



An  
Bord  
Pleanála

## Inspector's Report ABP-300468-17.

### Development

A two-storey extension to the rear of a previously approved nursing home (granted under Reg. Ref FW16A/0158). The proposed extension will comprise 32 no. bedrooms with associated ancillary/common facilities and office/administration areas; internal modifications and reconfiguration of part of the previously permitted nursing home to accommodate the proposed extension; reconfiguration and extension of the previously permitted car parking area to provide a total 27 no. car parking spaces (increase of 7 no spaces) connection to existing services; landscaping and all associated site and engineering works necessary to facilitate the development..

### Location

Lands at Glenwood House (Protected Structure), Barnhill Cross Roads, Coldblow, Lucan, Co. Dublin.

<b>Planning Authority</b>	Fingal County Council.
<b>Planning Authority Reg. Ref.</b>	FW17A/0160.
<b>Applicant(s)</b>	Sherborough Properties Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sherborough Properties Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> April 2018.
<b>Inspector</b>	Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The appeal site is located c. 1.3 kilometres to the north of Lucan Village in an area known as Barnhill Cross Roads, Coldblow, Lucan. The site is situated along the western edge of the Clonee Road. It is situated at the edge of the urban environment directly opposite the housing developments of Laraghcon and Rokeby Park and is linked back to Lucan Village by a footpath and cycleway. The site is within the 50 kph speed zone. There are open agricultural lands immediately to the north, south and west of the site. Saint Catherine's Park is c. 220 metres to the north of the site and the Lucan Demesne Park is c. 350 metres to the west.
- 1.2. The site, with a stated area of 1.56 hectares, is broadly 'L' shaped with wider frontage along the public road to east and a narrower footprint to the rear. The site comprises Glenwood House, a two storey Protected Structure (RPS 718) dating from the late 18<sup>th</sup> or early 19<sup>th</sup> century, associated agricultural buildings and a walled garden along the southern perimeter. There are stone outbuildings to the north of the house, that appear to have formed part of the original farmyard, in addition to a number of more recent agricultural structures. The gated entrance is situated to the front (east) of the dwelling and provides a view of the house. There is a stone wall of varying heights and quality along the roadside boundary and mature trees and hedge planting bound the garden area to the rear.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a two storey extension to a previously approved 62 no. bedroom nursing home granted by Fingal County Council under P.A. Ref. FW16A/0158. The proposed 32 no. bedroom extension comprises a single courtyard block at the rear of an approved extension to Glenwood House. The proposed development also includes the reconfiguration and extension of the approved car parking area to provide a total of 27 no. car parking spaces (7 no. additional spaces).

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse permission for two reasons. The reasons can be summarised as follows:

1. Negative impact and lack of protection or enhancement of the High Amenity lands that would be contrary to the zoning objective. Development does not reinforce the character of the area or add to the distinctive historical and vernacular heritage of the area. Materially contravenes zoning objective and objectives NH51 and NH52 of the Development Plan.
2. Further encroachment of the parking area into the walled garden and excessive scale and mass of development, would not be sympathetic to the protected structure or its setting. The development would contravene objectives CH20, CH21 and CH22 of the Development Plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer's Report included the following considerations:

- The development is considered acceptable in principle, subject to consideration of impacts on high amenity area and the protected structure.
- Architectural Design Statement submitted with application should have considered view traveling north from Lucan Bridge, as this area could give rise to the largest view.
- The report notes the comments of the Conservation Officer (set out below) in relation to the impact on the Protected Structure. The report notes that the scale of the development is excessive and larger than the 92 no. bedroom nursing homes that was refused permission on the site under P.A. Ref. FW15/0148.
- The report notes the comments of the Transportation Section (set out below).

- Report concludes that development would not protect or enhance the high amenity area and would contravene high amenity zoning and objective NH51 and NH52 of Development Plan. Additionally, the report concludes that the development would encroach to an excessive degree on the setting of the Protected Structure and coupled with the permitted development would be excessive in its scale and would contravene objectives CH20, CH21 and CH22 of the Development Plan.

### 3.2.2. Other Technical Reports

Conservation Officer:	Development of scale proposed refused under P.A. Ref. FW156A/0148. Only a modest scaled scheme would be appropriate. Anything larger would be detrimental to the Protected Structure and its setting. Proposal would further erode setting to front of the house through the extension of the parking spaces within the former walled garden. Development permitted under FW16A/0158 is at the limit of what is acceptable and appropriate. Development beyond this would result in a monolithic scheme with excessively long elevations that is not sympathetic to Glenwood House.
Transportation:	Development Plan requirement for 1 space per 4 no. bed spaces. A total of 27 no. spaces proposed which falls below the Development Plan requirement. Additional information sought to include (1) justification for the deficit in no. of car parking spaces (inc. reference to staffing levels and shift patterns), (2) revised layout indicating secure covered bicycle parking close to entrance, and (3) a mobility management plan.
Water Services:	No objection.
Community, Culture and Sport:	No objection.

### 3.3. Prescribed Bodies

EHO: No stated objection.

Irish Water: No objection.

### 3.4. Third Party Observations

3.4.1. A total of two third party submissions were received and considered by the Planning Authority.

- One submissions outlined support for the application. The submission outlines detail of services provided by applicant and states that the location of the nursing home was chosen due to its proximity to Lucan Village and requirement for additional nursing homes beds in Ireland.
- The other submission outlines concern in relation to the level of nursing home beds in the area, validity of application as development permitted under Reg. Ref. FW16A/0158 has not commenced to date, the need to assess entire development and the continued relevance of previous reasons for refusal under FW15A/0148.

## 4.0 Planning History

4.1. The planning history pertaining to the appeal site can be summarised as follows:

**P.A. Ref. FW16A/0158:** Application for 62 no. bedroom nursing home.

Development includes demolition of sheds and later extensions to Glenwood House (Protected Structure), change of use and refurbishment of Glenwood House and associated outbuildings to nursing home use, and the construction of a two-storey extension to the rear consisting of 62 no. bedrooms and ancillary / common facilities and office / administration areas. The development includes a new vehicular access from an existing roundabout on the local road to the south and associated upgrades to serve the development. Permission granted by the Planning Authority.

**P.A. Ref. FW15A/0148:** Application for 92 no. bedroom nursing home. Permission refused by Fingal County Council. The reasons for refusal can be summarised as follows:

1. Insensitive response to siting, layout, design, scale and mass, and the inappropriate relationship between the Protected Structure and the adjacent complex of stone outbuildings, does not constitute the sympathetic rehabilitation of Glenwood House or its setting and does not ensure that the special interest, character and setting is preserved. Contravenes materially Local Objective 652 and Objective AH13 of the Fingal DP 2011-2017 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the extent of the proposed development outside the curtilage of Glenwood House to which Local Objective 652 applies and having regard to the 'HA' land use zoning where a residential care home / retirement home is not a permitted use class, the proposed development would materially contravene the 'HA' zoning objective and would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy Context

### 5.1. Development Plan



5.1.1. The Fingal County Development Plan 2017-2023 is the relevant statutory plan. The following sections of the Fingal County Development Plan 2017-2023 are considered to be relevant:

- The appeal site is zoned High Amenity ('HA') with a zoning objective to '*protect and enhance high amenity areas*'. Residential care home / retirement home is a 'not permitted' use within the High Amenity land use zone. Lands directly adjoining the appeal site to the east are zoned RS, Residential with a zoning objective to '*provide for residential development and protect and improve residential amenity*'.
- Local Objective 652 of the 2011-2017 Fingal Development Plan related to the appeal site. The objective was to '*provide for a nursing / retirement home which shall ensure the sympathetic and appropriate reuse, rehabilitation and retention of Glenwood House and its conservation to a high standard, ensuring also that the special interest, character and setting of the building is preserved*'. This Objective was not carried through to the current Development Plan.
- Objective NH51: Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.
- Objective NH52: Ensure that development reflects and reinforces the distinctiveness and sense of place of High Amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquillity.
- Record of Protected Structures (RPS) No. 718: Glenwood, Clonee Road, Coldblow, Lucan, Co. Dublin - Late 18th or early 19th century farmhouse, outbuildings and walled garden.
- Objective CH20: Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, is compatible with the special character, and is appropriate in terms of the proposed scale, mass, height, density, layout, materials, impact

on architectural or historic features, and junction with the existing Protected Structure.

- Objective CH21: Seek that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.
- Objective CH22: Encourage the sympathetic and appropriate reuse, rehabilitation and retention of Protected Structures and their grounds including public access seeking that the Protected Structure is conserved to a high standard, and the special interest, character and setting of the building preserved. In certain cases, the relaxation of site zoning restrictions may be considered in order to secure the preservation and conservation of the Protected Structure where the use proposed is compatible with the existing structure and this will only be permitted where the development is consistent with conservation policies and the proper planning and sustainable development of the area.
- Objective Z05: Generally, permit reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses, subject to normal planning criteria.
- Objective DMS46: Require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established.
- Objective DMS160 sets out development management criteria for sites that contain historic buildings and/or structures. The guidance states (inter alia) that proposed changes need to be sympathetic to the special features and character of the existing building and that extensions should not erode the setting and design qualities of the original structure and should be subservient to the existing building.

## 5.2. Natural Heritage Designations

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal has been received against the decision of the Planning Authority to refuse permission. The grounds of appeal that are relevant to the appeal, can be summarised as follows:

- The extension will integrate into the surrounding landscape and is in keeping with Objective NH51 and NH52 of the Development Plan. The landscape plan addresses the surrounding landscape and seeks to integrate the development with its natural setting, by reinstating a traditional parkland landscape. It includes semi-mature tree planting, extensive bulb planting and mixed perennial and ornamental grass style planting. A number of trees are to be retained on the site and will be protected during construction. The development is not visible from key vantage points in the wider Lucan area including the view north on the Clonee Road towards the subject site, view south along Clonee Road or from the Liffey Bridge to the south, due to local topography and the presence of mature trees and hedgerows in the area. It improves the vitality and viability of the area by utilising an underutilised and dilapidated structure.
- The development is a sensitive response to the setting of the protected structure and ensures the preservation of Glenwood House and its setting. The house is in poor condition due to extensive fire damage, vandalism and graffiti and will be refurbished to accommodate the proposed development. The number of bedrooms proposed (94 no. bedrooms overall) is considered necessary in order to fund the restoration of the house and site. The extension will increase capacity and is essential for viability.
- The development does not impact views from the surrounding area. The view of Glenwood House and the permitted nursing home from the main road

demonstrates that Glenwood House remains the focal point and dominant feature of this vista. The proposed extension is not visible from this view point. The original entrance to Glenwood House is to be refurbished / restored.

- The development addresses Objective GI35 of the Development Plan, in relation to the conservation of historic building stock, and Objective GI36, in relation to integrating elements of architectural heritage into proposals for new development. Development ensures Glenwood House will be refurbished and the original internal layout of house retained. To the rear, it is proposed to construct a two storey extension that will provide 32 no. bedrooms onto that previously permitted. Outbuildings on site will form an integral part of the nursing home and will be fully refurbished to their original form.
- The two storey extension is sympathetic to the Protected Structure and its setting. The extension is consistent with the previously granted scheme, which was designed to respect the setting of Glenwood House and rural Irish vernacular architecture, by using a simple pitched roof. The façade is broken up by intermediate sections of recesses walls and flat roofs.
- The extension will require additional car parking to cater for staff and visitors. Considered that the number of spaces will facilitate this requirement. The car parking area will be surrounded with large semi-mature trees and mixed ornamental planting, thus reducing the impact of the car parking space from the building.
- The development will provide a high quality community service and enhance the economic and physical development of the area through job provision.
- The principle of a nursing home has been established and granted on the lands, within the relevant ethos of objectives CH20, CH21 and CH22, which formed an integral part of the overall design process. National and Regional planning policy contained in the NSS and RPGs supports the provision of respite and nursing home facilities.

## 6.2. Planning Authority Response

The Planning Authority response to the grounds of appeal can be summarised as follows:

- Development is not altered from that proposed within the application. The planning assessment set out in the Planning Officer's Report remains unchanged.
- The applicant contends that the development enhances the High Amenity Area, however, the appeal rationale focuses solely on the proposed landscaping and not the extension itself. The extension does not enhance the high amenity area.
- It is stated that the additional bedrooms are needed to fund the restoration of Glenwood House, a Protected Structure. The length of the permitted and proposed extension from the rear building line of Glenwood House would be in excess of 130 metres. This is considered to be grossly excessive and larger than that proposed under the previously refused application Reg. Ref. FW15A/0148. One of the reasons for refusal in this instance was the excessive scale, form, mass and inappropriate relationship with the Protected Structure.
- Considered that the development permitted under Reg. Ref. FW16A/0158 facilitates the vitality and viability of the high amenity area to a degree that is appropriate for the site. The proposed extension due to its excessive scale would not reinforce the character of the area and does not improve or add to the historical vernacular heritage of the site. Objective 20 of the Development Plan specifically outlines the importance of development within a protected structure being sensitively designed and designed with regard to the building itself and its setting. The proposed development if permitted would facilitate a level of encroachment into the setting of a Protected Structure which is not appropriate regardless of its visibility.
- Whilst the applicant contends that the extension is required to make the entire project viable, there is little documentation from independent sources which demonstrate that this is the case.

### 6.3. Observations

None.

## 7.0 Assessment

7.1. I have read the appeal file, all associated reports and plans and I visited the appeal site and the surrounding area. I consider, therefore, that the main issues for consideration in the appeal relate to the following:

- Compliance with Policy.
- Impact on the character of the High Amenity Area.
- Impact on Character and Setting of the Protected Structure.
- Parking Provision and Traffic Impacts.
- Other Issues.
- Appropriate Assessment.

### 7.2. Compliance with Policy

7.2.1. The proposed development comes forward on land that is zoned High Amenity ('HA') with a zoning objective to '*protect and enhance high amenity areas*'. Residential care home / retirement home is a 'not permitted' use within the High Amenity zone. However, there is an extant permission for a nursing home on the appeal site (P.A. Ref. FW16A/0158) that was granted permission under the 2011-2017 Fingal Development Plan and Local Objective No. 652, which related to the provision of a nursing home / retirement home on the appeal site. While the Local Objective has not been carried through to the current Development Plan, I consider that the proposal to extend a permitted nursing home is acceptable in principle.

### 7.3. Impact on character of the High Amenity Area.

7.3.1. The proposed development comprises a 32-bedroom extension to the rear of a previously approved nursing home. The appeal site is an 'L' shaped site that comprises a wider area to the front (east) around Glenwood House and a narrow

garden area to the rear of the house. The extension is in the narrow garden area. The site is situated at the interface between the urban area of Lucan and high amenity lands to the west. Lands to the east are characterised by suburban housing, whilst the adjoining lands to the north, south and west of the appeal site are agricultural lands. The entrance avenue to St. Catherine's Park is c. 220 metres to the north of the site, while Lucan Demesne Park is c. 350 metres to the west of the site.

- 7.3.2. The first reason for refusal relates to the impact of the development on the high amenity zone and in particular its failure to protect or enhance the high amenity area. The grounds of appeal contend that the development is small in nature and that it will integrate well with the surrounding landscape. The appeal submission states that the extension is not visible from key vantage points in the wider area due to local topography and the presence of mature trees and hedgerows in the area. The statement refers to the two story scale of the extension and the design approach which seeks to break up the elevations. The appeal submission also refers to proposed landscaping plan stating that it seeks to 'reinstate a traditional parkland landscape'.
- 7.3.3. The Planning Authority in response states that the length of the proposed extension to Glenwood House (approved and proposed) would be in excess of 130 metres and that this is considered to be grossly excessive. The response states that the development as permitted, is appropriate for the site and that the further development, due to its excessive scale, would not reinforce the character of the area.
- 7.3.4. While the design of the extension seeks to break up the visual massing of the block, the extension to the rear of Glenwood House would be very substantial in its overall length. This is coupled with the fact that the block is situated on a restricted and narrow section of the site, and that it maintains a limited setback off site boundaries to the north and south (c. 3.8 metres at the closest point). The submitted landscaping plan indicates that the existing field boundary will be replaced with a low hedge, which will provide limited screening to the development.
- 7.3.5. While there is mature tree and hedge planting along the roadside and field boundaries in the area and an undulating topography, I would not concur with the

applicant's view that the development is not visible from key vantage points in the local area. While views of the site are screened from the road network to the south, east and west, I would draw to the Boards attention the fact that the rear of the site is readily visible from the north, from the Clonee Road and from the access lane into St. Catherine's Regional Park to the north. Both of these are important vantage points where the transition between the urban and rural landscape is clearly evident. I am of the opinion that the proposed development by reason of its scale and mass, coupled with its position within a narrow and restricted part of the site that has limited screening and limited scope for further screen planting (due to the limited separation of development off the boundary), would form a discordant and obtrusive feature within the landscape setting and impact to an excessive degree on the character of High Amenity zoned lands. While I note that the site is at a transitional location and that there is urban development to its immediate east, the Clonee Road creates a clear visual separation between the urban area of Lucan and the surrounding rural landscape. A development of the scale proposed on the western side of the road would, in my opinion, undermine the clear demarcation and distinction between the urban and rural area.

- 7.3.6. I would note that the reason for refusal considers that the development would 'materially contravene' the zoning objective and objectives NH51 and NH52 of the Development Plan which seek to protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place. However, I do not consider the use of the term 'materially contravenes' to be justified in this instance as the objectives referred to are general and broad in nature and are not sufficiently specific, such that the development could be considered to be a material contravention of the objectives in terms of normal planning practice. If the Board is not satisfied that this is the case, and is minded to grant permission then the matter must be considered in the context of section 37(2) of the Planning and Development Act 2000 (as amended).

#### **7.4. Impact on Character and Setting of the Protected Structure.**

- 7.4.1. The second reason for refusal relates to the impact of the development on the protected structure and its setting and the contravention of objectives CH20, CH21 and CH22 of the Development Plan. The reason refers to the further encroachment



of car parking into the walled garden area and excessive scale and mass of development.

- 7.4.2. Objective CH20 of the Development Plan seeks (inter alia) to ensure that development affecting a Protected Structure and / or its setting is sensitively sited and designed and is compatible with the special character of the structure, while objective CH21 seeks (inter alia) to ensure that the relationship between the protected structure and any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure is conserved.
- 7.4.3. The grounds of appeal argue that the two storey extension is consistent with the previously granted scheme, which was designed to respect the setting of Glenwood House. It is highlighted that Glenwood house is in a dilapidated condition, is severely fire damaged and has been subject to vandalism. The appeal statement highlights the fact that the principle of a nursing home has been established and granted on the lands, with the protection and conservation of Glenwood House, its outbuildings, original entrance and walled garden area central to the proposal. The response of the Planning Authority states that the proposed development if permitted would facilitate a level of encroachment into the setting of a Protected Structure which is not appropriate.
- 7.4.4. I would note that the proposed extension is generally consistent with the design of the previously granted scheme. The extension is situated at a remove from Glenwood House and the associated outbuildings and beyond the extension permitted under P.A. Ref. FW16A/0158. I consider that the approved development allowed for significant intervention to the rear of the Protected Structure and am of the opinion, that the extension would not alter the immediate setting of the Protected Structure to any greater degree than the approved development. In terms of the extended parking area within the walled courtyard, I would note that the scheme approved under P.A. Ref. FW16A/0158 included 20 no. car parking spaces in the walled garden and a new access road from a roundabout to the south. Similarly, I consider that the addition of 7 no. additional car parking spaces to an approved parking area in the walled garden area would not alter the setting of the Protected Structure to a greater degree than the development already approved and is not unsympathetic to the setting. On the basis of the foregoing, I do not consider that the

proposed alterations would be contrary to objectives CH20, CH21 and CH22 of the Fingal Development Plan 2017-2023.

## **7.5. Parking Provision and Traffic Impacts.**

- 7.5.1. Permission is sought to increase the number of car parking spaces from 20 no. spaces to 27 no. spaces. Table 12.8 of the Development Plan sets out a requirement for 1 no. car parking spaces per 4 no. bed spaces. I identify a total of 102 bed spaces (86 no. single rooms and 8 no. double rooms) on the submitted drawings. This equates to a requirement for 25.5 car parking spaces. While I note that the Report of the Transportation Department refers to a shortfall in car parking provision, I note that the 27 no. spaces provided exceed the requirement set out under Table 12.8 of the current Development Plan.
- 7.5.2. While the current application is not accompanied by a Traffic Impact Assessment I would not that a previous application for a 92 no. bed room facility under P.A. Ref. FW15A/0148 was accompanied by a Transport Assessment that was deemed by the Transportation Section of Fingal County Council to be in accordance with NRA guidelines. This assessment indicated that the development would have a negligible impact on the surrounding road network. On the basis of the foregoing, I consider that the additional trips arising from the proposed development would be negligible and that the proposed development would not have an undue impact on the existing traffic situation in the area.

## **7.6. Appropriate Assessment**

- 7.6.1. The closest Natura 2000 sites that could be impacted by the proposed development is the Rye Water Valley / Carton SAC (Site Code: 001398), which is located c. 3 kilometres to the west of the site. There are no other Natura sites within a 10 km radius. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the proposal to incorporate sustainable drainage and to connect to the public foul sewer, together with the proximity to the nearest European sites 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 others plans and projects on a European site.

## 8.0 Recommendation

8.1.1. I recommend that permission be refused for the reason set out below.

## 9.0 Reasons and Considerations

1. The site is zoned High Amenity in the Fingal County Development Plan 2017-2023, with an objective to protect and enhance high amenity areas, and is also subject to objectives that seek to protect high amenity areas from inappropriate development and to reinforce their character, distinctiveness and sense of place (NH51 and NH52). Having regard to the scale of development proposed, when taken in conjunction with the scale of the approved development on the site, and the visibility of the site from the north, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location and impact on the character of the high amenity area. It is, therefore, considered that the proposed nursing home does not accord with the overall zoning objective for the area and the policies set out in the Fingal County Development Plan 2017-2023 in relation to the protection of high amenity areas. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Karen Kenny  
Planning Inspector

20<sup>th</sup> April 2018