objections made were not properly addressed in the assessment and decision of the Planning Authority.

7.0 DEVELOPMENT PLAN

The operative Development Plan is the *Bray Development Plan 2011-2017*. The site is located in an area that is zoned Primarily Residential Objective RE1) with a stated objective '*to protect existing residential amenity, to provide for appropriate infill residential development, to provide for new and improved ancillary services*'. Under this land use zoning objective, a nursing home is identified as a use that is 'Not normally permitted but is open for consideration.' Uses identified as Not Normally Permitted but Open for Consideration are stated in 13.1.4 of the plan to be not normally acceptable however they may be permitted where the '*planning authority is satisfied that the use would be compatible with the overall policies and objectives of the zone, it would not have undesirable effects and it would otherwise be consistent with the proper planning and sustainable development of the area.*'

Section 12.2 of the Plan sets out site development standards and specifies a maximum plot ratio throughout the town of 0.5 – 1.0 and a general maximum site coverage standard of 55%.

Section 12.6 of the Plan relates to Nursing Homes and need for such developments. This section also sets out a number of general criteria that will be used in the assessment of proposals for nursing home developments. It is noted that 12.16 states that the over development of sites will not be permitted.

The building on the site is not included on the Record of Protected Structures. It is however included on the NIAH.

8.0 ASSESSMENT

I consider that the main issues in this appeal are as follows:

- Principle of Proposed Development
- Design, Layout and Impact on Residential Amenity
- Parking and Access
- Other Issues

8.1 Principle of Proposed Development

- 8.1.1 From an examination of the file and the site history, it is clear that the use of the site as a nursing home is well established. The subject site is zoned 'Objective RE1' in the Bray Town Development Plan which is a primary residential zoning. The notation of the zoning has therefore changed since the time of the assessment by the Board of the last appeal on the site (Ref. 39.235526) although the stated objective remains the same. Under the current zoning objective, retirement homes are identified as being 'Not Normally Permitted but Open for Consideration' In principle therefore the use of the site as a nursing home and the further extension of this use is open for consideration.
- 8.1.2 The applicant states that the proposed works are necessary to upgrade the existing facility to comply with relevant HSE guidelines that will come into effect in 2015 and which will restrict the number of bedspaces that can be provided in certain rooms in the existing facility. There will therefore be a loss of 6 no. beds with the existing accommodation configuration. It is stated within the first party response that the proposal allows for the relocation of existing bedspaces and is not an intensification of existing uses on site. All new bedspaces will be taken up by existing residents and there will be no increase in numbers.
- 8.1.3 In view of the above, it is my opinion that the proposed development is acceptable in principle in terms of overall land-use policy and is in compliance with relevant Development Plan policy subject to it not having undesirable effects and it would otherwise be consistent with the proper planning and sustainable development of the area.

10.2 Design Layout and Impact on Residential Amenity

- 10.2.1 The appellants have made reference to the comments of the Inspectors report in respect of previous applications on the site and Ref. PL39.235526 in particular and contend that the issues raised in this report and reason for refusal have not been adequately addressed in the current proposal. It is also contended that the current proposal and the grant of permission proposed by the Planning Authority are inconsistent with the decision of the Planning Authority in respect of last application on the site (Bray TC Ref. 11/116) which was refused permission by the council. Central to these previous refusal of permissions issued by both the Planning Authority and the Board were the issues of overdevelopment of the site, proximity to site boundaries and the impact on residential amenity of adjoining properties. These issues are considered in more detail below.
- 10.2.2 The comments of the previous reports of An Bord Pleanala relating to this site are noted and I consider that many of the issues raised in those reports, particularly those relating to the site coverage and impact on residential amenity continue to apply in this current application. I would also note some of the specific provisions of the most recent *Bray Development Plan, 2011-2017* as they relate to site coverage and over development of the site in the context of applications for nursing home development, (section 12.16 of the Plan.).
- 10.2.3 The extent of the proposed extension, when taken cumulatively with that existing is substantial as it extends almost the entire length of the rear garden area along the southern boundary of the site, stopping c. 4.3 metres from the end wall at the closest point. The scale of the proposal has been reduced significantly from that which was refused permission under Ref. 11/116 and reference to the comparison between this proposal and the current application have been made in the report of the Planning Officer. In comparison with Ref. 11/116 the proposed development is clearly of a smaller scale being single rather than part two storey. The first party and the planning authority have both referred to the current proposal primarily relative to that refused by the Planning Authority under Ref. 11.116 however the most recent decision of the Board on this site (Ref. 09/113; ABP Ref. PL39.235526) is clearly of significant relevance given that it was for a single storey extension. The following table gives a comparison between the existing building layout, current proposal and those previously refused by the Planning Authority and the Board.

Comparison of Current Proposal with Previous Proposals for the Site

	Existing Layout	Current Proposal PA Ref.12/95 PL39.241450	PA Ref. 11/116	PA Ref. 09/113 PL39.235526
Proposal		Single storey L shaped extension	Single storey rectangular extension	Part single and part 2 storey rectangular shaped extension
Decision		PA - Granted Current Appeal	PA - Refused	PA – Granted ABP - Refused
Height		3.3 m. (flat roof)	3.3 – 6.0 m. (part single and part 2 storey)	5.3 m ridge height 2.65 m eaves height
Distance to N boundary		4.3 m	6.1 m.	9.2 m
Distance to S boundary		2.65 m.	1.45 m.	2.1 m.
Original Floor area	645 sq m (Est. c.470 GF and 175 1 st fl.)	645 sq. m.	645 sq. m. (note application form states 714)	630 sq. m.
Area of demolition		44 sq. m.	44 sq. m.	
Area of new build		137.5 sq. m.	250 sq. m.	125 sq. m.
Net increase floor area		93.5 sq. m.	206 sq. m.	125 sq. m.
Post development floor area		c. 738.5 sq. m.	c.851 sq. m.	c.755 sq. m.
Plot Ratio ¹ (Plan 0.5-1.0)	0.42	0.48	0.57	0.49
Site Coverage * (Plan 55%)	38%	46%	50%	47%

Notes:

1. Based on site area behind the front building line of 1,225 sq. metres.
2. ¹ Based on site area of 1,528 sq. metres.
3. Site coverage and plot ratio figures are based on the floor area figures in the planning application form and an estimate made of the first floor area of the main house of 175 sq. metres and floor area of 1st floor of extension of Ref. 11/116 of 65 sq. metres.
4. Note the site area includes the area of the rear access laneway that is not part of the usable area of the site.

10.2.4 Relative to the proposed development which was refused permission by the Planning Authority under Ref. 11.116, the current proposal is significantly reduced in scale. The increase in floor area is reduced from 206 sq. metres to 93.5 sq. metres and the site coverage and plot ratio figures are both significantly reduced. The current proposal is single storey rather than the part single and part 2 storey proposed under Ref. 11/116. Overall, from a review of the drawings relating to Ref. 11/116, it is my opinion that the current proposal is a very significant improvement relative to the very significant scale of development previously refused under Ref. 11/116.

- 10.2.5 Relative to the proposed development which was refused permission under Ref. PL39.235526, the current proposal can be seen from the above table to be very similar in terms of net increase in floor area, (93.5 sq. metres against 125 sq. metres), plot ration (0.48 relative to 0.49) and site coverage (46% as against 47%). The current proposal is lower having a flat roof of c.3.3 metres in height however the proposed new build is proposed to be located significantly closer to the northern site boundary and the infill dwelling to the north than was the case under PL39.235526, (4.3 m. against 9.2 under PL39.235526). Overall therefore, in terms of the impact of the development on the intensity of development of on the site, it is my opinion that the current proposal is not materially different from that refused previously by the Board under Ref. PL39.235526. In addition, relative to Ref. PL39.235526, I would note the fact that what is now proposed would have the effect of further reducing the amount of usable amenity space available at the rear of the site. Relative to the existing layout on the site, it is proposed that there would still be a courtyard arrangement of private amenity space having an area of c.56 sq. metres. The existing layout provides for a courtyard area of c. 82 sq. metres and there remains the undeveloped open space area at the rear of the site which has an area in excess of 200 sq. metres. The proposed layout will therefore result in a very significant reduction in open space availability. Even relative to Ref. PL39.235526 the configuration of usable private space is such that it would be significantly reduced under the current proposal.
- 10.2.6 The appellants have raised issues regarding noise and disturbance arising from the proposed development. In this regard, I would note the fact that the proposed courtyard layout is very similar in layout to that existing on the site. I would also note the fact that there would not be any additional residents on the site as a result of the proposed development. The negative impact arising from additional noise is not therefore in my opinion likely to be significant.
- 10.2.7 The appellants have raised concerns that the design of the extension is such that it could be converted into a two storey structure. This has been refuted by the first party who state that there is no intention to extend in this manner. In the event that permission was to be granted for the current proposal, any such extension would have to be the subject of an application for permission and I do not therefore consider that it is a material consideration in the assessment of this appeal.
- 10.2.8 The assessment of the Planning Authority and the first party submission with the application have focussed on the changes between the current proposal and that refused under Ref. 11.116. I would agree that what is now proposed is a significant improvement on what was a very deficient proposal made under Ref. 11.116. The applicant and the Planning Authority have not however justified in any detail how the current proposal addresses the reason for refusal and concerns raised by the Board under Ref. PL39.235526 and I would agree with the third party appellants that the assessment undertaken is lacking in this regard. Overall, it is my opinion that having regard to the scale of development proposed, the reduction in open space and elimination of the underutilised open space at the rear of the site and the proximity of the proposed extension to site boundaries, the site does not have the capacity to absorb the proposal without unduly impacting on the residential or visual amenity of the area. The applicant states that the extension is required to meet new requirements from the HSE in relation to standard of accommodation for nursing homes. I do not, however, consider that this justification to permit the scale of development proposed and I would be in

agreement with the opinions expressed in the previous Bord Pleanála reports that this upgrade should be met within the existing fabric given the scale of development already existing on the site. I would also agree with previous assessments that the elimination of much of the usable private open space on the site will have an adverse impact on the residential amenity of the home and will also impact on the residential amenities of adjacent properties in the vicinity of the site.

10.2.7 This is an established residential area where the land-use zoning is 'Objective RE1' which seeks to 'protect existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services". This objective is considered reasonable and having regard to the above, I consider that the size and scale of proposed development, taken in conjunction with existing permitted development on the site, conflicts with this objective. The proposal represents an unacceptable overdevelopment of the site, that if permitted would set an undesirable precedent for further similar developments in the vicinity.

10.3 Parking and Access

10.3.1 A total of 7 no. parking spaces are indicated as being provided to the front of the building in the current application. I note the town centre location of the site and the fact that off-street parking is available on the surrounding roads. Many of the off-street spaces were occupied at the time of my site visit however there is a significant amount of on street parking available in the general area. In addition, the area is accessible by train / DART. In any event, the use of the site for a nursing home is already established on site and the proposed development under the subject application will not result in any increase in residents or staff on site.

10.3.2 The development plan standard for nursing homes is one space per 4 bedspaces and on this basis, given the stated total of 30 bedspaces, there would be a requirement for 7.5 spaces. I note the fact that based on the submitted plans, I can only account for a total of 27 no. bedspaces (18 on the ground floor and 9 on the first floor).

10.3.2 Having regard to the above, in particular the fact that there is no intensification in numbers as a result of the proposed works, and the availability of on street parking in the general vicinity of the site as well as the accessibility of the site by DART, I consider the parking provision acceptable in this instance.

10.4 Other Issues

10.4.1 It is noted that Condition No.4 of the Notification of Decision to grant Permission issued by the Planning authority requires the payment of a cash deposit of €1200 towards reinstatement works to roads and services that may be required on completion of the development. It is also noted that the report of the Sanitary services section recommends the inclusion of a contribution of €5000 towards construction costs of a new sewer connection / manhole but that this was not included in the Notification of Decision issued.

11.0 Recommendation

In light of the above assessment, I recommend that permission be refused for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. The proposed development is located in an area zoned primarily residential in the Bray Town Council Development Plan 2011 – 2017 where the land-use zoning objective is, '*to protect existing residential amenity, to provide for appropriate infill residential development, to provide for new and improved ancillary services*'. It is considered that the proposed development, taken cumulatively with the very significant level of existing development, would result in excessive site coverage and loss of private amenity space such that it would constitute an overdevelopment and over-intensification of use on the site and would seriously injure the residential amenity of the existing nursing home on the site. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Stephen Kay
Inspectorate
28th March, 2013