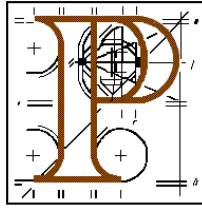


**An Bord Pleanála**



**Inspector's Report**

**Development:** Medical surgery building and services with access to Mount Eden Road; ground and 1<sup>st</sup> floor of existing building to revert to residential use from existing surgery use.

**Site Address:** 115 Morehampton Road, Donnybrook, Dublin 4.

**Planning Application**

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 2233/16  
Applicants: Dr Ian O'Grady  
Type of Application: Permission  
Planning Authority Decision: **GRANT** permission with 10no. conditions

**Planning Appeal**

Appellant: Niall and Joan Loftus, Patrick and Lee Maguire.  
Type of Appeal: Two third party appeals against decision.  
Date of Site Inspection: 21/07/16

**Inspector:** **John Desmond**

## 1.0 SITE DESCRIPTION

- 1.1 The application site is located in south Dublin City c.100m north of Donnybrook village centre and c.1.25km south of the Grand Canal. The area is an old suburban area largely characterised by substantial period dwellings in terraced and semi-detached layout.
- 1.2 The application relates to the 770-sq.m site of an existing substantial end- 2-storey plus dormer period dwelling (most probably Edwardian). The dwelling fronts onto Morehampton Road, part of the N11, and to Mount Eden Road, a short, predominantly residential road (but it also provides access to a Dominican Convent) connecting to Belmont Avenue to the south.
- 1.3 There is a long established medical surgery use associated with the existing dwelling. Brass nameplates at the entrance indicate that 4no. practitioners operate from the premises (Drs Ian and Alan O’Grady, Dr Paul E. McQuaid and Dr Michelle Coyle).
- 1.4 The site is approximately rectangular in shape, with longest dimensions of approximately 17m X 46m. To the southwest the site abuts the side of no.2 Mount Eden Road, a detached residential dwelling. To the rear it abuts the rear of no.117 Morehampton Road and a mews lane providing service access to the surrounding properties.
- 1.5 The nearest Natura 2000 sites, South Dublin Bay and River Tolka SPA (ref.004024) and South Dublin Bay SAC (ref.000210), located a little over 2km to the east.

## 2.0 PROPOSED DEVELOPMENT:

It is proposed to erect a single-storey detached structure of 102-sq.m stated area for use as a general medical surgery with pedestrian access to Mount Eden Road.

It is proposed to revert the use of the existing dwelling, no.115 Morehampton Road, at ground and first floor level to residential use from surgery.

## 3.0 HISTORY

### On site

**PL29S.244771 / Reg.Ref.3126/14**– Permission **REFUSED** by the Board (31/08/15), overturning the decision of Dublin City to grant permission to erect a single-storey detached structure of 93-sq.m (as revised at RFI stage) for use as a general medical surgery, with pedestrian access is proposed to Mount Eden Road, with amendment of Mount Eden Road boundary. The single reason for refusal related to the proposed building being obtrusive and out of character with architectural character of the area, contrary to the

provisions regarding Conservation Areas under the Dublin City Development Plan 2011-2017.

**Reg.ref.3196/02:** Permission **REFUSED** by DCC (03/06/03) for the construction of 3 storey medical and related consultants centre (total floor area of 377-sq.m.) in the rear of 115 Morehampton Road with pedestrian access only from Mount Eden Road, amended boundary treatment to Mount Eden Road, the demolition of two single storey extensions, a shed and a garage, and associated site development works. 2 no. reasons for refusal related to overdevelopment contrary to the zoning objective for residential conservation areas and to overshadowing of no.117 Morehampton Road.

#### 4.0 PLANNING AUTHORITY DECISION

**Decision:** To **GRANT** permission subject to 10no. conditions. Nonstandard conditions:

Condition no.3 – requires the conversion of the use of the original dwelling back to residential use proper to the occupation of the proposed medical facility.

Condition no.4 – materials, colours and textures of the external finishes to be submitted to and agreed in writing by the planning authority prior to commencement of development.

#### 5.0 REPORTS TO THE PLANNING AUTHORITY

##### 5.1 Planning Officers report

The report of the Council's Planning Officer (06/04/16) is consistent with the decision of the Council to grant permission subject to 10no. conditions.

##### 5.2 Departmental Reports & Reports from Prescribed bodies

Drainage division: No objection subject to 6no. standard conditions (09/03/16).

Roads & Traffic: No objection subject to 3no. standard conditions (15/03/16).

##### 5.3 Observations

2no. observation submissions were received on file from Niall and Joan Loftus of no.2 Mount Eden Road Lower, c/o Dr Diarmuid O'Gráda, Planning Consultant (08/03/16) and from Paddy and Lee McGuire (16/03/16). The main issues are repeated in the ground of appeal, but additional points raised include:

- No parking provision. Parking issues.
- Dimensions of building footprint are inaccurate.

- No plot ratio or site coverage provided.
- Intensification of non-residential use.
- Pedestrian entrance too wide.
- Impact on boundary wall.

## 6.0 GROUNDS OF APPEAL

### 6.1 Third party appeal submitted by Patrick and Lee McGuire of no.117 Morehampton Road c/o Hamilton Young Architects (28/04/16)

The main grounds of appeal can be summarised as follows:

- Overlooking from 5no. windows above ground floor level on northeast elevation.
- Questions the appropriateness of the design to accord with area.
- Would withdraw objection if aforementioned windows omitted and simple pitched roof with skylights provided.

### 6.2 Third party appeal submitted Niall and Joan Loftus of no.2 Mount Eden Road, c/o Diarmuid O'Gráda (26/04/16)

The main grounds of appeal can be summarised as follows:

- Cramped development.
- At odds with distinctive character of Mount Eden Road contrary to provisions of the development plan for Z2 conservation areas and policy FC39 and section 7.2.
- Would degrade the heritage setting of the ACA for Mount Eden Road.
- Previous refusal by the Board still applies and was not properly taken into account by the Planning Authority.
- Concerned that the Council's Planning Officer considered the proposed surgery a secondary element in their assessment and carried out an imbalanced assessment.
- Visual impact of structure due to its location and roadside position, in contrast to the paired rubble walls arranged neatly along the house frontages to Mount Eden Road and its prime Edwardian street setting.
- Appendix 29 makes clear that the surgery use in zone Z2 should be part of the subject residential dwelling, with the practitioner as occupier. The proposal is contrary to this requirement.

## 7.0 RESPONSES

Planning Authority (07/05/15):

No further comment.

Dr Ian O'Grady, first party c/o O'Dea and Moore Architects (25/05/16):

The main points may be summarised as follows:

McGuire appeal

- Concerns regarding overlooking from clear-storey windows are unfounded as they only offer a sky view.
- The subject windows are 20m from the upper levels of no.117 Morehampton Road and are an oblique angle.
- The provision of amended roof design is unnecessary.

Loftus appeal

- There is a large separation distance to 115 Morehampton Road.
- The building would not be easily discernible from Morehampton Road.
- It would be obscured by the existing boundary wall.
- The building line is appropriate as there is a garage adjacent the roadside boundary already and a large separation distance from 115 Morehampton Road.
- The previous inspector's report considered the proposed building not to be perceived as a significant imposition on the building line
- The pedestrian entrance would be a minimum intervention.
- An adequate medical facility exhibits a very high level of civic understanding.
- The Scale and bulk is fragmented, the design contemporary but subordinate and the materials proposed to harmonise with the special character of the area.
- The crude artist impression is meaningless and the building shown the wrong way.
- 115 Morehampton Road would have open space of 161-sq.m well in excess of the 60-sq.m standard.
- The Board shared the previous inspectors view on policy issues but overruled the inspector for aesthetic reasons.

## **8.0 OBSERVATIONS**

Niall and Joan Loftus c/o Dr Diarmuid Ó Gráda (13/05/16):

Supports the appeal of Mr and Mrs Patrick McGuire.

Patrick and Audrey Ryan and others (25/05/16):

The main points may be summarised as follows:

- Proposal is larger in scale and impact and the design more inappropriate than the previous proposal considered by the Board.

- Oblivious to the character of the ACA and contrary to the provisions of the development plan concerning conservation including policy SC30 and section 15.10.2.
- Does not comply with Z2 zoning as it would not protect or improve residential amenities and the proposed standalone general medical surgery use is a non-compliant use as defined under Appendix 29 of the development plan.
- The proposal is not a building for the Health, Safety or Welfare of the Public, permitted in principle in Z2 as it is located within the curtilage of a house.
- Section 17.14 of the development plan directs such facilities to district (Z4) and neighbourhood centres (Z3).
- Complete conversion to medical use is contrary to section 17.14.
- Material breach of Z2 zoning objective.
- Does not provide 6no. parking spaces required for the proposed development within Area 3.
- The RTDP conclusion that there will be no increase in pedestrian or traffic movements associated with the proposed development fails to consider the development as a whole with separate residential and commercial sites with the prospect of increasing in scale in time.
- Intensification of the uses is a serious concern with parking and traffic issues.
- Doesn't comply with policies FC28, FC41 and section 7.2.5.3 of the development plan regarding architectural heritage. A
- Contrary to AHPGA (2011) section 3.10.1 regarding harmonious design.
- To extricate the commercial use from an existing residential structure in the ACA is positive, but to relocate the commercial use to the residential garden is contrary to the conservation protection commitments of DCC.

Niall and Joan Loftus c/o Dr Diarmuid Ó Gráda (13/05/16):

Supports the appeal of Mr and Mrs Patrick McGuire.

## **9.0 POLICY**

### **DUBLIN CITY DEVELOPMENT PLAN 2011-2017**

#### Relevant Sections:

Chapter 7 Fostering Dublin's Character and Culture: Section 7.2.5.3 Conservation Areas.

Chapter 15 – section 15.10.2 Land-Use Zoning objective Z2 Residential Neighbourhoods (Conservation Areas) '*To protect and / or improve the amenities of residential conservation areas*'. 'Medical and related consultants' use is permitted in principle.

Chapter 17 Development Standards:

Section 17.10.8 Development in Conservation Areas and Architectural Conservation Areas.

**BELMONT AVENUE/MOUNT EDEN ROAD & ENVIRONS Architectural Conservation Area Report, Character Appraisal and Policy Framework<sup>1</sup>**

*'Infill or backland development which can have an adverse impact on the unity and harmony of the existing development. Newer development can result in the erosion of the area's character with oversized extensions on infill development which do not match the quality of the Victorian or Edwardian building in terms of scale, materials, proportions or detailing.'*

**DUBLIN CITY DEVELOPMENT CONTRIBUTION SCHEME 2016-2020**

Rate of €70.06 applies per square metre commercial floor space, reduced by 25% from €93.42 to take account of the establishment of Irish Water.

**REFERENCE DOCUMENTS:**

*'Architectural Heritage Protection Guidelines for Planning Authorities'* (DoAH&G, 2011)

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<http://www.dublincity.ie/sites/default/files/content/Planning/DublinCityDevelopmentPlan/Documents/FINAL/ACAReportBelmontAveExt2015Revised.pdf> (09/08/16)

## PART II

### ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- 1.0 Introduction
- 2.0 Design/ visual impact / impact on architectural heritage
- 3.0 Policy issues
- 4.0 Impact on residential amenities
- 5.0 Traffic and parking
- 6.0 Development contributions
- 7.0 Appropriate assessment
- 8.0 Conclusion and recommendation

#### 1.0 Introduction

- 1.1 This appeal relates to two third party appeals submitted by local residents of Mount Eden Road against the decision of the planning authority to grant permission for the construction of a general medical surgery building to the rear of the existing dwellinghouse, to accommodate the relocation of the existing established medical practice from the said dwellinghouse.
- 1.2 Under the previous appeal against permission for a similar development proposal (PL244771 / reg.ref.3126/14), the Board accepted the principle of the development but refused permission on the grounds of visual impact of the proposed design on the architectural and townscape quality of the Mount Eden Road Conservation Area (including 115 Morehampton Road). Under the application subject of this current appeal the applicant submits that the aesthetic issue of concern to the Board have been addressed and that the proposed scheme will sit appropriately in its context.

#### 2.0 Design/ visual impact / impact on architectural heritage

- 2.1 The application site is located within an attractive, old suburban area characterised largely by redbrick Edwardian dwellings in terraces, semi-detached and detached arrangements. The zoning maps (map H) on the Council's website indicate that all the dwellings on Mount Eden Road are protected structures, however these properties were delisted and the properties encompassed within a designated Architectural Conservation Area through Variation no.24 of the Development Plan adopted 2<sup>nd</sup> February 2015, extended by Variation no.27 (adopted 11<sup>th</sup> January 2016) to encompass the two corner sites at the east end of Mount Eden Road, including the site subject of this current appeal.



- 2.2 The proposed structure projects forward of the building line of no.2 Mount Eden Road (adjacent to southwest) and of one of the principle elevations of no.115 Morehampton Road to the northeast. The proposed building line is of stepped design, with the western half of the building projecting forward, with a setback of 1.175m from Mount Eden Road and the eastern half recessed 3.3m. This compares to a setback of 4.7m under the previous proposal (as amended by further information, but initially proposed at c.1m) and therefore represents a significantly increased encroachment on the established building lines of no.2 Mount Eden and no.115 Morehampton Road.
- 2.3 The visual massing of the structure is broken up through the use of different height levels. The eastern half of the building, comprising a single-storey, flat-roofed section with a parapet screen wall, reaches c.3m. The western half of the building has a lean-to roof design reaching c.5.6m at apex and 3.4m at eaves. This compares with a consistent 3.2m height previously. The east-facing wall of the western section of the proposed building will constitute a significantly more visually obtrusive element within the ACA compared to that of the previous proposal refused by the Board on appeal.
- 2.4 The proposed finishes comprise brick to harmonise with adjacent buildings, granite rubble walling to match exiting boundary wall, light coloured plaster finish, dark grey slates and triple glazed windows with grey frames. The proposed finishes are generally acceptable and would accord with that of the ACA subject to agreement of exact details with the Planning Authority.
- 2.5 The proposed building design would appear to be to a higher standard to that proposed under the previous application. The Planning Authority considered the 'contemporary style building, using traditions finishes' to be a more acceptable design approach for the site and to take account of the provisions of the ACA, however the report of the Council's Planning Officer was not informed by a report from the Council's Conservation Officer. The Council's Policy Framework document for the adopted ACA highlight infill or backland development as one of the principle problems or pressures within the area.
- 2.6 In my professional opinion, the proposed structure, by reason of its height and location set significantly forward of the building line set by the existing dwellings, no.115 Morehampton Road and no.2 Mount Eden, would be visually obtrusive and out of character with the architectural and townscape quality of the designated Architectural Conservation Area of Belmont Avenue / Mount Eden Road & Environs, contrary to the provisions of the Development Plan and the AHPG (2011).
- 3.0 Policy issues:
- 3.1 The site is zoned Z2 'To protect and/or improve the amenities of residential conservation areas' of the City Development Plan 2011. The Board accepted the principle of the proposed medical use on this site subject to conditions

requiring the use of no.115 Morehampton Road being altered to that of a single family dwelling and the dwelling and surgery remaining within the same ownership. I do not consider it necessary to revisit this issue, but would advise that similar conditions be attached in this regard in the event of a decision to grant permission.

3.0 Impact on residential amenities:

- 3.1 Section 17.14 notes that the complete conversion of residential premises as a medical consultancy can have adverse impacts on the residential amenity of a residential area, such as, security problems, which will be taken into consideration.
- 3.2 In general, I consider the use to be a relatively passive use that would not in itself be injurious to the amenities of neighbouring properties. It is also an established use on this site (since 1924 according to the response to the previous appeal PL29S.244771 / Reg.Ref.3126/14 on this site). The proposed development would free up a substantial dwelling for residential use. Under the said previous application, the applicant indicated that he and his family would reside in the dwellinghouse and operate the clinic but there is no statement to this effect in the current application. Condition no.3 attached to the Council's decision requires the conversion of the existing dwelling back to residential use prior to the first occupation of the proposed medical facility. This is reasonable.
- 3.3 The proposed east-facing windows in the elevated east elevation, which are clear-storey windows would not result in overlooking of neighbouring property.

4.0 Traffic and parking

- 4.1 The proposed development comprises the relocation of an existing medical surgery within the grounds of the existing facility, without any intensification of the use. The proposed development is therefore unlikely to generate significant additional traffic and car parking demand.
- 4.2 There is no existing publicly accessible off-street car parking provided for visitors to the clinic. Although there is a garage with vehicular entrance to Mount Eden Road, I would doubt that it is in use associated with the clinic – it is overgrown with ivy. There is on-street pay parking along Mount Eden Road. The proposed development should therefore result in no appreciable change in terms of impact on on-street parking in the area.
- 4.3 As there is a garage with vehicular entrance to Mount Eden Road, off-street parking will be available to the residential dwelling. The Council's Roads Division raised no objection subject to 3no. standard conditions.

5.0 Development contributions:

5.1 Condition no.2 attached by the Council is a development contribution condition to the sum of €13,453.32. No calculations for the sum is included on file. The contribution condition has not been subject of a first party appeal.

5.2 Based on a commercial rate of €70.06, the proposed 102-sq.m floor area for medical use would require a contribution of €7146.12. This leaves a balance of €6,307.20. The applicant indicate that the existing surgery use within the existing dwelling is 146-sq.m, which appears to be consistent with the submitted floor plans. The contribution rate for change of use from commercial to residential is €43.20 (a 50% of the residential rate of €86.40 is provided for under section 14 of the Scheme).  $146\text{-sqm} \times €43.20 = €6,307.20$ . The development contribution of €13,453.32, as attached under condition no.2 is therefore consistent with the Development Contribution Scheme.

6.0 Appropriate Assessment:

6.1 Having regard to the small scale and nature of the proposed development, comprising there erection of a single-storey structure of 102-sq.m on an urban site and for the change of use of part of an existing structure to residential use, and the location of the site outside and at a distance (c.2km) from any Natura 2000 site, from which it is separated by urban /suburban development, no Appropriate Assessment issues arise and 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.

7.0 **CONCLUSION AND RECOMMENDATION**

7.1 Based on the foregoing assessment, I recommend that permission be refused for the reasons and considerations set out below.

## **REASONS AND CONSIDERATIONS**

The proposed development, by reason of the height and design of the proposed structure and its siting significantly forward of the established building line set by no.2 Mount Eden and by no.115 Morehampton Road, would be unduly visually obtrusive and out of character with the architectural and townscape quality of the designated Architectural Conservation Area of Belmont Avenue / Mount Eden Road & Environs and would conflict with the provisions of the Dublin City Development Plan 2011-2017 and the Architectural Heritage Guidelines for Planning Authorities (2011). The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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John Desmond  
Inspectorate  
10/08/16