



An
Bord
Pleanála

Inspector's Report PL29N.248924

Development	Change of use from dwellinghouse to offices including provision of parking to the side
Location	9 St. David's Terrace, Glasnevin, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2835/17
Applicant(s)	Bon Secours Health System
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Bon Secours Health System
Observer(s)	None
Date of Site Inspection	20 th October 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located on the northside of Dublin city, north of Glasnevin village and approximately 3km north of the city centre. It is located at the southeastern end of a row of red-bricked terraced Victorian dwellings looking onto the Meteorological Service headquarters. Adjoining the site to the east is Saint Joseph's Convent, which is within the grounds of the Bon Secours hospital. Access onto St. David's Terrace is available from the northwest off Ballymun Road and from the southwest off Glasnevin Hill.
- 1.2. The site currently comprises a two-storey dwelling with a single-storey rear extension and a part single, part two-storey side projection, which also contains an ornate front entrance to the dwelling. A side entrance to the dwelling is available from within the grounds of Saint Joseph's Convent. The property is served by shallow front and rear gardens. The surrounding area is comprised of a mix of uses including uses associated with Bon Secours Hospital, rows of two-storey terraced housing and education and research facilities. Ground levels in the immediate vicinity drop steadily moving south towards Glasnevin Hill.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Change of use of a five-bedroom dwelling to office use with provision for three off-street parking spaces to the side.
- 2.2. The Planning Application was accompanied by a letter of consent from Bon Secours Trustees UC, as owners of the appeal site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for the proposed development for the following reason:

R.1 The subject site is located in an area with the zoning objective Z2 'To protect and/or improve the amenities of residential conservation areas'.

The proposed office use is neither 'permissible' nor 'open for consideration' under the statutory Z2 zoning objective for the area and would, therefore, materially contravene the zoning objective set out in the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (June 2017) reflects the decision of the Planning Authority and noted the following:

- No existing/associated offices have been indicated on the plans;
- Office use is neither a 'permissible' use nor a use 'open for consideration' in a Z2-zoned area.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Section (Planning Division) – no objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third-Party Submissions

3.4.1. None.

4.0 Planning History

4.1. Subject Site

4.1.1. None.

4.2. Surrounding Sites

4.2.1. There is an extensive and ongoing planning history associated with the Bon Secours Hospital including St. Joseph's Convent adjoining the appeal site to the east. The following application decided by An Bord Pleanála in June 1997 relates to St. Joseph's Convent:

- Bon Secours Hospital, St. David's Terrace, Glasnevin – ABP Ref. PL29N.101614 (DCC Ref. 1904/96) – Permission **granted** (June 1997) for residential home and new entrance onto St. David's Terrace.

5.0 Policy Context

5.1. Development Plan

5.1.1. The majority of the appeal site has a zoning objective 'Z2 – Residential Neighbourhood (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective "to protect and/or improve the amenities of residential conservation areas". The general objective for these lands, as outlined in the City Development Plan is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. A narrow portion of the appeal site running along the southeastern side boundary with St. Joseph's Convent has a zoning objective 'Z15 – Institutional and Community' within the Development Plan, with a stated objective "to protect and provide for institutional and community uses".

5.1.2. 'Medical and related consultant' land use is a permissible use on lands zoned 'Z2'. 'Offices' are not listed as being 'permissible' or 'open for consideration' on 'Z2' lands. Section 14.4 of the Plan outlines that uses not listed under the 'permissible' or 'open for consideration' categories will be deemed 'not to be permissible' uses in specific zones, including 'Z2' zones.

5.1.3. Policy CEE20 of the Plan aims 'to recognise that hospitals and the wider healthcare sector are crucial to the wellbeing of the city, including as major sources of employment, economic development and innovation; and to promote and facilitate their development and expansion'.

5.1.4. Section 12.5.5 of the Development Plan includes Policy SN22 'to facilitate the provision of hospital, local and other healthcare facilities, in accordance with the requirements of the relevant healthcare authorities and to facilitate the consolidation or enhancement of these facilities within the city as an important resource for the city, region and State'.

5.1.5. For guidance purposes, Volume 2 of the Development Plan provides 'land-use definitions' for various uses that appear in the land-use zoning objectives, including 'Medical and Related Consultants' and 'Offices':

- Medical and Related Consultants - This applies to the use of part of a dwelling by a medical doctor or related consultant or those engaged in paramedical consultancy. In either case, the practitioner must also be the occupier of the dwelling;
- Office - A building in which the sole or principal use is the handling and processing of information and research, or the undertaking of professional, administrative, financial, marketing or clerical work, and includes a bank or building society but not a post office or betting office'.

5.1.6. Table 16.1 outlines the maximum car parking requirement for offices in this part of the city, as 1 space per 100sq.m gross floor area.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The principal grounds of the first-party appeal can be summarised as follows:

- Building is to provide office accommodation for Bon Secours Hospital and, as such, would be used for 'medical and related consultants', as part of the overall hospital complex. Use of the building for 'medical and related consultants' purposes is 'open for consideration' on Z2 lands;
- Residential homes for Orders have been in decline and the subject proposals would assist the hospital with the overflow for staff and the main hospital buildings can be retained as clinical areas and not compromised by support staff.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the key issues in determining the appeal before the Board relate to the:

- Principle of the Development;
- Character of the Area;
- Other Matters.

7.2. Principle of the Development

7.2.1. The majority of the appeal site has a zoning objective 'Z2 – Residential Neighbourhood (Conservation Areas)' within the Dublin City Development Plan 2016-2022, with a stated objective "to protect and/or improve the amenities of residential conservation areas". The primary land use for 'Z2' lands is for residential purposes with only a very limited range of other secondary and established uses accommodated. 'Offices' are not listed as being 'permissible' or 'open for consideration' on 'Z2' lands. The Planning Authority refused planning permission for the proposed development, as they consider that the change of use of the house to offices would materially contravene the zoning objective for the area.

7.2.2. The grounds of appeal assert that the proposed development would provide office accommodation for staff from the adjoining Bon Secours Hospital and in effect the appeal site would be used for 'medical and related consultants', as part of the overall hospital complex. Use of lands for 'Medical and Related Consultants' is permissible on lands zoned 'Z2'. 'Medical and Related Consultants' are defined for guidance purposes in Volume 2 of the Development Plan as 'use of part of a dwelling by a

medical doctor or related consultant or those engaged in paramedical consultancy. In either case, the practitioner must also be the occupier of the dwelling'. The proposed floor plans submitted with the planning application reveal that no part of the building would remain in residential use, therefore a practitioner would not occupy the dwelling. Furthermore, the grounds of appeal only state that the building would be used by staff of Bon Secours Hospital, but they do not specifically state whether or not such staff would include medical doctors or related consultants, or those engaged in paramedical consultancy. Consequently, while I accept that the proposed use outlined in the grounds of appeal would provide some degree of ancillary office use for staff of the hospital, I do not consider that the proposed use can be considered to conform to the Development Plan definition for 'medical and related consultants'.

- 7.2.3. In conclusion, it is considered that the proposed use of the appeal site as offices, would materially contravene the Z2 – Residential Neighbourhood (Conservation Areas) zoning objectives for the area.

7.3. Character of the Area

- 7.3.1. The site is within a conservation area, but not a designated Architectural Conservation Area. Section 14.8.2 of the Development Plan outlines that in considering non-residential uses on 'Z2-zoned' lands, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area. The proposed development would not provide for any alterations to the exterior of the building, with the only physical works comprising the provision of three car parking spaces and associated landscaping, which would be screened from the front streetscape by the side boundary wall along St. David's Terrace with St. Joseph's convent grounds. I am satisfied that the minor extent of the works proposed, would not be detrimental to the architectural quality of the streetscape.
- 7.3.2. With regards to the proposed introduction of a new office use into the 'Z2' zoned street and area, I note that all of the existing properties along St. David's Terrace currently appear to be occupied, in good repair and in residential use. The distinctive Victorian quality and residential character of the streetscape has thus been maintained and this would appear to be reflected in the Z2 residential

conservation area zoning of the street, when compared with neighbouring residential streets, which are zoned Z1 'Sustainable Residential Neighbourhoods'. I consider that the proposed change of use of the appeal property to an office use associated with the hospital, would introduce an unsuitable new use into the residential streetscape, would also represent a piecemeal and haphazard extension of the hospital facility into a residential conservation area for office purposes, and, accordingly, would fail to protect the residential character of the area.

- 7.3.3. In conclusion, the proposed development would introduce an unsuitable use into the area, would be detrimental to the character of the residential conservation area and would, therefore, seriously injure the amenities of the area and of property in the vicinity. The Board may consider this to be a new issue. Furthermore, I am conscious that the proposed development could set precedent for further incremental change in the use of properties along St. David's Terrace, and as a result this would have further potential to detrimentally impact on the character of the 'Z2' residential conservation area.

7.4. Other Matters

- 7.4.1. The proposed development would provide for an additional three parking spaces to the side of the existing dwelling, with access from a private entrance to St. Joseph's Convent/Bon Secours Hospital off St. David's Terrace. I note that the Roads & Traffic Section (Planning Division) had no objection to the proposed development subject to standard conditions. As the proposed development would provide office accommodation for support staff from the adjoining hospital, I consider that this arrangement and the quantum of parking proposed relative to the extent of office space proposed, would be compliant with Development Plan parking standards for hospitals and adequate to serve the development.
- 7.4.2. Should the Board be minded to grant permission for the proposed development, I note that it would be subject to Section 48 Development Contributions. Furthermore, I note that the appeal site is also within the area covered by the Metro North Scheme and, therefore, would also be subject to Section 49 Supplementary Development Contributions.

- 7.4.3. Should the Board be minded to grant permission for the proposed development, the provisions of Section 37(2) of the Planning & Development Act 2000 (as amended) would need to be addressed.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1.1. The land use zoning objective Z2 'Residential Neighbourhoods (Conservation Areas)' 'to protect and/or improve the amenities of residential conservation areas', applies to the site under the Dublin City Development Plan 2016-2022. The proposed change of use of the site from residential to office use is neither permitted in principle nor open for consideration within the said land use zone. Furthermore, having regard to the nature of the proposed development, which proposes to introduce an office use into a residential conservation area, it is considered that the proposed development would introduce an unsuitable use into the area, would be detrimental to the character of the area and would set an undesirable precedent for further similar development in this sensitive setting. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to provisions of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

25th October 2017