



An  
Bord  
Pleanála

## Inspector's Report

**PL06S.249012**

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### Development

Change of use of ground floor of dwelling from residential to veterinary surgery; reconfiguration of first floor and conversion of attic to provide 3 bed residential unit; widening of vehicular access to provide 4 no. off street car parking spaces.

### Location

Terenure Veterinary Hospital, 30  
Whitehall Road, Terenure, Dublin 12

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD17A/0155

### Applicant(s)

Subiaco VC

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Subiaco VC

### Observer(s)

Cliodhna Devitt and others (18 in total)

### Date of Site Inspection

22.11.2017

### Inspector

Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is located on Whitehall Road in a mature residential area. It currently accommodates a 3 bed semi-detached dwelling. The former side garage which has been extended to the rear, is currently in use as a veterinary surgery. There is a large south facing rear garden. The front garden has been paved over and accommodates a parking area.
- 1.2. Development in the vicinity is of similar character comprising low density semi-detached and detached houses, set back from Whitehall Road with large front and rear gardens.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:
  - Change of use of the ground floor (c. 71 sq. m.) from residential to veterinary surgery use. This will provide a total amalgamated veterinary surgery of c. 175 sq. metres.
  - Reconfiguration of the existing residential floorspace at first floor level and conversion of the attic to residential use to provide a 3-bedroom residential unit with a floor area of 111.6 sq. metres.
  - Installation of 2 no. rear roof windows and all associated internal and external amendments.
  - Widening of the existing vehicular entrance to 5 metres and delineation of a parking area to the front to provide 4 no. off street parking spaces.
  - Provision of bicycle parking stands, car parking signage, waste storage facilities and all associated landscaping and site development works.

## 3.0 Planning Authority Decision

### 3.1. Decision

1. *Having considered the noise report submitted, it has not been sufficiently demonstrated that the proposed door insulation could mitigate the existing noise nuisance to neighbouring properties. The traffic assessment submitted did not consider parking impacts on Whitehall Gardens and has not accounted for all the*

*parking demand generated by the practice or its proposed expansion. It has not been adequately demonstrated that the proposed development could operate in a manner that would not negatively impact on the residential amenity of dwellings in the vicinity.*

2. *The proposed development would constitute an expansion of an already busy veterinary practice, leading to an inevitable intensification of the use of the site. It would not be in compliance with the stated intentions of the South Dublin County Development Plan 2016-2022 as expressed at Section 11.3.13, Section 11.3.10 and Section 4.4.0. The proposed development would seriously injure the amenities of property in the vicinity and would materially contravene the Development Plan zoning objective for this location to protect and/or improve residential amenity, and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The proposed duplex apartment would not have appropriate levels of privacy in, or appropriate access to, the rear garden for private open space. As such, it would have a substandard level of residential amenity.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report (13.07.2017)**

- The current proposals would provide a veterinary practice of 175 sq. m. and a 3 bed apartment of 100 sq. m. It is considered that the reconfiguration of the building in this manner would tip the balance into providing a veterinary practice with associated staff accommodation, rather than a home based economic activity.
- The change of use of the additional 70 sq. m. from residential to commercial use would be naturally inclined to lead to additional intensity of use on the site in the future.
- Access to the rear garden is only available through the veterinary practice on the ground floor. It would therefore not provide the level of residential amenity required for a permanent or long term residence.
- During the site visit, considerable additional parking was noted on Whitehall Gardens. The submitted parking statement would appear to be deficient as

there is no acknowledgement of the demand currently generated by staff parking. The mobility management plan may not affect staff travel patterns unduly. It is not clear that staff parking does not currently impact on residential amenity.

- It has not been demonstrated that the expanded practice could be run without causing noise nuisance, or that the proposed insulation measures would be sufficient to mitigate the noise.

### 3.2.2. Other Technical Reports

#### **Roads Report (29.06.2017):**

- Roads notes that the applicant has submitted proposals that provide for a widened access to the site and an internal layout that permits vehicles to turn and exit the site in a forward direction. This proposal is acceptable.
- The proposal to provide 4 spaces is within the maximum permitted by the South Dublin County Development Plan. This is acceptable.
- It is noted from the documentation submitted that the parking accumulation for the practice commonly reaches two, less frequently reaches 3 and infrequently reaches 4. It is also noted that the applicant proposes to limit appointments to ensure a more level parking demand throughout the day.
- No objection subject to conditions.

**Water Services (22.06.2017):** Further information requested regarding surface water layout and a report outlining issues regarding flood risk for the proposed development.

**Environmental Health Officer (15/06/2017):** No objection subject to conditions.

### 3.3. Prescribed Bodies

**Irish Water (23.06.2017):** Further information required regarding watermain and foul drain layout details.

### 3.4. Third Party Observations

- 3.4.1 24 third party observations were made in relation to the application. Issues raised are similar to those made in the observations on the appeal and can be summarised as follows:

### **Principle of Development**

- The development will result in the change of the premises to a primarily commercial use where the residential use is subsidiary. This is contrary to the zoning objective for the area and will set an undesirable precedent.
- Note that a similar application on the site was previously refused permission. Outline that the development is in contravention of a previous permission which required that the veterinary surgery be operated by a veterinary surgeon in residence in the dwelling.

### **Traffic and Parking**

- The development will result in an intensification of use with consequent increases in associated traffic and parking. This will lead to a traffic hazard particularly to pedestrians and vulnerable road users.

### **Impact on Residential Amenities**

- The development will have adverse noise impacts due to dogs barking.
- The expansion of the pharmacy element may act as a catalyst for criminal activity.
- Development may result in an increase of hazardous bio waste being stored on the site. Concerns regarding increased dog fouling.
- Concerns regarding operating hours in a residential area and visual impact of waste storage facilities and partial removal of boundary wall.

## **4.0 Planning History**

### **Planning Authority Reference SD16A/0275**

Permission refused for a similar development in June 2016 comprising the change of use of the ground floor of the existing dwelling to veterinary use (87.5 sq. metres) and conversion of the attic space to residential use to form a 3-bedroom apartment at first floor and attic level. The reasons for refusal related to:

- The development by virtue of its scale and location in a residential area would result in an unacceptable intensification of a noise nuisance.

- It would constitute increased development of a commercial nature and scale which would result in unacceptable traffic congestion due to lack of sufficient in curtilage car parking.
- The development would seriously injure the amenities and depreciate the value of property in the vicinity and would materially contravene the zoning objective for the area.
- The proposal would result in the provision of a residential use which would be subordinate to the commercial use and thus would be contrary to the intention of Section 11.3.13 whereby small scale practices are open for consideration in residential areas subject to the protection of residential amenity. The development would set an undesirable precedent for other similar developments.

#### **Planning Authority Reference S01A/0016**

Permission granted in April 2001 for a development comprising new signage.

#### **Planning Authority Reference S01A/0016**

Permission granted in April 2001 for the construction is a single storey extension to the rear for the use by existing veterinary practice, single storey domestic extension to the rear of house and alterations to the front entrances of house and veterinary practice. Condition 6 is of note and stated:

*“That the surgery be operated only by a veterinary surgeon in residence in the dwelling of which it forms part and that it not be separated from the existing dwelling either by way of sale or letting or otherwise.*

*Reason: In the interest of the proper planning and development of the area.”*

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1 The operative development plan for the area is the South Dublin County Development Plan 2016-2022. The site is zoned RES – *To Protect and/or Improve Residential Amenity*. Veterinary use is ‘open for consideration’ under this zoning objective. The Plan states that such uses:

*“May be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development and the relevant policies, objectives and standards set out in this plan.”*

**Section 11.3.13 Healthcare Facilities** states:

*“Large medical centres and group practices will be favourably considered in town, district, village and local centres. Small scale medical surgeries/practices (doctor/dentist/physiotherapist etc.) are open for consideration in established areas, subject to appropriate safeguards to protect the residential amenity of the area. The applicant will be required to demonstrate a spatial rationale for the conversion of a full dwelling in the context of the availability of alternative sites in the area, the location of schools, employment, public transport services and existing healthcare facilities.*

*Planning applications for medical surgeries/practices/centres should include details of proposed professional medical (commercial) activities, proposed number of practitioners and support staff and intended hours of operation. In instances of partial conversion from residential to healthcare, the proposals shall be assessed as a Home Based Economic Activity.”*

**Section 11.3.10 Home Based Economic Activity** states:

*“Development proposals for small scale home based economic activities will be considered where the applicant is resident of the house and can demonstrate that the proposed activity is subordinate to the main residential use of the dwelling. Proposals that adversely impact on the existing residential amenity of the area by way of increased traffic, noise, fumes, vibration, smoke, dust or odour will not generally be favourably considered. The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.”*

## 5.2. Natural Heritage Designations

- None Applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The Planning Department is not technically qualified to dismiss the recommendations of their own Transportation Department and EHO in respect of the assessment of the potential impact on residential amenity by way of alleged noise and traffic impacts. It is considered that the Planning Authority made assumptions in relation to the operation of the practice which are unfounded and informed by third party submissions rather than an analysis of the proposed development.
- The proposed development does not constitute an intensification of the commercial operation of the practice. The proposed development comprises the re-configuration of the internal layout of the practice. It will deliver significant improvements to the operation of the practice and is intended to provide an enhanced working environment. It will not result in any increase of appointments at the practice as no additional kennels or consultation rooms are proposed. As such the development will not result in any increase in the number of visitors to the practice.
- The increase in floorspace will thus not result in an increase in trade. It is not intended to provide any other additional services or products. As the development does not result in any increase in the intensity of appointments or the commercial functions of the practice, the development will be fully in accordance with the zoning objective for the area. Measures such as rationalised on-site parking and noise mitigation measures will enhance the residential amenities of the area.
- The development will not compromise or reduce the residential function within the practice and the dwelling will continue to provide residential accommodation for the veterinary surgeon at the practice. The Board are invited to include a condition of permission to continue to require the veterinary surgeon to reside at the practice and that the residential component is not leased or let otherwise, separate to the veterinary practice operating within.



- With regard to noise impacts, the Environmental Health Officer had no objection to the development on noise grounds. As there is no increase in the number of kennels, there cannot be an increase in levels of noise associated with barking.
- The noise report submitted with the application demonstrated that there is no significant variation in the ambient noise levels whether the veterinary surgery is open or closed. With regard to the timing of the survey, this was not carried out at a quieter time for the practice. The report notes that there are occasional periods where the maximum level of noise is noticeable, primarily in the early morning when the premises is opened by staff. It notes, however, this will be reduced with the presence of overnight staff on the premises as the early morning disturbance of kennelled animals will thus be avoided.
- Additional mitigation measures are also proposed to provide greater sound proofing to the kennel area. The proposed development will thus enhance the ambient noise levels in the development.
- A revised transport and parking statement is submitted in support of the appeal. A site survey, audit and assessment of the parking habits of visitors and staff to the practice has informed the overfill approach. The survey undertaken indicated that visitors only occasionally park on Whitehall Gardens. It considers that the parking pressures on Whitehall Gardens can only be partly attributable to the veterinary practice on Whitehall Road. It notes that the staff parking demand for the practice peaks to 3 spaces for a limited time period and generates a demand for no more than 2 car parking spaces for the vast majority of the day.
- All visitors to the veterinary practice will be able to park on site. The revised parking area has been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). The reconfigured parking arrangement and widened entrance will facilitate better circulation and eliminate the need for cars to reverse onto the public road. The development will not generate additional car parking demand as there is no increase in the number of visitors or staff to the practice. Adequate parking for the residential element has been provided.

- A workplace Travel Plan is proposed which will reduce staff related car use and related car parking demand. In addition, it is proposed to lease 2 off street car parking spaces in the vicinity of the site to allay concerns of residents. It is requested that this is addressed by condition.
- The proposals will improve current parking patterns by providing an appropriately designed car park to the front and supporting sustainable transport behaviour for staff, with additional potential car parking for staff off site.
- A substantial rear garden exists in the property which will be retained. A separate exercise area for the animals is provided. Revised landscape drawings submitted with the appeal response indicating screening in the garden area to provide greater privacy. The proposed apartment unit is generally compliant with the standards set out in the Sustainable Urban Housing Design Standards for New Apartments.
- The development does not propose any additional pharmacy function as part of the application.
- The practice does not include any boarding kennels at present and none are sought as part of the application.
- The changes to the front elevation of the building are minimal and will not impact on the streetscape at this location.
- A dedicated waste storage facility is proposed in the front garden area as part of the development which will provide appropriate waste storage facilities to serve the practice.

## 6.2. Planning Authority Response

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the planner's report.

## 6.3. Observations

Cliodhna Devitt, Sarah Wallace, Tom Hanley, Margaret Doherty and Sheila Crowley, Mary Flanagan & Jane O' Hanlon, E. Lynam, Anne Victor-Byrne, Jeff & Catherine Murphy, Orla & Dermot Keogh, Records Residents Association, Grainne Hogan,

Colm Sandford, Dolores and Andy Ellman, John and Anna Morris, Mary and Charlie Donaghy, Laurence Cooke, Harry Goddard, Judith Dignam

6.3.1 18 observations on the appeal were received. Similar issues are raised by a number of parties and can be summarised as follows:

### **Principle of Development**

- The development seeks to convert the existing residential dwelling into a primarily commercial premises. The development is considered to conflict with the zoning objective for the area and policy 11.3.10 regarding Home Based Economic Activity as the veterinary use is no longer subordinate to the main residential use of the dwelling. The development will result in a significant intensification of the commercial use and would establish an undesirable precedent.
- The nature of the use and level of activity associated with the practice has intensified over the years. It is not accepted that the expansion and upgrade of the practice as proposed will not result in any increase in turnover or activity at the premises. It is already a busy practice with unrestricted opening hours. The practice may be more suited to an area zoned for commercial use.
- Notwithstanding the assurances of the applicant that the additional floor area is necessary to enhance the existing operations, once the principle of the use is established, there is nothing to prevent a future reconfiguration of this additional space for additional commercial activity and thus further intensification of use.
- Condition 6 of planning application reference SD01A/0016 required that the surgery be operated only by a veterinary surgeon in residence in the dwelling. As the applicant is no longer residing at the property, the proposal, if approved would contravene a condition of a previous permission.
- Permission for a similar development was refused under application reference SD16A/0275. The current proposal does not overcome the previous refusal.

### **Traffic and Parking**

- Notwithstanding the provision of off street parking, it is evident that patrons prefer to park on the street. This has resulted in significant parking problems on Whitehall Road and Whitehall Gardens. Such ad-hoc parking often blocks the

pedestrian footpath, thus causing an inconvenience and hazard to pedestrians and other vulnerable road users.

- The residents of the apartments (3 persons) and the staff of the facility (8 persons) will require parking facilities. In addition, the practice attracts between 40 and 60 patrons per day as well as deliveries. There is insufficient parking to cater for this demand. This results in congestion on the surrounding roads and an inconvenience to existing residents.
- The feasibility of having 4 parking spaces on a spatially restrictive forecourt will not encourage visitors to use the reconfigured facilities. No clarity has been provided as to where the additional 2 no. leased spaces proposed will be located.
- The Traffic Assessment is flawed as it provides no assessment of the potential impacts of an increase in client numbers to the practice. The workplace Travel Plan is aspirational and not enforceable. The benefits of the plan are unlikely to be realised given the low levels of staff employed. There is limited public transport available to the site.

### **Impact on Residential Amenity**

- The widening of the front entrance would have a negative visual impact and will result in the property having a greater commercial appearance which is inappropriate in a residential area.
- The development currently gives rise to unacceptable noise impacts. The noise survey undertaken by the applicant was carried out over the Christmas period when there were lower levels of activity at the practice. It is thus not a representative survey. Concern that the development will exacerbate existing noise problems.
- Notes that the expansion of the business in the long term may include boarding kennels with further potential noise impacts.
- The increase in size of the practice is likely to generate additional hazardous and non-hazardous waste. Concern raised regarding potential increases in dog fouling.
- The development would result in the devaluation of neighbouring properties.

- The expansion of the pharmacy element may act as a catalyst for criminal activity.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and observations and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Traffic and Access.
- Impact on Residential Amenities.
- Appropriate Assessment.

### 7.2. **Principle of Development**

7.2.1 The proposed development comprises the change of use of the existing ground floor of the residential dwelling to enlarge the existing veterinary practice. The practice has been insitu since the 1960's and it is understood that it has grown incrementally over the years.

7.2.2 The current practice employs 7 no. staff and generally there is a maximum of 4 staff on site. The hours of operation are 07.30 to 19.30 Monday to Friday and from 09.00 to 17.00 on Saturdays. Animals are also required to attend occasionally on Sundays, but no surgery takes place on this day. Data from the traffic statement submitted with the application indicates that on a typical weekday, the practice can cater for between 41 and 58 clients. It is therefore clearly a busy practice, operating with extended opening hours.

7.2.3 The proposed area relating to the change of use is 70.8 sq. metres. The total floor area of the amalgamated practice will be 174.8 sq. metres. It is proposed to provide a 3 bed apartment at first and attic floor levels with an area of 111.6 sq. metres.

7.2.4 The applicant places significant emphasis on the fact that the nature of the works is intended to provide an improved business environment and will include the following specific elements:

- A substantial staff room/rest room with tea making facilities and lockers which is more convenient and safer to access for staff.
- A dedicated storage area for medicines which are currently stored in the consulting rooms.
- Increased laboratory space.
- An enhanced office/administration room.
- An enhanced reception area which links to the disabled toilet.

7.2.5 It is detailed that as no changes are proposed to the existing overnight kennels or consultation/examination rooms as part of the proposal, there will be no increase in staff or visitors to the development. It is contended, therefore, that there will be no intensification of the existing use.

7.2.6 The applicants also note that the development will result in a number of positive benefits including the introduction of enhanced noise mitigation measures and the provision of an improved dedicated area of parking to the front of the dwelling to cater for customer's parking requirements.

7.2.7 The subject site is located in an area that is zoned RES – *To Protect and/Improve Residential Amenity*. The Development Plan also sets out specific guidance regarding medical practices and promotes the development of larger practices in existing town, district, village and local centres. The plan notes that small scale practices are open for consideration in residential areas subject to the protection of the residential amenities of the area. The plan also sets out specific guidance regarding home based economic activities and notes generally such an activity should be subordinate to the main residential use of the dwelling.

7.2.8 It is evident from the planning history of the site, that the existing veterinary practice started off as a small scale enterprise in the former garage of the existing dwelling. The practice was expanded significantly in 2001 and a specific condition was attached by the planning authority requiring that the surgery be operated only by a veterinary surgeon in residence in the dwelling. It is evident that the intent of the imposition of this condition was to ensure that the veterinary practice would remain ancillary and subordinate to the residential function of the dwelling in line with a typical home based economic activity.

7.2.9 It is noted that a number of observers contend that the current operation of the practice is in breach of the condition requiring the on-site residency of the veterinary surgeon. It is considered that this is a potential enforcement matter and not relevant to this assessment.

7.2.10 The current application seeks to significantly increase the floor area of the veterinary practice to c. 175 sq. metres. It is evident, having regard to the extent of the floorspace proposed, that this would become the predominant land use on the subject site, with the residential element being the more ancillary and subordinate function.

7.2.11 Whilst the applicants contend that the works will not result in an intensification of the existing use and are intended to enhance the working environment for staff, I am not satisfied that this will actually be the case. It is clear from the planning application documentation that the proposed development will result in the enhanced operation and thus efficiency of the existing practice. It is detailed for example that the larger laboratory facility will enable tests to be carried out more quickly and that the proposed office/library may be used on occasion for the purposes of carrying out euthanasia to sick animals, thus freeing up use of the consulting rooms. Such efficiencies will inevitably result in the enhanced functional operation of the practice and thus allow them to potentially handle a higher throughput of clients and consequently an intensification of activity.

7.2.12 By their nature, veterinary practices have the potential to have more significant impacts in a residential area than other types of medical practices as they typically house animals overnight and operate with longer opening hours. Their potential impacts on residential amenity must be considered in this regard. I am of the view that the proposed development having regard to its size and likely activities, will result in the inappropriate intensification of the existing commercial use on the site which is contrary to the overall residential zoning objectives of the area.

7.2.13 I am not satisfied that measures detailed by the applicant such as enhanced noise mitigation and improved off street parking would negate the potential negative impacts of such a development or ensure its compliance with the RES zoning objective. If granted, the veterinary practice would clearly no longer be subordinate or ancillary to the main residential function of the dwelling and this conflicts with the

policy objectives regarding such developments in residential areas. It is considered in this regard, that the development would be contrary to the proper planning and sustainable development of the area.

### **7.3. Traffic and Parking**

7.3.1 Significant concerns have been raised by a number of observers regarding existing parking conditions on the surrounding road network adjacent to the existing practice. The applicant has focussed on the potential parking demand generated by the existing staff. No assessment of any additional traffic to be generated by the development is provided as it is detailed that, due to the nature of the proposal, the development will not increase either the sites traffic generation potential or its parking demands.

7.3.2 The practice at present generates a high number of client visits (up to 58) per day. The vast majority of clients (88%) travel by private car. Given the nature of a veterinary practice, it is highly unlikely that patrons will utilise public transport to travel there. It is clear, therefore, that the development as it currently operates, generates a relatively high level of customer traffic and consequent parking demand. It is detailed in the traffic report that the majority of client's park on the surrounding streets (71%). During the site visit, ad- hoc parking was evident directly outside the practice, with a number of cars parked partly on the public footpath.

7.3.3 As noted above, I am of the view that the proposed development may result in an intensification of activity on the site. This is likely to have consequential impacts in terms of parking demand and potential overspill to adjacent roads.

7.3.3 It is contended by the applicants that the provision of 4 off street parking spaces with improved access and circulation will dissuade customers from parking on the surrounding road network and that the subject spaces have the capacity to cater for all customer parking demand generated by the practice. I am not satisfied however, that this level of parking provision will be sufficient to cater for existing demand and the potential additional demand generated by the proposal. The practice currently attracts between 41 and 58 customer trips per day. In addition, there is staff parking requirements and deliveries, as well as the parking that would be generated by the proposed 3 bed apartment. In my view, 4 spaces are not sufficient to cater for the level of existing demand and certainly would be deficient if the intensity of the



commercial use increased as a result of the proposed development. I am not satisfied that the development will not result in overspill parking to the surrounding road network with consequent potential negative impacts.

7.3.4 To address the issue of staff parking demand, the applicant promotes a Travel Plan. It is stated in the appeal that such plans are typically successful in changing the travel patterns of between 10 and 25% of a workforce. In my view however, such documents are typically only successful in larger organisations where meaningful measures such as car sharing can be implemented. The efficacy of such a proposal in changing the travel patterns of existing staff in the practice is questionable and is likely to have only a minimal impact. The applicant also suggests that 2 further off street car parking spaces could be leased in the vicinity of the site. No clarification however, is provided as to where or how such spaces could be located or operated.

7.3.5 Having regard to the foregoing, I am not satisfied that the development would not result in negative traffic impacts to the surrounding streets in terms of overspill parking and congestion.

#### **7.4 Impact on Residential Amenity**

7.4.1 Significant concerns have been raised by both the Planning Authority and the observers regarding the potential impacts of the development on the residential amenities of the area, particularly with regard to potential noise and visual impacts.

7.4.2 A detailed noise report and survey was submitted with the application. A number of the observers are critical that the survey was undertaken over the Christmas period when the practice is less busy. This is refuted by the applicant who states it is a representative survey. Whilst the comments of the applicant are noted, I would concur with the concerns of some of the observers that windows are less likely to be open in the winter months and noise pollution from the development is thus likely to be more significant in the Summer.

7.4.3 The noise report notes that there are periods of the days when the maximum level of noise during 15 minute periods was noticeable. It notes that none of the amendments proposed in the development have the potential to generate additional noise. The report recommends a number of noise mitigation measures to improve the acoustic environment.

- 7.4.4 It is evident from the report, that there is noise intrusion, particularly at certain times of the day which has the potential to impact negatively on the residential amenities of adjacent properties. Notwithstanding the additional mitigation measures proposed, I am not satisfied that the development would not give rise to adverse noise impacts, particularly during the Summer months when windows are opened and dogs would have increased access to the external exercise area.
- 7.4.5 With regard to potential visual impact, the development will result in the creation of a significantly enlarged vehicular entrance of c. 5 metres wide in order to accommodate enhanced circulation in the parking area. 4 parking spaces are to be clearly marked out. In addition, bicycle parking, a dedicated bin store and car parking signage are to be provided. It is considered that the nature of the works will contribute to the general commercialisation of the property, further undermining its residential function. It is noted that the extension to the rear already has a commercial appearance due to the presence of two large air conditioning units on the side elevation. I am of the view that in this context, the proposed development will have a negative visual impact on the residential amenities of the area.
- 7.4.6 Concerns were also raised by the Planning Authority regarding the residential amenities of the proposed residential unit at first and attic floor level. It is noted that the apartment does not comply with all of the standards set out in the Sustainable Urban Housing Design Standards for New Apartments particularly with regard to the single bedroom area and the aggregate kitchen/living area. It is noted however, that in certain instances it may be appropriate to relax certain standards where it is proposed to convert an existing building. I am satisfied that the apartment will provide a sufficient level of amenity in this regard. Concerns were also raised by the Planning Authority regarding the fact that to access the rear garden, occupants of the apartment have to travel through proposed veterinary practice. This is considered inadequate for a permanent home or long term residence. I would concur that this is not an ideal arrangement and such segregation would further undermine the primary residential role and function of the property.

## 7.5 **Appropriate Assessment**

- 7.5.1 Having regard to the nature and scale of the proposed development, comprising internal amendments to an existing dwelling house within an established urban area,

and the distance to the nearest European site, 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.

## **8.0 Recommendation**

8.1 It is recommended that permission be refused permission for the reasons set out below.

## **9.0 Reasons**

1. The proposed development would result in the significant intensification of the existing veterinary practice on the site. Having regard to the RES zoning of the site, the objective of which is to "*Protect and Improve Residential Amenity*", it is considered that the proposed veterinary use by virtue of its substantial scale would no longer be subordinate to the main residential use of the dwelling and would result in adverse impacts to the residential amenities of the area in terms of noise nuisance, overspill parking and visual impact. The proposed development would materially contravene the zoning objective of the area and would conflict with Section 11.3.13 and 11.3.10 of the plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed apartment unit at first and attic floor level would have inadequate access to private open space and would have a substandard level of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Erika Casey**

**Senior Planning Inspector**

23rd November 2017