



An
Bord
Pleanála

Inspector's Report ABP-300376-17

Development	Extension to nursing home, change of use of Belmont Chapel (protected structure) from office to ancillary uses for the nursing home and further modifications to Belmont Chapel.
Location	Belmont House Nursing Home, Galloping Green, Stillorgan, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0319
Applicant(s)	Albert and Mary Connaughton
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Galloping Green Management Company.
Observer(s)	Fionuala Sherwin

Date of Site Inspection

28th March 2018

Inspector

Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is located off the N11 (Stillorgan Road) adjacent to the junction of the N11 with Newtownpark Avenue in South County Dublin.
- 1.2. The appeal site comprises of a modern 7-storey nursing home building and a stone finished Chapel, i.e Belmont Chapel, located to the immediate east of the nursing home.
- 1.3. There is a residential development located to the rear (north) and side (east) of the existing nursing home site.
- 1.4. The vehicular access from the existing nursing home is a shared access with the residential development located to the rear of the nursing home.
- 1.5. The chapel has many original features, both internally and externally, and the windows are in a Gothic revival style.

2.0 Proposed Development

- 2.1.1. The proposed development consists of a rear first floor extension to the nursing home, the demolition of an existing outbuilding and replacing this outbuilding with a two-storey extension and alterations to an existing chapel, which is a protected structure, and changing the use of the Chapel from office use to ancillary nursing home use to permit its use for therapy and administrative areas.
- 2.2. The proposed development includes the following;
 - Enlarging the existing choir / mezzanine within the chapel to create a first floor level
 - New fire escape door on eastern elevation of Chapel
 - Insulating and reslating main chapel roof with blue banger slates
 - Installing 12 no. rooflights on the main chapel roof
 - Re-planning modern partition in the chapel
 - Removing 1 no. lead stained glass windows from the nave area

- Renewing electrical and heating services
- Removing modern porch to side of chapel
- Constructing new frameless glass link with ramp providing access from the Chapel to the nursing home
- Fitting internal fire rated glassed screens to 2 no. sets
- Demolish existing modern building and construct new structure with one storey at ground level and one level at lower ground level for physiotherapy and laundry.
- Extending day room at first floor level and converting laundry at lower ground level to provide 2 no. bedrooms and high dependency unit.

Additional information was sought for the following; (a) revised plans that demonstrate reducing the visual impact of the proposed glazed link, (b) revised drawings that show a significant reduction in the number of rooflights and (c) revised details of the proposed fire escape door.

3.0 **Planning Authority Decision**

Dun Laoighaire Rathdown County Council decided to **grant** planning permission subject to 10 no. conditions.

Condition no. 2 restricted the number of roof windows to 6.

The remainder of the conditions are standard for the nature of the proposed development.

3.1. **Planning Authority Reports**

3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The further information submitted in relation to the proposed glassed link is considered acceptable and would address concerns in relation to visual impact.
- The number of rooflights have been reduced to ten and this will address concerns. However the Conservation Section note that the proposal will still have a significant visual impact and recommend that the number of roof lights is reduced to six by condition.
- The revised stone surround in the proposed fire escape door is considered acceptable.
- The proposed lower ground floor extension and ground floor extension are acceptable and would not seriously injure the residential and visual amenities of the local area.
- The proposal is considered sufficient in terms of car parking provision.

3.1.2. Conservation Division; - Additional information sought in relation to (a) a glass link corridor, (b) rooflights and (c) fire escape doors.

3.1.3. Transportation Planning; - No objection subject to conditions.

3.1.4. Municipal Services Dept; - No objections.

3.1.5. Submissions; - There is a submission from An Taisce who recommend that permission is refused on conservation grounds.

3.2. **Third Party Observations**

There is one third party submission and the issues raised in this submission are similar and generally identical to the issues raised in the third-party appeal and

summarised below. I have noted and considered all the issues raised in the third-party objection to the Local Authority.

4.0 Planning History

10 – Year Planning History

The following is a summary of the site history;

- L.A. Ref. – D13A/0246 – Permission **granted** by the local authority for the demolition of structures and service installations to roof of existing fifth floor, new sixth floor to accommodate 24 bed spaces and the raising of lift and stair cores to accommodate sixth floor extension. Subsequent to an Appeal An Bord Pleanala **refused** permission having regard to the height and scale and the proximity of established neighbouring residential development to the south and west.
- L.A. Ref. – 09A/0300 – Planning permission **granted** for modifications to existing permitted development (D08A/1220 and D07A/0118). The modifications include enclosing the fifth floor terrace to create a residents sunroom.
- L.A. Ref. – 08A/1220 – Permission **granted** for modifications to D07A/0118. modifications to include amendments to the ramped bridge, including new glazed canopy, new balconies to ground floor entrance foyer /café.

5.0 Policy Context

5.1. Development Plan

The operational development plan is the Dun Laoighaire Rathdown County Development Plan, 2016 - 2022.

The appeal site is zoned 'Zoning Objective A – To protect and /or improve residential amenity'.

The Chapel on the appeal site, is a protected structure in accordance with the provisions of the County Development Plan.

There is an objective to 'protect and preserve trees and woodlands' to the front of the the access road to the appeal site.

Built Heritage

Policy AR1 – Record of Protected Structures

Development Management

- Section 8.2.11.2 'Architectural Heritage – Protected Structures'
 - (i) Works to Protected Structures
 - (iii) Development in Proximity to a Protected Structure

6.0 **National Policy**

6.1. Architectural Heritage Guidelines, 2011

The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, offers guidance to planning authorities on determining planning applications in relation to protected structures.

Chapter 2 of the Guidelines deals with Protected Structures.

Paragraph 13.5 'Development within the Curtilage of a Protected Structure' and paragraph 13.7 'Development within the Attendant Grounds' are relevant.

7.0 The Appeals

7.1.1. Third Party

The following is the summary of a third-party appeal submitted by BMA Planning on behalf of the Galloping Green Management Company which caters for the existing residential development located to the side and rear of the appeal site.

- There is inadequate car parking provision.
- There is a private service road that serves 119 residential units located to the rear of the nursing home and to the east of the nursing home.
- There is a concern that overspill car parking will affect the service road.
- There is a concern that the proposed therapy and physiotherapy rooms will be used by 'day / out patients' placing greater demands on car parking.
- There is no proposed additional car parking on the site.
- The proposal will increase the number of deliveries, ambulances, mini-coaches, staff vehicles and visitors.
- In addition the owners of the nursing home have failed to introduce traffic management signage as requested by the management company.
- Traffic management signage and the ramp was introduced by the management company.
- It is contended that the application should be refused as it will exacerbate serious traffic conditions and parking issues.
- It is contended that the proposed fire escape door faces onto a private landownership. The applicant has insufficient legal interest to provide a means of escape at this location.
- The site notice is invalid as it was placed on a private road.

8.0 Observers

The following is the summary of an observation submitted by Fionuala Sherwin.

- The site notice is invalid as it is placed on a private access road.
- It is submitted that the proposed glass / steel corridor would visually detract from the cloister building.
- It is contended that the proposed development will have a negative impact on the protected structure.
- It is questioned why planning history case D15A/0628 was not mentioned in the planner's report.
- The applicant has not fully responded to An Bord Pleanala request for additional information dated 6th December 2017.
- It is contended that the office use has expired.
- It is argued that the integrity of the protected structure cannot be maintained.
- It is argued whether the proposed glass corridor link is compatible with the fire regulations and it is considered that the link detracts from the visual aspect of the protected structure.

9.0 Responses

9.1.1. Local Authority

The local Authority responded and stated that they had no further comments.

First Party Response

The following is the summary of a response submitted by obriain:beary architects on behalf of the applicant;

Parking Provision

- The total provided car parking provision is 52. The required car parking provision is 41 in accordance with Table 8.2.4 of the County Development Plan. The proposed car parking provision exceeds the development plan requirement by 31%.
- The subject site is located 100m from a QBC and 500m from a feeder bus with connections to Blackrock dart station.
- The proposal will result in an overall reduction in car parking demand.
- There is no evidence of overspill car parking on the access road.
- It is submitted that the photographs attached to the submission demonstrate a plentiful supply of car parking spaces during a Sunday afternoon which is the peak visiting time.
- It is submitted that the proposed therapy and physiotherapy sessions are not intended for out patients but this cannot be ruled out in the future. However parking demand for therapy and physiotherapy sessions would be low, approximately 1 – 2 visits per 30 minutes. This would be catered for by the 31% oversupply of car parking provision.
- No increase in delivery vehicles is anticipated.
- The Galloping Green Management Company were opposed to the applicant reducing the height of the boundary wall to the south side of the entrance to improve sightline provision.

Works within the Galloping Green complex

- The applicants contribute to the Galloping Green Management Company fund.
- It is submitted that a similar permission was granted for an escape door in 2001 (D00A/0968) and 2005 (D05A/0599) both opening onto the Galloping Green Management Company lands. In both cases there was no objection from the Galloping Green Management Company.

Procedural Matters

- The site notice was located on publically accessible road that had no access restrictions.
- A number of applications have been submitted over the years with the site notice located in the same position as the current location. These applications were all validated by Dun Laoighaire Rathdown County Council.

10.0 **Assessment**

I would consider that the main issues for consideration are as follows;

- Principle of Development
- Architectural Heritage
- Car Parking Provision
- Legal Interest
- Other Issues
- Appropriate Assessment

10.1. **Principle of Development**

10.1.1. The proposed development consists of a rear first floor extension to the nursing home, the demolition of an existing outbuilding and replacing this with a two-storey extension and alterations to the existing chapel on the site, which is a protected structure, and change of use of the Chapel from office use to ancillary nursing home use to permit its use for therapy and administrative areas associated with the nursing home.

10.1.2. The appeal site is zoned Zoning Objective A – ‘*To protect and /or improve residential amenity*’ in accordance with the provisions of the Dun Laoighaire Rathdown County Council County Development Plan, 2016 – 2022.

- 10.1.3. I would note that Table 8.3.2 of the County Development Plan sets out uses that are permitted in principle and open for consideration. 'Assisted living accommodation' is a use that is permitted in principle within Zoning Objective A.
- 10.1.4. Therefore any extensions to the established use on the appeal site, i.e. nursing home, would generally be acceptable in principle.
- 10.1.5. Overall I would consider, provided that the proposed development will not unduly impact on established residential amenities and the architectural heritage of the subject site that the proposal is acceptable in principle.

10.2. **Architectural Heritage**

- 10.2.1. The chapel on the appeal site, i.e. Belmont Chapel, a protected structure, and in accordance with the submitted Architectural Heritage Impact Assessment (AHIA), was built in 1887. The Chapel is described in the AHIA as a gable fronted Gothic Revival chapel building.
- 10.2.2. I noted from my site inspection that much of the original architectural integrity of the Chapel was in place. I noted some of the original architectural features in place externally and these included the gothic style windows, granite stone façade, original downpipes and guttering and original roof tiles. I also noted that internally there was a high standard of the original architectural integrity in place and this included a timber finished ceiling, original stain glass windows, original timber floor tiles, original stone steps to mezzanine floor, a timber finish along the walls and an apse feature. There is also some modern additions / features to the side of the chapel including partition walls and new velux roof windows.
- 10.2.3. I would consider that the primary interventions to the protected structure include the following;

- Provision of 12 no. velux windows to the chapel roof.
- Extending the existing choir / mezzanine to form a first floor
- Creation of a larger first floor level within the Chapel
- Change of use of chapel from office to ancillary nursing home uses
- New fire escape door (exiting eastern gable elevation)
- Insulating and re-slating main chapel roof with blue banger slates
- Removal of the modern porch to the side of the chapel
- Construction of new frameless glass link from chapel to nursing home

10.2.4. In considering the above I would be of the opinion, based on the submitted drawings and having regard to a visual observation of the area, that the removal of the modern single storey porch would be a positive development as it would expose the original façade of the chapel. Furthermore the insulating and re-slating the main chapel roof with blue banger slates would also be appropriate in terms of architectural heritage.

10.2.5. In relation to the provision of 12 no. velux windows on the main chapel roof I would note that the Local Authority requested additional information requiring the applicant to make a significant reduction in the number of velux roof windows having regard to the potential for the loss of original fabric to the interior and exterior of the Chapel. The applicant responded by omitting 2 no. velux windows and retaining ten in total. The Conservation Officer, in her report dated 17th October 2017, recommended a condition restricting the number of velux roof windows to six. The submission from An Taisce considers that the insertion of the velux roof windows would be highly intrusive and would seriously detract from the building.

10.2.6. The velux windows are required on the grounds of improving light to the proposed first floor level. I noted from a visual observation of the interior of the Chapel that the timber finished ceiling makes a significant contribution to the architectural heritage of the Chapel. I would also consider that the original external roof, which consists of

original slate tiles, of the main Chapel makes a positive contribution to the architectural heritage and the proposed velux windows, in my view, would detract from this architectural heritage. I would therefore recommend to the Board, should they favour granting permission, that a condition is imposed providing for the omission of all velux roof windows as proposed in the interest of protecting the architectural heritage of the structure.

10.2.7. The proposed development also includes extending the existing choir / mezzanine level to form a first floor level. I would share the view of the Conservation Officer in her report, dated 25th May 2017, that the insertion of a first floor level will alter the original space character of the chapel. I would consider, based on a visual observation, that a defining feature of the interior of the chapel is the scale of the space and this will be effectively lost with the insertion of a first floor. However a key conservation principle in accordance with the Architectural Heritage Protection Guidelines, 2011, is 'keeping a building in use' as this is recognised as the best approach to conserving historic buildings. The existing chapel is currently used for storage however the first floor extension will make the chapel more amenable to ancillary office and administrative uses associated with the nursing home. Overall and on balance I would consider this modification is acceptable in the interest of long-term protection of the chapel.

10.2.8. In relation to the proposed fire escape door the details surrounding the door was originally proposed to match the detailing around the existing windows. However the Conservation Officer in her report, dated 25th May 2017, considered that the detailing should be different in style to make a distinction from the windows, from the windows and requested the applicant to submit revised proposals. The applicant has revised the surround details in accordance with the request. I would consider that this intervention, i.e. a fire escape door on the eastern elevation, is acceptable.

10.2.9. In relation to the glazing link corridor the applicant has submitted revised details, as per the additional information request, that provides for a light weight support structure. The proposed glazing will allow for visual transparency of the existing

chapel and will not, in my view, be imposing or detract from the architectural heriage of the chapel and overall is acceptable and makes a positive contribution, in my view, to the protection of this structure.

10.3. **Car Parking Provision**

- 10.3.1. The overall car parking provision for the established development, in accordance with the submitted 'Proposed Site Plan' is 52 no. spaces. A single car parking space is lost due to the proposed frameless glass corridor.
- 10.3.2. In accordance with the documentation on the file there is 165 bedspaces within the existing nursing home. Therefore and in accordance with Table 8.2.4 'Non Residential Landuse – Maximum Car Parking Standards' of the County Development Plan the car parking requirement is 1 space per 4 residents. Therefore the required car parking provision is 41 no. spaces resulting in a surplus of 11 no. spaces.
- 10.3.3. I note the grounds of the appeal submission in relation to inadequate car parking provision however the proposed development would meet the development plan car parking standards. Furthermore the subject site is well served by public transportation and the Stillorgan Road is served by a QBC.
- 10.3.4. In addition I would note the report by Transportation Planning of the Local Authority, dated 25th May 2017, has no objections to the proposed development. Finally, on the day of my site inspection, midweek afternoon, I noted that there was availability of car parking spaces for the nursing home.
- 10.3.5. Overall I would conclude that the car parking provision is acceptable and in accordance with the provisions of the Dun Laoighaire Rathdown County Development Plan and will not result in a traffic hazard.

10.4. **Legal Interest**

- 10.4.1. It is submitted by the appellant that the applicant has insufficient legal interest to provide for the proposed fire escape door as this proposed fire escape door opens onto a third party land ownership.
- 10.4.2. I note the location of the proposed fire escape door which is situated on the eastern gable elevation onto the existing Chapel and faces onto an area of green space associated with the adjoining apartment development.
- 10.4.3. The applicant, in their response submission includes a legal agreement, which was drafted in 2007, in relation to the interface between the Chapel and the adjoining lands. Although I would accept that there is no expressed permission from the owners of the green space allowing for a means of access for the applicant onto the adjoining lands, however I would note that there was a previous permission for a fire access door onto these same third party lands in accordance with L.A. Ref. D05A/0599. Therefore, in my view, a planning precedent has been established.
- 10.4.4. I would also acknowledge the advice by the Development Management Guidelines, 2007, in relation to separate codes, i.e. the Planning and Development Act, should not be used to enforce other codes, and furthermore it is a requirement of the Building Control legislation that the proposed development would be required to obtain a Fire Safety Certificate to satisfy the Fire Regulations.
- 10.4.5. The Board will also acknowledge that Section 34(13) of the Planning and Development Act 2000, as amended, is an important consideration as this section states '*A person shall not be entitled solely by reason of permission under this section to carry out any development*'. Therefore, if planning permission were obtained, the applicant must ensure that the proposal complies with the above legislation separately'.

10.4.6. Overall I would consider that the fire escape door is acceptable in planning terms, however the applicant would be required to ensure that they have sufficient legal interest and also ensure that the proposed development complies with the Building Control Act.

10.5. **Other Issues**

10.5.1. I would consider that the responsibility is with the local authority to ensure that the public notices comply with the planning regulations and should a planning application not comply with the planning regulations then the application should be invalidated. The function of the public notice is to ensure that members of the public can read the notice and this function would appeared to be fulfilled.

10.6. **Appropriate Assessment**

10.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an outer suburban and fully serviced location, no appropriate assessment issues arise.

11.0 **Recommendation**

11.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan and all other matters arising. I recommend that planning permission be granted for the reason set out below.

12.0 **Reasons and Considerations**

Having regard to the established use on the appeal site and to the land use zoning pertaining to the site, the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by drawings received by the planning authority on the 11th of October 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:

All proposed roof windows to the main Chapel roof shall be omitted from the development.

Revised drawings showing compliance with the above requirement shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting architectural heritage.

3. Prior to commencement of the extension to the nursing home, details of the materials, colours and textures of all the external finishes to the proposed nursing home extension shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

- 4.

- a. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b. All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c. All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Prior to commencement of development, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working and noise management measures.

Reason: In the interest of amenities and public safety.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kenneth Moloney
Planning Inspector

29th June 2018