



An  
Bord  
Pleanála

## Inspector's Report PL06D.247920

### Development

Conversion of Gowrie House (a protected structure) from residential use to a nursing home facility and the construction of a linked three storey over basement 84 bed nursing home facility with all associated works.

### Location

34 Glenageary Road Upper,  
Glenageary, Co Dublin.

### Planning Authority

Dun Laoghaire-Rathdown County  
Council

### Planning Authority Reg. Ref.

D16A/0789

### Applicant(s)

Ardmore Care Home Group Limited

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party -v- Decision

### Appellant(s)

Ardmore Care Home Group Limited

### Observer(s)

J Michael Counahan  
Sean O'Donovan  
M Beausang

Harvey Nursing Home  
Margaret Wood  
Adrian Woods  
Tom Palmer  
Kevin & Patricia Strong

**Date of Site Inspection**

26<sup>th</sup> April 2017

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located c. 1.2 km to the south of Dun Laoghaire town centre on the western portion of Glenageary Road Upper (R829). This site lies within an area of suburban residential development, which was formerly accompanied by the Dun Laoghaire Golf Course, which straddled the said Road to the north and south. In more recent years, the southern portion of this Golf Course has been redeveloped to provide a new urban residential quarter known as Honeypark, which includes a shopping area, and the northern portion is being redeveloped to provide a complex of three to six storey apartment blocks, to be known as Cualanor. Within the vicinity of the site, Glenageary Road Upper has been reconfigured as a multi lane carriageway.
- 1.2. The site itself is of regular shape and it extends over an area of 0.48 hectares. This site is relatively level. It accommodates a two storey 19<sup>th</sup> Century dwelling house, known as Gowrie House. The principal elevation of this House faces north towards Glenageary Road Upper and it has been the subject of single storey extensions on either side and to the rear, beyond a one and a half storey return. A gated pedestrian access in the northern walled boundary to the site aligns with the front porch to the House. A gated vehicular access in the north eastern corner of the site serves a driveway that runs westwards to the House. Extensive garden areas with a considerable variety of trees and shrubs serve the House. A line of mature specimen deciduous trees adjacent to the site boundary are a prominent feature of the site from Glenageary Road Upper.
- 1.3. The site abuts Glenageary Road Upper along its lengthy northern boundary. The partly walled/partly fenced eastern boundary abuts the rear gardens to bungalows on the cul-de-sac known as Gowrie Park. The walled southern boundary abuts house plots on Carnegie Drive, which accommodate new two storey/three floor townhouses, and the fenced western boundary abuts the grounds to the bungalow at No. 32 Glenageary Road Upper.

## 2.0 Proposed Development

- 2.1. The proposal would comprise the change of use of Gowrie House (a protected structure) (GFA c. 421 sqm) and the construction of a linked extension providing a

three storey over basement level nursing home facility (GFA c. 5015 sqm) in the grounds. The nursing home facility would provide for 84 bedspaces and all ancillary areas including treatment rooms, storerooms, nurse stations, day rooms and activity rooms.

2.2. The change of use of Gowrie House from residential to nursing home facility would entail the provision of a reception area, café, family rooms, administration, training/meeting rooms and ancillary office space.

2.3. The works to Gowrie House would entail the following:

- The demolition of the non-original conservatory to the east side, the kitchen extension to the west and the garage and utility rooms extension to the rear (total demolished GFA 153 sqm),
- The removal of a mezzanine floor,
- Minor alterations to doors and opens at ground floor level, and
- The construction of a set back glazed link to the new extension.

The retained GFA is cited as being 239 sqm.

2.4. Vehicular access to the site would be provided via the existing access onto the multi lane carriageway section of Glenageary Road Upper and a new vehicular access point on the northern boundary to the cul-de-sac section of Glenageary Road Upper.

2.5. The development would include 21 car parking spaces, 20 bicycle parking spaces, a bin storage area, open space areas, site services, lighting, and all associated site development, service connections and landscape works.

2.6. At the appeal stage, the proposal was revised. Thus, the siting of the proposed extension would be set back further from adjacent site boundaries and the total GFA would contract to 4384 sqm. Four bedrooms would be omitted and various architectural features would be incorporated to reduce the perceived presence of this extension, when viewed from surrounding residential streets/properties, and to mitigate overlooking of the same. Open space would increase from 1165 sqm to 1320 sqm.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused on the following grounds:

- The proposed extension would, due to its height, scale, and mass, constitute over development, which would be overbearing with respect to Gowrie House, a protected structure, and which would fail to protect/enhance the architectural character and setting of this House. Furthermore, the proposed link would, due to its scale and design, be out of sympathy with the House. The proposal would thus be contrary to Policy AR1 of the CDP, which seeks to ensure that any new use of a protected structure is compatible with its character.
- The proposed extension would, due to its height, scale, design and close proximity to site boundaries, be visually obtrusive and overbearing from public vantage points in Carnegie Drive and from private vantage points in the following residential properties: No. 32 Glenageary Road Upper, Nos. 10, 11 & 12 Carnegie Drive. Additionally, views from proposed bedrooms nos. 25 and 26 would overlook No. 11 Carnegie Drive and light pollution from a stairwell would affect No. 32 Glenageary Road Upper. The proposed extension would thus constitute over development, which would be seriously injurious to residential amenity and which would devalue adjoining residential properties.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

See reasons for refusal.

#### 3.2.2. Other Technical Reports

- HSE Environmental Health: Advises on consultees.
- Irish Water: Standard observations.
- Surface Water Drainage: Further information requested.

- Conservation Officer: Objects, as the proposal would be overbearing with respect to the protected structure and it would injure the character and setting of this structure.
- Transportation Planning: No objection, subject to conditions.
- Parks and Landscape Services: Objects with respect to trees, layout, landscape, green infrastructure, and quality of place making.
- Waste Enforcement: No objection, subject to conditions.

### 3.3. Prescribed Bodies

n/r

### 3.4. Third Party Observations

See observers comments.

## 4.0 Planning History

- D15A/0155: The eastern portion of the current application site was the subject of a proposal for 4 two storey detached dwelling houses: Refused on the grounds of over development, adverse impact upon the character and setting of the protected structure, precedent, piecemeal approach to development of the overall site, and serious injury to the amenities of both the protected structure and neighbouring residential properties on Gowrie Park. The subsequent appeal PL06D.244921 was withdrawn.
- D15A/0156: The central portion of the current application site, including Gowrie House, was the subject of a proposal that led to a split decision, i.e. demolition of conservatory, kitchen, garage, and utility room extensions, new utility room extension and bay window, and internal alterations were permitted, subject to seven conditions, and proposed new vehicular access was refused on the grounds that the protected structure should not be separated from its existing historic access and the tree loss, which would be entailed in its construction, would be seriously injurious to the setting and

amenity of this structure. The subsequent appeal PL06D.245864 was withdrawn.

- D15A/0157: The western portion of the current application site was the subject of a proposal for 2 two storey detached dwelling houses: Refused on the grounds of over development, adverse impact upon the character and setting of the protected structure, precedent, piecemeal approach to development of the overall site, and serious injury to the amenities of both the protected structure and the neighbouring residential property at No. 32 Upper Glenageary Road. The subsequent appeal PL06D.244920 was withdrawn.
- PAC/245/16: Pre-application consultations occurred on 20<sup>th</sup> May and 19<sup>th</sup> August 2016.

## 5.0 Policy Context

### 5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP) shows the site subject to Zoning Objective A “To protect and/or improve residential amenity.” The proposal is for a nursing home, a use which lies within the category of residential institutions in the CDP and which is permitted in principle under Zoning Objective A. Section 8.2.3.4 (xiii) addresses nursing homes.

The existing building on the site, Gowrie House, is a protected structure ref. no. 1431 and Glenageary Road Upper is a proposed QBC. Policy AR1 addresses protected structures

### 5.2. Natural Heritage Designations

n/a



## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant begins by reviewing the progression of the proposal from the pre-application consultation stage through to the appeal stage. The version of the proposal submitted at the former stage was revised for the application stage and the version that accompanies the applicant's appeal seeks to address the two reasons for refusal and the critique of the Parks and Landscape Services consultee.

The applicant cites a precedent for the location of a nursing home within an ACA and adjacent to three protected structures (D15A/0807 and PL06D.246624). They proceed to respond to the grounds of appeal as follows:

In relation to the first reason:

- The setting of Gowrie House has been compromised by the reconstruction of Glenageary Road Upper as a dual carriageway, the Cualanor development of three to six storey apartment blocks on the far side of this Road to the north of the site, and the construction of the Honeypark residential development to the south. Thus, the historic rural setting of the House, which gave it “its *raison d’etre* as a quiet bourgeois retreat in the country” has been replaced by an urban context.

The attractive garden that surrounds the House is not of cultural or historic interest. Any development within this garden would affect the setting of this House. The current proposal would do so in a manner that would not entail its sub-division or multiple new entry points in the front boundary wall with accompanying loss of trees.

- The applicant interacts with the Conservation Officer's critique. In this respect they express the view that the new build element of their proposal should not be considered to be an extension to Gowrie House, but a revision to its setting, which is justified on the basis of the appropriateness of the nursing home use to the both this House and its site. The associated site coverage would be a modest 31% and the said new build element would be sited to the rear and one side only of the House. Over development would not arise.

- The applicant also outlines relevant aspects of their revised proposal. Thus, the curved driveway with its views of Gowrie House would be effectively retained, the new build would be comparable in scale while contrasting in materials with this House, the link between the two would be by means of a glazed corridor, landscaped open spaces would reflect something of the existing garden's character, and trees would be retained and, where removed, they would be replaced on a ratio of 2:1.
- The applicant concludes that their proposal would accord with Policy AR1 of the CDP.

In relation to the second reason:

Generally, the applicant does not accept that the new build element of the proposal would be visually obtrusive or overbearing when viewed from Carnegie Drive and surrounding residential properties. Specifically, they address the said properties as follows:

- No. 10 Carnegie Drive: Under the revised proposal, separation distances between elevations would be 23m and a little more at second floor level, due to its set back. The proposed separation distance to the common boundary would be c. 11m. Additional tree retention would be facilitated and additional planting would be undertaken.
- No. 11 Carnegie Drive: Under the revised proposal, separation distances between elevations would be 22m and a little more at second floor level, due to its set back. The proposed separation distance to the common boundary would be c. 9.6m. The proposed window to each bedroom 27 would be angled towards the street front of Carnegie Drive. Additional tree retention would be facilitated and additional planting would be undertaken.
- No. 12 Carnegie Drive: The gabled side elevation of this dwelling house is sited c. 1.5m from the common boundary. Openings in this elevation are obscure glazed. The proposed new build would be sited at least 8.4m away from it and 7m from the said boundary. The proposed window to each bedroom 23 would be angled towards the street front of Carnegie Drive.

- No. 32 Glenageary Road Upper: As revised, the new build would be re-orientated and scaled back with respect to this residential property. The staircase has been re-sited and the only remaining circulation space windows overlooking the said property would have louvred screens fitted. Overshadowing would not arise.
- No. 16 Gowrie Park: As revised, the new build would be 24m away from the rear elevation of this bungalow. Its elevation would no longer include dining and day room windows and bedroom windows would either not overlook this bungalow or they would be over 11m back from the common boundary.

## 6.2. Planning Authority Response

- Attention is drawn to the case planner's report. The revisions to the proposal submitted at the appeal stage are considered to entail significant material changes and so they should be the subject of a new application rather than the current appeal.
- Three of the four points raised by the Surface Water Drainage Engineer have been satisfactorily addressed by the revised plans. The remaining point could be the subject of a precisely worded condition concerning the siting of the proposed attenuation tank and soakaway details.
- The Conservation Officer maintains her objection to the proposal. Surrounding sites, which have been developed, are not comparable to that of the appeal site, as it forms the curtilage to an early 19<sup>th</sup> Century building, Gowrie House, which is a protected structure. Furthermore, the apartments under construction to the north do not dominate this House, which continues to be served by its historic curtilage.

## 6.3. Observations

Sean O'Donovan of 12 Carnegie Park:

- The Planning Authority's two reasons for refusal are supported.
- The revised proposal would be materially different from that adjudicated upon by the Planning Authority. This proposal has not been the subject of thorough

public consultation and so the Board should not consider it. Should the Board view the matter differently, an oral hearing should be held, in the interest of natural justice.

Mr & Mrs M Beusang of 32 Glenageary Road Upper:

- Attention is drawn to the applicant's key points, i.e. the setting of Gowrie House has been lost, and the use of the House is a residence with a well-tended garden may not be sustainable in the long term. The former point fails to recognise that this House and its historic curtilage, including mature trees and walled boundaries, remains legible within the changed surrounding context. To argue that as amenity has been lost from within this context so it should be lost from the site itself is mis-placed. The latter point is wholly mistaken.
- The applicant has not refuted the reasons for refusal. Instead they have sought to overcome them by the submission of a revised proposal. The revisions contained therein dramatically revise the original proposal and so they should be either the subject of a further consultation exercise or a new application.
- The applicants should clarify whether or not they have sufficient interest in the site to make the current application.

Michael Counahan of 16 Gowrie Park:

- The Planning Authority's two reasons for refusal are supported.
- Gowrie House is of two storey form. The proposed new build would be of three storey form and it would wrap around this House on two sides and so it would dominate the same.

The new build would lead to the destruction of the existing garden, which formerly was opened to the public on an annual basis, and which presently simply suffers from neglect and so it could be readily restored.

Attention is drawn to Section 8.2.11.2 of the CDP and the planning history of the site.

- The observer resides in a bungalow. The proposed new build would be sited close to the common boundary. It would be elongated in form and of unattractive appearance. As originally submitted, the presenting elevation would contain day room windows at each level. Overlooking and a loss of privacy would thus ensue. Furthermore, overshadowing would ensue, too. Concern is also expressed over the proposed basement and possible adverse implications for the observer's property.
- Traffic generation would exacerbate existing congestion on the local road network resulting from recent development in the area.
- Proposed parking would entail the provision of only 21 spaces.
- Glenageary Road Upper is served by only a single infrequent bus service.
- Dun Laoghaire-Rathdown is oversupplied with nursing homes, i.e. while it has 18.8% of Greater Dublin's 65+ population, it has 22.5% of nursing homes.

Rosemary McCann of Harvey Nursing Home on Glenageary Road Upper:

- The revisions to the proposal would fail to overcome the Planning Authority's reasons for refusal.
- Attention is drawn to the planning history of the site and the precedent set thereby for opposing three storey new build development on the basis that it would be overbearing with respect to Gowrie House and adjacent dwelling houses.

The current new build proposal would be of three storey form and it would have a continuous footprint, which would be larger than its aforementioned predecessors.

- Attention is drawn to Zoning Objective A for the site and the need for homogeneity with existing residential development on adjoining sites. The proposed new build would be excessive in this respect.
- Attention is also drawn to Section 8.2.3.4 (xiii) of the CDP, which addresses nursing homes.

Dun Laoghaire-Rathdown risks being oversupplied with nursing homes after the manner of Fingal.

The proposal would entail over development that would lead to too little open space and a building that could not be readily reused should the demand for nursing home beds contract.

- Gowrie House is a protected structure. The AHP Guidelines advise that the curtilages/attendant grounds to such structures are also protected. While the existing vehicular entrance and front boundary wall would be retained, the area behind these items would be development to provide access and parking areas. The loss of garden area elsewhere, too, would cause the proposal to breach Policy AR1 of the CDP.
- Concern is expressed over the possible conflict between primary construction exclusion fencing around trees to be protected and the footprint of the proposed new build. Concern is also expressed over the possible conflict between the tree protection plan and the landscaping plan, as the latter appears to show fewer trees retained than the former.

The removal of trees from along the eastern boundary and from the south western corner of the site would be excessive.

Under the revised proposal, the applicant has accepted that the total amount of open space would be less than originally indicated. However, the usability of some of this space would still, in practise, be questionable. Thus, the amenity afforded by the same, both quantitatively and qualitatively would be unsatisfactory.

Margaret Wood of 21 Glenageary Road Upper:

- The Planning Authority's two reasons for refusal are supported.
- Notwithstanding the "very minor changes" to the proposed new build, it would still be a large "extension" that would dominate Gowrie House, thereby undermining its protected status. Adjustments to certain windows would not fully address the issue of overlooking of surrounding residential properties.
- The size of the proposed nursing home with 84 residents, 35 staff, and at visiting times as many as 50 – 60 visitors would mean that the 21 space car park would be totally inadequate. Additionally, more than half the proposed open space would function as no more than circulation space.

Adrian Woods of 69 Rochestown Avenue:

- The changes comprised in the revised proposal are such that it should be the subject of a new application.
- Notwithstanding some reduction in the size of the proposed new build, it would still be over development that would fail to enhance Gowrie House and that would obstruct vistas of the same.
- The proposed car park would be wholly inadequate. The observer resides near to a nursing home with inadequate parking and so can testify to its deleterious impact.
- The proposal is a speculative one.
- The proposal would not contribute positively to the area. It would put a strain on public services and it would devalue property in the vicinity.

Tom Palmer of 28 Glenageary Road Upper:

- Notwithstanding the changes to the proposal, the applicant has not addressed the fundamental issue of over development. This issue lay behind earlier refusals on the site and it would undermine the protected status of Gowrie House again now.
- The said changes should properly be the subject of a new application.

Kevin & Patricia Strong of 15 Gowrie Park:

- In the light of the significant and material changes to the proposal, the Board is invited to exercise its discretion, under Section 138 of the Planning and Development Act, 2000 – 2015, to dismiss the appeal.
- The first reason for refusal has not been addressed, as the re-siting of the proposed new build further away from the site's boundaries would bring it closer to Gowrie House and so it would be even more overbearing in its relationship towards the same.
- The second reason has not been addressed, insofar as the aforementioned re-siting would be inadequate to overcome the overbearing nature and visual obtrusion of the proposed new build.

- Specifically, while the south eastern portion of the proposed new build would, under the submitted revisions, be set further back from the common boundary, it would be reconfigured to negate some of this change and full height windows would be introduced. Overlooking and overshadowing would thus ensue.

The proposed removal of trees and formation of a seating area beside the aforementioned common boundary would detract from the observer's privacy and security.

## 7.0 **Assessment**

I have reviewed the proposal in the light of the CDP, relevant planning history, my site visit and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedures,
- (ii) Land use,
- (iii) Conservation,
- (iv) Amenity,
- (v) Traffic and access,
- (vi) Water, and
- (vii) AA.

### **(i) Procedures**

1.1 The applicant has submitted revised plans of the proposal at the appeal stage.

These revisions seek to address the Planning Authority's reasons for refusal and the critiques of the original proposal by consultees.

1.2 Observers contend that the revised plans depict changes to the original proposal that are of such significance that they should be the subject of either a further public consultation exercise or a new planning application.

1.3 I note that the said plans depict a new build element to the proposal that would be reduced in size and set back further from site boundaries than that which was



originally proposed. Consequently, I consider that it would have a reduced impact upon the amenities of surrounding residential properties. I consider, too, that it would continue to come within the parameters of the description of the originally submitted proposal. I also note that the majority of the observers have clearly seen the revised plans, as is evidenced by their commentaries upon them. The Planning Authority has seen them, as have two key consultees, the Surface Water Drainage Engineer and the Conservation Officer, and they have commented upon them accordingly. In these circumstances, I take the view that neither a further public consultation nor a new application is required.

1.4 One observer questions whether the applicant has sufficient legal interest in the site to make the current application. I note that they have stated in the submitted application forms that they are the owners of the site. In the absence of any documentary evidence that would question this statement, I consider that it is reasonable to accept the same *prima facie*.

1.5 I conclude that there are no legal impediments that would prevent the Board from proceeding to assess and determine the current application/appeal.

**(ii) Land use**

2.1 The proposal is for the conversion of Gowrie House and construction of a new building to provide a nursing home on the site. Under the CDP, this site is subject to Zoning Objective A, "To protect and/or improve residential amenity." Under this Objective, nursing homes are deemed to be permitted in principle.

2.2 Two of the observers contend that there is an over-supply of nursing homes in Dun Laoghaire-Rathdown. The proposal risks exacerbating this situation and, as the new building would not readily be capable of conversion to an alternative use, there would be the risk of its obsolescence in the future.

2.3 Generally, the proportion of the population living longer is growing and so the need to make provision for the elderly is increasing correspondingly. One of the observers refers to the promotion of a trend towards supported independent living for the elderly and both refer to an over concentration of nursing homes in Dun Laoghaire-Rathdown. I acknowledge the former trend, but do not consider that this is likely to negate the need for increased nursing home provision. The

latter “over provision” is based on an assumption of proportional equivalence that is without a policy foundation that I am aware of.

2.4 I conclude that there is no in principle objection to the proposal on land use grounds and that the identified “over provision” of nursing homes has not received policy recognition.

### **(iii) Conservation**

3.1 Under the CDP, Gowrie House is a protected structure. Policy AR1 addresses such structures. Thus, item (ii) undertakes to protect them from “any works that would negatively impact their special character and appearance”, item (iii) undertakes to ensure that proposals for such structures and their curtilages have regard to the AHP Guidelines, and item (iv) undertakes to ensure that new uses of Protected structures are compatible with their character and special interest.

3.2 The applicant has submitted a Conservation Assessment, and Architectural Heritage Impact Assessment, and Method Statements for Gowrie House. These documents include Appendices that comprise an Architectural Heritage and Photographic Report and a Conservation Report and History of the site. From these documents, it is clear that Gowrie House dates from between 1821 and 1837. It is also clear that, while there was some initial variation in the line of the driveway to and the curtilage of this House, the former was depicted as running along its present alignment in the Ordnance Survey Map of 1871 and the latter was depicted as it appears at present in the Ordnance Survey Map of 1912, albeit the walled garden to the east was subsequently developed as a row of bungalows in the mid-20<sup>th</sup> Century. The line of a bank to the east of the House is shown in the 1871 Map and the area behind this bank, identified on the submitted site survey as vegetable garden, and the raised areas adjacent to the southern boundary are shown in the 1912 Map. Thus, while neither the extent of the existing curtilage nor the features within it date from the construction of the original House, this curtilage and these features are nonetheless of some interest in expressing the story of the subsequent development of the property.

3.3 During my site visit, I observed that Gowrie House is set within a generous curtilage of lands that have been laid out as gardens and planted with an abundance of trees and shrubs. The gated vehicular access in the north eastern

corner of the site connects to a driveway that turns almost immediately towards the House. Consequently, views of the principal elevation and the eastern side elevation of this House open-up to those approaching along this driveway and so the relationship between the House and the driveway is a strong one. By contrast, the aforementioned bank and raised areas are not pronounced features of the curtilage, as they are obscured by vegetation.

3.4 From public vantage points on Glenageary Road Upper, the front boundary of the site is denoted by means of a stone wall with vehicular and pedestrian gated entrances set within it. On the inside of this wall is a row of mature specimen deciduous trees. Views of Gowrie House are thus mediated by the presence of this wall and these trees.

3.5 Advice on development within the curtilage of a protected structure is set out under Section 13.5 of the AHP Guidelines. The current proposal would entail the removal of non-original extensions from Gowrie House, minor works of alteration to this House, and the construction of a substantial new three storey building, which would be sited predominantly to its rear and on its eastern side. The aforementioned Section acknowledges that gardens can contribute to the character of a protected structure, that the relationship between a protected structure and the street should not be damaged, and that new works should not adversely impact upon views of principal elevations.

3.6 I consider that the character of Gowrie House is shaped by its siting in a spacious curtilage, within which its relationships with the existing driveway and front boundary wall and trees is of particular importance. The proposed new building would be much larger than the existing House, so much so that it would become the predominant presence within the existing garden areas to the rear and one side of this House. Thus, while the House would remain the focal point for the site, its immediate context would be overwhelmed by this building. I consider, too, that, as the eastern arm of the new building would project forward of the front building line of Gowrie House, views of the eastern side elevation of this House would be obscured on approach along the driveway and this arm would, due to its prominence and contemporary design, be a distracting feature that would compete for attention with the House itself. Thus, while in other respects the relationships between this House and the front boundary wall and

adjacent row of trees would be respected, the relationship between it and the driveway would be altered in a manner unsympathetic to the character of the House.

- 3.7 The applicant has presented a case for acceding to the proposed new building. They outline how the former quasi-rural setting of the site has been lost due to the construction of the Honeypark development to the south, the widening of Glenageary Road Upper, and the on-going construction of the Cualanor apartment blocks beyond this Road further to the north. They contend that, within this context, the proposed new building would not look out of place.
- 3.8 The Planning Authority and several observers have responded to this case by stating that, as the site comprises a protected structure and its curtilage, it should be distinguished from the surrounding lands to the north and to the south, which are not subject to such protection. They also challenge the emphasis placed on the impact of Cualanor by the applicant, on the basis that this development is on the far side of a multi lane carriageway from the site.
- 3.9 I consider that the aforementioned distinction cited by the Planning Authority and observers is a valid one. I consider, too, that the role of the site as a representative landmark of what pertained before within the area is integral to the protection afforded to it by the CDP's designation.
- 3.10 During my site visit, I observed that the impact of Cualanor is indeed mitigated by the intervening Road. I observed, too, that the two storey/three floor dwelling houses on the neighbouring Carnegie Drive, which are sited closest to the southern boundary of the site have a more significant impact, which is mitigated to a degree by existing trees and shrubs within the curtilage of the protected structure.
- 3.11 The works to Gowrie House itself are similar to those that were permitted under application D15A/0156. Thus, the removal of latter extensions was previously permitted and I raise no objection to their proposed removal now. Likewise, I raise no objection to the removal of a latter mezzanine floor in the return. The minor external and internal works would be either consequential upon these removals or they would facilitate the proposed use of the House as a nursing home facility. The majority would be appropriate. However, a minority require

some further attention. Thus, the insertion of a small ground floor window in the western elevation in place of a doorway would be unnecessary and the design of the glazed door insertions in the eastern elevation of the return should be distinguished from the comparable glazed doors in the eastern elevation of the main body of the House.

3.12 The Planning Authority expressed concern that the proposed glazed link between the return and the new building would be inappropriate, in terms of scale and design. The submitted details of this link are limited. Nevertheless, as such links are a common means of connecting old buildings with new ones, I do not, in principle, share the Authority's concern in this respect.

3.13 I conclude that the character of Gowrie House as a protected structure is influenced by its spacious curtilage. The proposed new building would dominate the immediate context of this House and so its character would be altered in an unsympathetic manner. Furthermore, the eastern arm of this building would project forward of the existing front building line, thereby obscuring and competing with views of the House from along the driveway. Thus, while Gowrie House would remain a focal point for the site and its relationships with the front boundary wall and adjacent trees would be retained, the presence of the new building would overwhelm this House. Furthermore, while the eastern arm could, by means of condition, be stepped back to relieve the impact upon views from the driveway, the overall scale of the new building would continue to engulf Gowrie House. Thus, the proposal would contravene items (ii) and (iii) of Policy AR1 of the CDP.

#### **(iv) Amenity**

4.1 The site abuts existing residential properties along its eastern, southern, and western boundaries, i.e. the rear gardens to the bungalows at Nos. 15 – 19 Gowrie Park, the rear gardens to Nos. 9 – 11 Carnegie Drive, the front/side/rear garden to No. 12 Carnegie Drive, and the front/side/rear garden to No. 32 Glenageary Road Upper. At present these properties lie within the vicinity of the extremities of the site, which are planted with trees and shrubs. The proposed new building would entail the removal of much of this planting, albeit it would be replaced by compensatory/additional planting to the boundaries. Under the

revised plans for this building, the applicant anticipates that there would be less need for such removal, although several observers challenge the full extent of these gains, in view especially of a basement underneath the southern arm of this building.

4.2 The aforementioned revised plans would entail the reorientation of the southern arm of the new building on more of an east/west axis and the stepping back and reconfiguring of elevations to achieve a greater clearance distance with adjacent site boundaries. The allocation of space within this building has been rearranged to reduce the incidence of windows that would jeopardise neighbour privacy by means of overlooking. Other windows in this category are the subject of various mitigating measures, e.g. angled windows and louvred screens. I consider that the applicant has thereby alleviated the risk to neighbour privacy.

4.3 I remain concerned, however, over the size and siting of the proposed new building in relation to the aforementioned residential properties, in terms of the relative scale and proximity of development across the site boundaries. Thus, in relation to the former, the introduction of a three storey building to, variously, the rear and side of bungalows on Gowrie Park and Glenageary Road Upper would be visually obtrusive. While existing tree planting in the rear gardens of the residential properties at these addresses would afford some relief, I nevertheless consider that an undue degree of obtrusiveness would persist. In relation to the latter, the proximity of this building to Carnegie Drive would be obtrusive, too.

4.4 I conclude that, whereas the proposed new building as revised would not lead to an undue degree of overlooking and loss of neighbour privacy, its relative scale and proximity to adjacent existing residential properties would lead to an undue degree of visual obtrusiveness.

#### **(v) Traffic and access**

5.1 The original application is accompanied by a Traffic and Transportation Assessment (TTA), a Quality Audit (QA), and a Travel Plan (TP). The applicant has confirmed that their revised plans, which would involve a slight shift in the internal access road and the re-siting of one car parking space, would have no material impact upon the findings of these documents.

- 5.2 The proposed access arrangements would entail the use of the existing vehicular entrance as a means of access only. A new vehicular entrance/exit would be formed in the north eastern corner of the site off an old section of Glenageary Road Upper, which now provides local access only as a cul-de-sac to existing dwelling houses. This cul-de-sac is served by a dedicated right hand turning lane and an accompanying yellow box in the new multi-lane section of this Road.
- 5.3 The TTA estimates that traffic generated by the proposal would add, variously, 1.0% and 1.4% to existing traffic levels on Glenageary Road Upper throughout the day and during the morning peak. Such additional traffic would be accommodated satisfactorily on this Road.
- 5.4 The CDP shows Glenageary Road Upper as the route of a proposed QBC. While this Road has a limited bus service at present, the nearby Kill Avenue (R830) is well served by bus routes to Dun Laoghaire town centre and Dublin city centre.
- 5.5 The applicant has accepted the recommendations of the QA, which pertain to the proposed access/egress arrangements to/from the site and the accompanying arrangements on-site. They have also accepted the points raised by means of conditions requested by the Transportation Planning consultee.
- 5.6 The TTA outlines that 21 off-street car parking spaces would be provided in accordance with the relevant CDP standards, including 4 spaces for the mobility impaired. Observers have challenged the adequacy of this level of provision. However, insofar as the said standards would be met, I am not in a position to pursue this matter further. Twenty cycle spaces would also be provided. Thus, this alternative mode of transport would be promoted and the existing proximity/future prospect of high frequency bus services would also lessen the need for car usage. The TP would seek to promote take up of these options, along with other measures such as car-pooling.
- 5.7 I, therefore, conclude that the traffic generated by the proposal would be satisfactorily accommodated on the local road network. Proposed access/egress arrangements would be satisfactory, too. Proposed car parking provision would accord with CDP standards and proposed cycle parking provision would promote this alternative means of transportation. Nearby bus services would further facilitate transportation other than by car.

## **(vi) Water**

6.1 The proposal would be supplied by water from the existing public mains in Glenageary Road Upper. Foul water drainage would be connected to the sewerage network that serves the Honeypark development to the south and west of the site. Surface water drainage would utilise SuDS methodologies, e.g. rainwater harvesting, soakaways, green roof systems, and permeable paving, and it too would be connected to the surface water drainage network that serves the Honeypark development.

6.2 As originally submitted, the siting of the proposed storm water attenuation tank would have been in the south eastern corner of the site. Under the revised plans, this tank would be re-sited to a central point on the southern boundary adjacent to Carnegie Drive. The Planning Authority's Surface Water Drainage Engineer consultee expresses concern that either of these two sitings would pose access challenges to those seeking to maintain this tank in the future. He thus requests that a precisely worded condition be attached to any permission to allow this issue to be more fully resolved. He also seeks to clarify, by way of a further condition, the extent of soakaway provision proposed. I consider conditioning of these matters would be in order.

6.3 The applicant has submitted a Stage 1 Flood Risk Assessment of the developed site. This Assessment discusses the different types of flooding that could affect this site. It concludes that no significant flood risk would ensue. Likewise, the aforementioned SuDS methodologies would ensure that the site would not pose a flood risk elsewhere.

6.4 I conclude that the proposed water supply and drainage arrangements for the site would be satisfactory and that the developed site would neither face or pose a significant flood risk.

## **(vii) Stage 1 AA Screening**

7.1 The site is a fully serviced urban one, which is neither in a Natura 2000 site or near to such a site. I am not aware of any capacity issues that impinge on the public sewerage system and waste water treatment plant that serves this site. I have not been able to identify any other source/pathway/receptor route between this site and Natura 2000 sites in Dublin Bay, e.g. South Dublin Bay and River



Tolka SPA (site code 004024), South Dublin Bay SAC (site code 000210), Dalkey Islands SPA (site code 004172), and Rockabill to Dalkey Island SAC (site code 003000). I, therefore, conclude that the proposal would be unlikely to have any significant effect on the conservation objectives of these sites.

7.2 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 004024, 000210, 004172, and 003000), or any other European site, in view of the Sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

8.1. That this proposal be refused.

## **9.0 Reasons and Considerations**

1. Having regard to the inclusion of Gowrie House on the Record of Protected Structures and Policy AR1 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the Architectural Heritage Protection Guidelines for Planning Authorities, the Board considers that the proposed new building on the site would, due to its size and siting in a position close to Gowrie House, be out of scale with this House and contrary to its existing character as a house set within spacious gardens. Furthermore, the eastern arm of this building would, variously, encroach upon and compete with important views of Gowrie House available from the existing historic driveway and so the relationship between this House and driveway would be altered, thereby further eroding the character of the existing house. The proposed new building would thus be contrary to Policy AR1 and it would contravene the said Guidelines. As such, it would be contrary to the proper planning and sustainable development of the area.

2. The proposed new three storey building would, due to its size and siting close to the site boundaries with existing residential properties, be visually obtrusive when viewed from within these properties and so it would seriously injure their amenities and, as such, it would be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

2<sup>nd</sup> May 2017