



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3864/17

Appeal by Peter and Cathy Johnson of The Barn, Orwell Road, Dublin against the decision made on the 8th day of November, 2017 by Dublin City Council to grant permission to Orwell House Limited care of Davey and Smith Architects of 13 The Seapoint Building, 44/45 Clontarf Road, Dublin for development comprising Retention of the following works, all on the eastern side of Block C (formally Rathgar House) of the Nursing Home: (1) A fire escape only door constructed from a ground floor window opening in the eastern elevation of Block C. (2) Safety handrails on the roof of the existing single storey extension to form an escape route from the fire escape door. (3) A fire escape staircase constructed linking the lower ground level to the escape route from the fire escape door. (4) Ground mounted air handling units and input flue to service the adjoining kitchen at lower ground level providing ventilation to catering kitchen of Block C. (5) The air handling extract flue to the eastern elevation of Block C, at ground floor level. Planning permission is sought for: (1) The extension of the existing pedestrian ramp with handrails and gates between the front (north) of Block C and the lower ground level. (2) A new sound baffle enclosure around the existing lower ground floor level air handling units. All at Orwell Nursing Home (formally known as Rathgar House, a protected structure), 112 Orwell Road, and 108-110 Orwell Road, Rathgar, Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the retention of a fire escape only door constructed from a ground floor window opening in the eastern elevation of Block C, safety handrails on the roof of the existing single storey extension to form an escape route from the fire escape door, and a fire escape staircase constructed linking the lower ground level to the escape route from the fire escape door in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the retention of ground mounted air handling units and input flue to service the adjoining kitchen at lower ground level providing ventilation to catering kitchen of Block C, the air handling extract flue to the eastern elevation of Block C, at ground floor level and permission for an extension of the existing pedestrian ramp with handrails and gates between the front (north) of Block C and the lower ground level and a new sound baffle enclosure around the existing lower ground floor level air handling units based on the reasons and considerations marked (2) under.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations (1)

Having regard to the planning history on the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought, comprising a fire escape only door constructed from a ground floor window opening in the eastern elevation of Block C, safety handrails on the roof of the existing single storey extension to form an escape route from the fire escape door, and a fire escape staircase constructed linking the lower ground level to the escape route from the fire escape door, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, not be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The fire escape door, and the adjoining staircase and walkway and route, shall be used for fire escape purposes only, and shall not be used as a means of egress or access to/from the building, nor for servicing/deliveries to the building. The fire escape door shall not be kept open at any time other than for fire escape emergencies or associated drills.

Reason: In the interest of residential amenity.

Reasons and Considerations (2)

Having regard to the planning history on the site and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the development for which retention is sought, comprising ground mounted air handling units and input flue to service the adjoining kitchen at lower ground level providing ventilation to catering kitchen of Block C and the air handling extract flue to the eastern elevation of Block C, at ground floor level, and the proposed development of an extension of the existing pedestrian ramp with handrails and gates between the front (north) of Block C and the lower ground level and a new sound baffle enclosure around the existing lower ground level air handling units, all in close proximity to an established residential dwelling of long standing, would not continue to cause significant and material injury to the residential amenities of the adjoining property known as The Barn, by reason of excessive noise and other disturbance. The subject development would seriously injure the residential amenities of adjoining property and would be contrary to the policy of the development plan for Z1 zones which seeks to protect, provide and improve residential amenities. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.