



An
Bord
Pleanála

Inspector's Report ABP – 306735 – 20.

Development

Demolition of modern single storey structure attached to the west of the existing building (Protected Structure); construction of a two storey 131sq.m extension to the west; two storey 1121.7sq.m bedroom wing extension with a link corridor to the south; one storey 32sq.m extension to the north of the existing building (Protected Structure); minor internal alterations to the ground and first floor of the existing building (Protected Structure) and all associated site works.

Location

Sally Park Nursing Home, Sally Park Close, Firhouse, Dublin 24.

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD19A/0200

Applicant(s)

Oaklands Nursing Home Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal	Third Party
Appellant(s)	Karl & Mary Kelly & Others.
Observer(s)	None.
Date of Site Inspection	28 th day of October, 2020.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated site area of 0.39ha and it is accessed from an entrance at the western end of the Sally Park Close cul-de-sac located c82.5m to the west of the Ballycullen Road, and c0.4km to the south west of Junction 11, as the bird would fly, in the south Dublin suburb of Knocklyon, County Dublin.
- 1.2. The site contains a nursing home which is highly secluded from view due to its mature landscaped boundaries and tall perimeter boundary walls that on its northern most side bounds the heavily trafficked Firhouse Road (R114), Sally Park Close to the north east of its period pillar defined vehicle entrance and pedestrian gate which provides the sole means of access to the subject property, a large communal open space of kept grass to the south east of the said entrance and its southern and western boundaries are bound by No.s 7A to No. 16 Sally Park. These aforementioned dwellings consist of a mixture of two-storey detached and semi-detached properties that are highly coherent in their built form, appearance, and palette of materials. Whereas Sally Park Close consists of a group of three two-storey terrace groups addressing a pocket of communal open space. Many of these properties since their initial construction have been subject to various alterations and additions.
- 1.3. The nursing home consists of a short curving driveway that widens out to the front of a highly attractive 18th Century Georgian country house which at this point appears to be used as the car parking and drop off/collection point serving it.
- 1.4. The given name for this period property is 'Sally Park' and it is afforded protection under South Dublin County Councils Record of Protected Structure (Note: RPS No.285). It is also listed in the National Inventory of Architectural Heritage's Inventory (Note: NIAH Reg. No. 11215010) where it is given a date of 1760 to 1780; a 'Regional' Rating and its original use is identified as a 'Country House'. This Inventory provides the following description for it:

“Detached four bay three-storey Georgian country house, c.1779, now in use as a nursing home. Granite tetrastyle Doric entrance portico with offset double-leaf glazed timber door. Ground floor windows low sills, timber sashes. Upper floors mix of uPVC casement and timber sashes. Ground floor rendered below first floor sill course. Hipped slate roof with parapet. Two-storey wing to west with single Wyatt window on each floor. Seven-bay single-storey wing to east. West elevation has brick chimney

stack flanked by lancet windows. North façade has modern stair tower. Grounds to north curtailed by concrete retaining wall due to road widening". It also provides the following appraisal:

"Formerly home of nobility and local historian Handcock's family, this pleasing proportioned house preserves a pair of Wyatt windows and fine porch. Nearby Georgian buildings have been demolished at Firhouse and Prospect House, making Sally Park's retention amid road building schemes especially important".

- 1.5. The principal façade of this property looks out onto a mainly mature grassed area that is bisected by the said driveway with mature trees primarily demarcating the property's perimeter. The density of these trees together with the number of coniferous species included offer a high degree of enclosure for this period building which is the main structure on site. They also provide visual screening and increased residential privacy for the adjoining residential properties of Sally Park.
- 1.6. The existing nursing home facility according to publicly available information consists of 21 single en-suite rooms; 4 single rooms; 5 double rooms and 3 multi-rooms. There are also a number of later additions present to the side and rear of Sally Park.
- 1.7. The surrounding area has an established residential suburban character and with Dublin city centre located c10km to the north east.

2.0 Proposed Development

- 2.1. Planning permission is sought for a development consisting of the following components:
 - Demolition of modern single storey structure attached to the west of the existing building (Protected Structure);
 - Construction of a two storey 131m² extension to the west; two storey 1,121.7m² bedroom wing extension with a link corridor to the south;
 - Construction of a one storey 32m² extension to the north of the existing building (Protected Structure);
 - Minor internal alterations to the ground and first floor of the existing building (Protected Structure); and,

- All associated site works.

The planning application form indicates that the gross floor space of existing buildings on site is 1,248.6m² and that the gross floor space of demolition would be 45.4m². It further indicates that the existing number of car parking spaces as 'not defined' and that 17 car parking spaces are proposed.

2.2. On the 20th day of December, 2019, the applicant submitted their response to the Planning Authority's further information request. The applicant's response was not deemed to be significant and as such no new public notices were required. The response included:

- 1) A revised Landscape Design Plan showing a substantial increase in the number of trees along the western, southern and eastern boundaries to be retained and/or replaced with native species and it is requested that this is considered alongside the original report prepared by the Arboricultural Consultant.
- 2) A report addressing the surface water attenuation to be provided as part of the proposed development including the areas of hard standing, buildings, roads, pathways, green area, and their respective runoff coefficients. It also indicates the provision of water butts as requested under the Planning Authority's further information request.
- 3) A swept path analysis of a fire tender/emergency vehicle service vehicles and the like accessing as well as egressing the site.
- 4) A report prepared by their Conservation Architect alongside associated drawings and documentation indicating a modified solution to the western extension.
- 5) The anomalies identified in Item No. 5 of the Additional Information request is addressed.

The design as amended is described in the applicants covering letter attached to their further information response provides the following updated description of the development: *"the subject application is for the construction of a two-storey 131 sq. mts. Extension to the west, two storey 1121.7 sq. m. bedroom wing extension with a link corridor to the south, one storey 32 sq.m. extension to the north of the existing building (Protected Structure); minor internal alterations to the ground and first floor of*

the existing building". It further indicates that the amended design meets HIQA standards and future proofs the facilities capacity for continued compliance.

The additional information response also indicates that the development consists of a 27-bedroom extension; that the additional surface area of the proposed extension, including roads, and roads is approx. 0.082Ha on an overall site area of approximately 0.393ha.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 27th day of January, 2020, the Planning Authority granted planning permission for the proposed development as revised by way of the applicant's further information response subject to 14 no. conditions. Of note are the requirements of the following conditions:

Condition No. 5: Requires the submission to the Planning Authority revised plans in relation to Drawing No. L302 (18109) showing the correct distance between the proposed ground floor of the extension to the existing boundary wall. It was considered that this drawing did not show the 6m lateral separation distance proposed between the two but a lesser separation distance.

Condition No. 9: Relates to Archaeology pre-testing of the site.

Condition No. 10: Relates to Landscaping.

Condition No. 11: Relates to works to the Protected Structure.

Condition No. 12: Relates to Architectural Conservation and Safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report** is the basis of their decision to grant planning permission for the development as amended by the applicant's further information response subject to conditions. It concludes that the proposed development accords

with the provisions set out in the Development Plan and that it would be in accordance with the proper planning and sustainable development of the area.

The **initial Planning Officer's report** concluded that whilst the proposed development may be acceptable in principal there are several issues which require further assessment on the following items

- Item No. 1: Related to the removal and loss of a significant proportion of trees on site and the resultant adverse impacts of the same. This additional information item relates to the Planning Authority's Public Realm (Parks & Landscape) request for additional information.
- Item No. 2: Relates to servicing of the proposed development.
- Item No. 3: Requires the provision of a swept analysis for emergency service vehicles.
- Item No. 4: Requests that the two-storey extension to the west of the Protected Structure be set back by c1m from its principle building line.
- Item No. 5: Queries in relation to the documents provided.

3.2.2. Other Technical Reports

- **Architectural Conservation Officer:** No objection, subject to safeguards.
- **Water Services:** No objection, subject to safeguards.
- **Roads:** Their final report requests the provision of additional information; however, notes the applicant's additional information response which provides a swept path analysis. This was deemed to be satisfactory. However, I note that their initial report required a revised layout showing a 4.2m vehicular entrance and an extended pedestrian footpath into the development including a pedestrian crossing at the entrance of the building sited a minimum 6m from the front of the car parking spaces. It also recommends in an event of a grant of permission that this be provided by way of condition. It also recommends a revised layout be provided showing the perpendicular car parking spaces have a clear distance of 6m.
- **Public Realm (Parks & Landscape):** No objection, subject to safeguards.
- **Environmental Health:** No objection, subject to safeguards.

3.3. Prescribed Bodies

- 3.3.1. **Department of Culture, Heritage, and the Gaeltacht:** No objection, subject to safeguards. This report indicates that it notes that the proposed development is contiguous with and linked to a house of archaeological interest, Recorded Monument DU022-103, which is subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments Act 1994, as amended. It therefore recommends that pre-testing is carried out with a condition provided for the same as part of any grant of planning permission in order to ensure the continued preservation of this monument.
- 3.3.2. **Irish Water:** No objection, subject to safeguards.
- 3.3.3. **An Taisce:** It is requested that the Planning Authority has regard to previous refusals for development on this site which included an application for a similar development described as nearly as large as that now proposed which was refused. In addition, reference is made to the Boards decision to refuse a 475m² extension projecting out from the eastern side of the Protected Structure in 2014.

3.4. Third Party Observations

- 3.4.1. Several submissions were received objecting to the proposed development which I have read. I consider that the substantive planning concerns raised correlate with those raised by the 3rd Party Appellants in their joint submission.

4.0 Planning History

4.1. Relevant Planning History: Subject Site

- **P.A. Reg. Ref. No. SD18A/0153:** Planning permission was **refused** for a development consisting of the demolition of a modern single storey structure attached to the west of the existing building, a Protected Structure; the construction of a two storey 134m² extension to the west; the construction of a two storey 1,214m² bedroom wing extension with a link corridor to the south; a one storey 32m² extension to the north of the existing building, a Protected Structure; minor internal alterations to the ground and first floor of the existing building, a Protected

Structure together with all associated site works and services. The reasons for refusal read:

“Refusal Reason 1

Having regard to the scale, bulk, height and massing of the proposed development, and in particular to its location in close proximity to dwellings and their site boundaries to the west and south, the proposed development would seriously injure the amenity of property in the vicinity by way of perceived overlooking, loss of daylight, overshadowing, overbearing and visually intrusive impact. The proposed development would, therefore, contravene the residential zoning objective for this area, which seeks to protect and/or improve residential amenity, as set out in the South Dublin County Council Development Plan 2016 – 2022 and would be contrary to the proper planning and sustainable development of the area.

Refusal Reason 2

Insufficient details have been lodged with the Planning Authority in relation to the provision of a Landscape Masterplan, a Tree Report, an ecological report and open space which are required to ensure compliance with the objectives, policies and standards of the South Dublin County Development Plan 2016 – 2022, such as Section 11.3.1(iii) Public Open Space, Section 11.5.5(i) Ecological Protection, G2 Objective 9, G2 Objective 13, HCL15 Objective 15 and Policy H11 Objective 1. Additionally, the quality and functionality of the open space as proposed is not considered acceptable, as the proposal fails to create a successful high quality age appropriate outdoor living environment for residents. The proposed development is not in compliance with Policy H11 Objective 1 and would, therefore contravene an objective of the South Dublin County Development Plan 2016 – 2022.

Refusal Reason 3

Insufficient details have been lodged with the Planning Authority in relation to surface water layouts which are required to ensure compliance with the objectives and policies of the South Dublin County Development Plan 2016 -20222, such as Policy 1 Water and Wastewater, Policy 2 Surface water and Groundwater, Policy 5 Sustainable Urban Systems, Section 11.6.1 (ii) Surface Water, Section 11.6.1 (iii) Sustainable Urban Drainage Systems. The applicant has not demonstrated compliance with the aforementioned policies and objectives of the County

Development Plan or demonstrated that the proposed development would not be prejudicial to public health.

Refusal Reason 4

Insufficient details have been lodged with the Planning Authority in relation to the provision of a Construction and Demolition Waste Management Plan, which is required to ensure compliance with the objectives, policies and standards of the South Dublin County Development Plan 2016 – 2022, such as Section 11.6.5(iv) Construction and Demolition Waste and Policy 7 Environmental Quality. The applicant has not demonstrated compliance with the aforementioned policies, objectives and standards of the County Development Plan or demonstrated that the proposed development would not be prejudicial to public health.

Refusal Reason 5

Insufficient details have been lodged with the Planning Authority in relation to the provision of an Energy Efficiency and Climate Change Adaptation Statement, which is required to ensure compliance with the objectives, policies and standards of the South Dublin County Development Plan 2016 – 2022, such as Section 11.7.2 Energy Performance in New Buildings and Policy 4 Energy Performance in New Buildings. The applicant has not demonstrated compliance with the aforementioned policies, objectives and standards of the County Development Plan or demonstrated that the proposed development would support climate change resilience.”

- **ABP Ref. No. PL06S.243632 (P.A. Reg. Ref. No. SD14A/0096):** On appeal to the Board planning permission was refused for a development consisting of a two storey bedroom wing extension and link corridor to the west and south of the existing building including alterations and associated site works for the following stated reasons and considerations:

“Sally Park Nursing Home is an 18th-century Georgian country house, a recorded monument, a protected structure, and is listed in the National Inventory of Architectural Heritage as being of regional architectural and historic importance. Having regard to the scale, bulk, height and massing of the proposed development, and in particular to its location in close proximity to site boundaries and to adjoining houses to the east, it is considered that the proposed development would seriously

injure the residential amenity of neighbouring property by way of overlooking, loss of daylight, overshadowing and overbearing impact. Furthermore, it is considered that the proposed extension to a recorded monument, by virtue of its bulk, scale, massing, design, materials and, in particular, its location forward of the building line of the 18th-century building, would constitute a dominant and visually discordant feature to the front of the monument, that would be visually obtrusive and would seriously detract from the character and setting of the recorded monument and of the protected structure. The proposed development would, therefore, contravene the residential zoning objective for this area, which seeks to protect and/or improve residential amenity, as set out in the South Dublin County Council Development Plan 2010 – 2016, would contravene the policies set out in that Plan in relation to the protection of archaeological and architectural heritage, and would be contrary to the proper planning and sustainable development of the area.”

The Boards decision was accompanied by the following note:

“The Board had serious concerns in relation to the absence of a conservation architect’s report in relation to the potential impact on architectural heritage, and to the inadequacy of information available on file in relation to the proposed internal alterations, and considered that these alterations might not have been justified in terms of their impact on the material and character of the monument/protected structure; neither was the Board satisfied in relation to the potential of the proposed development to affect the gateway that forms part of the monument/protected structure; however, having regard to the substantive reason for refusal, it was decided not to pursue these matters further in the context of the appeal”.

- **P.A. Reg. Ref. No. SD04A/0054:** Planning permission was **granted** for a two-storey extension. The total floor area of this proposed extension is 449m². Condition no. 2 omitted two ground floor bedrooms and two first floor bedrooms in the interest of protecting adjoining residential amenities.
- **P.A. Reg. Ref. No. S96A/00295:** Planning permission was **granted** for a single storey extension containing eleven bedrooms, one sitting room and ancillary accommodation. The total floor area of this proposed extension is 830m².
- **P.A. Reg. Ref. No. S93A/0032:** Planning permission was **granted** for a single storey extension incorporating a washroom and stores to the front.

5.0 Policy Context

5.1. National Planning Policy Provisions

5.1.1. The following policy documents are relevant to the proposed development:

- Project Ireland 2040 – National Planning Framework, (2018).
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- National Standards for Residential Care Settings for Older People in Ireland, (2016).
- National Quality Standards for Residential Care Settings for Older People in Ireland, 2009.
- HSE Estates – Sustainable Building Guidelines – Specification, design, construction & refurbishment of health care buildings.
- National Monuments Acts.
- Ireland is party to the European Framework & Principles for the Protection of Archaeological Heritage.

5.2. Local Planning Provisions

5.2.1. Development Plan

The operative county development plan is the South Dublin County Development Plan, 2016 to 2022, under which the site is zoned 'RES'; the site contains a designated Protected Structure (RPS No. 285) and the site lies within the zone of influence for a Recorded Monument (Note: DU022-103 (Dwelling)).

The stated zoning objective for the site under the said plan is: "*to protect and/or improve residential amenity*" (Note: 'RES' (Existing Residential)) under which '*residential institutions*' and '*nursing homes*' are listed as being permitted in principle.

Section 2.1.2 of the said plan indicates it will seek to address the housing needs of older people within their communities, with the aim of providing a range of attractive accommodation choices.

Section 9.1 of the said plan deals with the matter of built heritage and architectural conservation.

Section 9.1.2 of the said deals with Protected Structures.

5.3. Natural Heritage Designations

5.3.1. The site does not form part of nor is it adjacent to any Natura 2000 sites. There are, however, a number of Natura of 2000 sites within a 15km radius of it. The nearest are:

- Special Areas of Conservation: Glenasmole SAC (Site Code: 001209), which lies c3.8km to the south west.
- Special Areas of Conservation: Wicklow Mts. SAC (Site Code: 002122), which lies c6.1km to the south.
- Special Protection Areas: Wicklow Mts. SPA (Site Code: 004040) which lies c7.5km to the south.

5.4. Environmental Impact Assessment

5.4.1. Having regard to the serviced nature of the site; nature and scale of the proposed development; the nature of the receiving environment; the lack of any connectivity between this site and European sites in the vicinity as well as within a wider 15km radius; I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.5. Archaeological Heritage

5.5.1. The appeal site is identified as being located with the zone of influence of Recorded Monument DU022-103.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- Reference is made to the refusal reasons of a similar application P.A. Reg. Ref. No. SD18A/0153. It is considered that these refusal reasons are still applicable.
- The overall reduction in floor area to that previously proposed is minor and has been achieved by subtle adjustments in the first-floor design including the omission of a terrace.
- The Sun Light Analysis confirms that at the autumn equinox the houses to the west would be in shadow at 8am and that the sun would have to reach an elevation of 30 degrees before light would enter into the rear gardens. This would be the case for the months of May through to August.
- The proposed development will result in less than a 6m separation distance from the proposed building to the rear boundaries of properties at Sally Park. This is not acceptable.
- The proposed extension would dominate the site on approach and within the front site of the Protected Structure.
- The 2m meandering path along the southern and western boundaries would open up access to the rear of adjoining Sally Park properties and as a result reduce the security of these homes.
- The additional information request was not adequately addressed.
- This application proposes an inadequate provision of car parking and as a result, if permitted, would result in a particular issue for the immediate surrounding area during peak visiting times.
- The description of the development in relation to the Protected Structure is described as minor works yet there is no mention of the removal of the main doorway of the existing structure. In this regard it is contended that the Conservation Statement drawings show that the front door will be replaced by a window in a number of the images it contains.

- Concern is raised that a number of revisions are required by way of the conditions imposed and this allows no opportunity for any 3rd party submissions to be made.
- The grounds of refusal given by the Board in relation to the application made under P.A. Reg. Ref. No. SD14A/0096 are still valid reasons for refusal of this current application.
- The social need for nursing homes is accepted, however, the scale of the proposed development is inappropriate for the site and its setting. Alongside the resulting major impacts that would arise on the amenity of Sally Park and Sally Park Close area.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- The basis of this application originates with the standards set for nursing homes as issued by the Health Information and Quality Authority (HIQA), i.e. the required ratio of bathrooms with shower facilities to residents is a ratio 1:8 on a single floor. The current facility configuration does not meet this and the number of residents to rooms is above what is also deemed to be acceptable. As such this nursing home is living on borrowed time.
- Should HIQA enforce their standards the only option would be to reduce the number of residents and carry out substantial refurbishment works of the existing structure.
- Due to the substantial overheads involved in running nursing homes these facilities can only be run at certain economies of scale. Oaklands is already close to that tipping point.
- The shortcomings of this nursing home can only be addressed by substantially extending the subject premises.
- The applicant provides an important community service and resource.
- The majority of residents are from a 10km catchment area and given the hinterlands demographic demands for the service provided will increase dramatically over the next two decades.

- This proposal is designed to meet the required standards for nursing home facilities.
- This proposal sought to overcome the shortcomings of a previous application (Note: P.A. Reg. Ref. No. SD18A/0153).
- This proposal complies with the standards set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight'.
- The response to the Planning Authority's further information clearly indicates a minimum setback of 6m from the boundary will be achieved.
- It is imperative that the Protected Structure maintains a sustainable use to prevent its disuse and decay. Without this development the primary function of Sally Park will no longer be sustainable.
- The design seeks to ensure no undue impact on the character as well as prominence of the Protected Structure and Recorded Monument.
- The external spaces used for recreation by residents are supervised and accessed only from within the facility itself.
- The entire facility is gated. No security issues will arise from the use of external landscaped areas.
- The removal of certain trees was developed in consultation with the Planning Authority's Environmental Section and it is intended to retain trees that warrant retention alongside replacing poor quality trees with higher quality native stock.
- The parking provision is justified by the Mobility Assessment Report provided and is based on surveyed conditions. The parking provision is more than adequate to cater for the projected use of the facility.
- No works other than those within the red line area will be undertaken without prior approval and all potential future works to the Protected Structure will be subject to a separate application.
- The minor amendments made to the design did not require revised public notification; however, it is noted that a public consultation was held in December, 2018, in relation to the extension of the nursing home.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response can be summarised as follows:

- No new issues arise.
- In the event of a grant of planning permission regard should be had as to whether a Section 48 contribution condition alongside whether a condition requiring a contribution to the Kildare Route Project Supplementary Development Contribution Scheme should be imposed.

7.0 Assessment

7.1. Overview

7.1.1. I have read the appeal file, all associated reports and plans and I visited the appeal site and the surrounding area. I consider, that the assessment of the proposed development sought under this application should be based on the revised design as put forward by the applicant to the Planning Authority on the 20th day of December, 2019, as this put forward some minor qualitative improvements to the design. In particular, in terms of how the proposed extension to the west of the Protected Structure would integrate with it in a more sympathetic manner. Alongside provided improvements to the landscaping alongside additional clarity on surface water attenuation, road matters through to drawing anomalies. Therefore, my assessment below is based on the proposed development, as revised by the applicant's further information response, and in this context, I consider that the main issues for consideration in this appeal relate to the following:

- Principle of the Proposed Development & Planning History.
- Impact on Built Heritage.
- Impact on the Residential Amenities of Properties in the Vicinity.
- Compliance with Planning Provisions: Car Parking.
- Traffic Impacts.
- Other Issues.

7.1.2. In addition to the above the matter of 'Appropriate Assessment' requires examination.

7.2. Principle of the Proposed Development

7.2.1. The proposed development put forward in this application essentially consists of the construction of a 27-bedroom extension to the existing Sally Park Nursing Home which is situated on land that is zoned under the Development Plan with the stated objective "*to protect and/or improve residential amenity*" (Note: 'RES' (Existing Residential)). Land uses listed as being permitted in principle under the 'RES' land use zoning include but are not limited to '*residential institutions*' and '*nursing homes*'.

7.2.2. In addition to this, the Development Plan under Section 2.1.2 indicates that it will seek to address the housing needs of older people within their communities by way of providing a range of attractive accommodation choices. Further, the said Plan includes various provisions that seek to support this provision of accommodation for older people particularly in areas including established residential area (Note: Housing (H) Policy 3 Housing for Older People) and H3 Objective 1. The latter stated objective seeks "*to support housing that is designed for older people (including independent, semi-independent or nursing home accommodation) in residential and mixed use areas, at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport*".

7.2.3. Therefore, I consider that the general principle of the proposed development is acceptable; however, in terms of the site-specific constraints there are a number of substantive matters that need to be satisfied.

7.2.4. Firstly, the proposed development includes alterations and additions to a Protected Structure.

7.2.5. Under Section 9.1.2 of the Development Plan it indicates that: "*it is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for developments that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly*".

7.2.6. The Development Plan also contains a number of provisions that seek to protect all structures as well as parts of structures within their immediate surroundings that are identified under its accompanying Record of Protected Structures. In particular, their

curtilage and their attendant grounds. This is specifically provided for under objective HCL3 Objective 1 of the said plan.

- 7.2.7. Moreover, the Development Plan includes other provisions to safeguard Protected Structures and their setting. For example HCL3 Objective 2 which states: *“to ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation”*.
- 7.2.8. In relation to the matter of built heritage it is therefore imperative that any proposal at this site address the built heritage reasons given as part of refusal of planning permissions for previous developments to this Protected Structure.
- 7.2.9. In terms of planning precedent I consider that regard should be had to a determination for a much lesser in scale, mass through to built form alterations and additions applications that was considered by the Board ABP Ref. No. PL06S.243632 (P.A. Reg. Ref. No. SD14A/0096). In this case the Board refused planning permission for a development consisting of a two storey bedroom wing extension and link corridor to the west and south of the existing building including alterations and associated site works for the following stated reasons and considerations relating to adverse impact the proposal would have on the 18th Century Georgian country house Protected Structure (Note: See Section 4.1 of this report above which sets out the Boards reasons and considerations) by way of its scale, bulk, height and massing.
- 7.2.10. The Board also considered that the proposed extension being forward of the building line would constitute a dominant and visually discordant feature that would be visually obtrusive and would detract from the character and setting of the Protected Structure.
- 7.2.11. I note that the more recent planning application P.A. Reg. Ref. No. SD18A/0153 considered by the Planning Authority, which was also refused but not appealed, did not raise any concerns in relation to the Protected Structure in the stated reasons for refusal (See: Section 4.1 of this report above). Notwithstanding, a general overarching concern was raised in the reasons of refusal relating to the scale, bulk, height, and massing of the extension which was deemed to be inappropriate alongside the

potential of the proposed extension by virtue of these concerns to give rise to adverse residential amenity impacts on properties in the vicinity, if permitted.

7.2.12. The second substantive concern relates to the archaeological sensitivity of this site due to the presence of Recorded Monument DU022-103.

7.2.13. In this regard I note that under Section 9.1 of the Development Plan it indicates that: *“it is the policy of the Council to manage development in a manner that protects and conserves the Archaeological Heritage of the County and avoids adverse impacts on sites, monuments, features or objects of significant archaeological interest”*.

7.2.14. In addition to this the Development Plan sets out a number of archaeological heritage objectives including HCL2 Objective 1 which states: *“to favour the preservation in-situ of all sites, monuments and features of significant historical or archaeological interest in accordance with the recommendations of the Framework and Principles for the Protection of Archaeological Heritage, DAHGI (1999), or any superseding national policy document”*; HCL2 Objective 2 which states: *“to ensure that development is designed to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects”*; and, HCL2 Objective 3 which states: *“to protect and enhance sites listed in the Record of Monuments and Places and ensure that development in the vicinity of a Recorded Monument or Area of Archaeological Potential does not detract from the setting of the site, monument, feature or object and is sited and designed appropriately”*.

7.2.15. In relation to the planning history of the site I note that the Board ABP Ref. No. PL06S.243632 (P.A. Reg. Ref. No. SD14A/0096) in its reasons and considerations for refusal also considered that the proposed extension, by virtue of its bulk, scale, massing, design, materials would also seriously detract from the character and setting of the Recorded Monument. In addition, the Boards decision as set out in Section 4.1 above was accompanied by a note that indicated that they had serious concerns that the proposal had not been justified in terms of impact on the material and character of the Recorded Monument.

7.2.16. In terms of the other components sought under this application, that is the demolition of modern single storey structure attached to the west of the existing building, the construction of a one storey 32m² extension to the north of the existing building (Protected Structure) together with the minor internal alterations to the ground and first

floor of the existing building (Protected Structure) I consider that in relation to the demolition the built fabric that would be lost is of no particular architectural or other merit. In addition, the extension to the north and the internal alterations to the ground and first floor level of the existing structure are, subject to safeguards, generally in accordance with best accepted conservation practice. Therefore, I do not raise any general concerns in terms of the principal of these aspects of the proposed development sought under this application.

7.2.17. Based on the above site-specific considerations it is incumbent as part of any application to ensure that any development proposal does not adversely impact upon the built heritage that this site contains and that it demonstrated that it overcomes concerns raised as part of the refusal of previous developments for extensions to this nursing home facility.

7.2.18. I therefore consider that whilst the general land use principle of an extension to an existing nursing home facility is a type of development deemed to be permissible on land zoned existing residential, subject to safeguards, the overriding built heritage considerations are of such substantial weight that any development proposal for this site should be considered on its merits and should be subject to demonstrating that no adverse impact on the built heritage would arise if the development sought were to be permitted.

7.3. Impact on Built Heritage – Protected Structure

7.3.1. The appeal site contains an attractive four bay three storey 18th Century Georgian country house that is not only likely to contain remnants of a previous dwelling house that occupied this site but whose main structure which dates to c1779 has been subject to a number of alterations and additions to it. Alongside its associated buildings and landscape setting have been substantially lost in the intervening centuries. Despite this the surviving building is afforded protection by way of its designation as a Protected Structure (Note: RPS No. 285) and its built heritage importance is further recognised by way of its inclusion in the National Inventory of Architectural Heritage's Inventory (Note: NIAH Reg. No. 11215010) where it is given a 'Regional' Rating. Having visited the site and its setting despite the unprecedented times in which this inspection was carried out it is my view that this rating is reasonable given what I observed.

- 7.3.2. During this visit despite the fact that the main structure itself is not highly visible or legible from the public realm of its setting, nonetheless, I observed from the point of arriving at its historic period entrance gates, which are flanked by tall stone walls, through to its curving pebbled driveway, which is flanked by a mixture of lawns and mature planting with the latter adding a sylvan character as well as enclosure of its principal façade and with the driveway widening in its width as well as depth as one reaches its granite tetrastyle Doric entrance. An entrance portico that accentuates an attractive period glazed timber door. It is understandable why this structure alongside some of its later additions, in particular those containing the Wyatt windows have been given a regional architectural and historical rating, given the rarity of this type of Georgian country house within this and the wider hinterland.
- 7.3.3. Unfortunately access to the entirety of the curtilage of the Protected Structure through to the interior of the Protected Structure could not be had due to the unprecedented times the site visit was carried out.
- 7.3.4. Despite this the applicant has provided detailed exterior photograph of the site including areas to the side and rear of the Protected Structure as part of the documentation included with this application.
- 7.3.5. What is apparent from inspection of the site and an examination of the documentation on file that the most intact appreciation of this Protected Structure is as I have described above is from within the grounds to the front of this Protected Structure. It is within this area that the proposed development seeks planning permission for the construction of a 2-storey extension to the side of it with connection made via a link corridor attached to the existing south façade.
- 7.3.6. In addition to this, a single storey extension to the north is also proposed alongside a number of what are described as minor internal alterations to the grounds, the first-floor level of the existing structure and also 3 no. rooms at second floor level within the Protected Structure.
- 7.3.7. Despite the use of a high-quality contemporary design response, which I acknowledge has had to contend with a number of substantive factors including but not limited to:
- The modest site area which is given as 0.39ha.
 - The other built heritage constraints of the site, i.e. Recorded Monument.

- The close proximity of the site to a significant number of existing mature two-storey detached, semi-detached and terrace dwellings of Sally Park and Sally Park Close.
- The existing building to space relationship which could be described as the existing footprint of buildings on site occupying its northern portion with this leaving limited space between them, the northern boundaries of the site and Firhouse Road which is a heavily traffic regional road.
- The cul-de-sac nature of the road that provides this site with its sole means of access onto the public road network.
- The sylvan character of the site which includes a number of mature trees.

7.3.8. I am not convinced even when regard is had to the revisions made to the design approach taken in this application since the previous recent application for a similar development was sought under P.A. Reg. Ref. No. SD18A/0153 that the provision of the proposed single storey link and two storey structure extension would be an appropriate new built layer to and within the surviving historic curtilage of the subject Protected Structure due to its substantial mass, positioning and over its overall built form in this built heritage sensitive site.

7.3.9. The proposed extension would essentially be positioned forward of the Protected Structure which is afforded specific protection to safeguard it from developments that would be detrimental to its intrinsic character and setting. In addition, the proposal seeks to dramatically alter its immediate setting as part of facilitating the proposed development by positioning the extension within the only remaining and modest landscaped grounds that allows it to be visually interpreted and appreciated as a country house originally set in a substantially larger manicured man-made landscape setting.

7.3.10. Appreciation of this attractive 18th Century Georgian house Protected Structure, its surviving associated built layers of merits, including the Recorded Monument, are only fully possible from within the much-curtailed grounds these historic structures now occupy. This is due to a number of factors including the diminishment of the scale of the grounds associated with these structures as parts of these grounds were sold, with the sale of the former grounds facilitating the expansion of residential development in

this area. As such the surrounding immediate landscape setting now has a mature suburban character bisected with busy roads.

- 7.3.11. In addition, the mixed species tree planting surviving along the inner perimeters of the western, eastern, and southern boundaries of the site successfully limit views into the site for much of the year. They also create an enclosed introverted setting for the historic built layers present within this site that in many ways visually separates it from the suburban estates of the 20th Century that by and large surround it.
- 7.3.12. Moreover, due to the presence of the Firhouse Road which effectively bounds the northern boundaries of the site the limited views available of the historic structures on site are much diminished and eroded by virtue of the presence of later additions non-sympathetic additions, the lack of evident maintenance to the surviving period elevations of merit through to the functional nature of the limited space available between existing structures and the northern boundary.
- 7.3.13. Thus, the architectural and historical merit of the Protected Structure as well as the Recorded Monument cannot be fully appreciated from these vantage points as their external integrity, intactness, and its space to building relationship have unfortunately been highly compromised.
- 7.3.14. I further consider that the mass, scale, overall built form coupled with the proposed extension's eastern, northern, and western elevation extent could not be considered to be subservient to the Protected Structure. This is despite the modest height of the extension, the modulation of its main facades and sensitive use of materials, finishes and treatments, the courtyard of buildings that would effectively result if the proposed development were to be permitted, would become the most visible built form on approach from the public domain and upon entering into what would be a much modified and diminished landscaped setting. The extensive lengths of facades associated with the proposed extension linking to the west of the existing buildings on site would in my view become the most prominent visual architectural feature eroding the current visual prominence of the Protected Structure in what are the only vantage points that its surviving external visual integrity as a building that was designed to be set in a landscaped setting can be appreciated.

- 7.3.15. In addition, I raise a concern that the appreciation of the two surviving 'Wyatt' windows would be compromised by the scale of the development sought alongside their positioning relative to the proposed extension.
- 7.3.16. The proposed development taken in conjunction with the already significant diminishment of the visual setting, in particular, the immediate visual curtilage would not in my view be consistent with Development Plan provisions which seek to protect such sensitive to change structures.
- 7.3.17. Further, as pointed out by the appellants design rationale provided does not provide sufficient justification as to why it is necessary for the period front door which is framed by the aforementioned Granite tetrastyle Doric entrance portico is removed and in its place a window provided.
- 7.3.18. Further there is no methodology provided for this intervention and how this change would be achieved.
- 7.3.19. The intervention to the principal entrance which is one of the surviving features of particular merit of this period structure as part of the main four bay three storey Georgian house component is in my view not an appropriate intervention and is an extreme solution to ensuring that access to the nursing home facility, as revised by the proposed development if permitted, is redirected to this new building layer. The loss of the Protected Structure's principal access point would erode and diminish the surviving architectural integrity and legibility of this Protected Structure.
- 7.3.20. The position, the scale through to the massing of the overall proposed development is therefore inappropriate to the setting of this Protected Structure and represents overdevelopment of this built heritage as well as modest in area site which is highly sensitive to change. I am also not convinced that the scale of the development proposed can be accommodated at this built heritage sensitive to change site and that the design rationale provided, irrespective of the quality of the architectural design resolution, fully demonstrates that it has considered other options that would not be as visually incongruous to the setting or detract from the appreciation of this Protected Structure and other historic building layers present at this site.
- 7.3.21. Based on the above considerations I am of the view that to permit the proposed development would be contrary to the planning provisions set out in the Development Plan which seeks to protect such structures of built heritage merit from inappropriate

developments. In particular Section, 9.1.2 and HCL3 Objective 2. This is sufficient merit for the proposed development to be refused.

7.4. Impact on Built Heritage – Recorded Monument

- 7.4.1. In terms of the impact on the Recorded Monument I raise again similar concerns to those raised above in that the proposed development would, if permitted, adversely impact the setting of the Recorded Monument as the scale of development is such that it would dominate and effectively erode character as well as setting of historic built structures on this sensitive to change site.
- 7.4.2. Notwithstanding, any development at this site may afford a better understanding of this Recorded Monument and as such I concur with the Department of Culture, Heritage, and the Gaeltacht in their submission to the Planning Authority that as this Georgian Country House is contiguous as well as is linked to a house of archaeological interest that any grant of planning permission be subject to the inclusion of a condition that requires site appropriate pre-testing to ensure the continued preservation of this Recorded Monument.
- 7.4.3. Such a condition would accord with the provisions of the Development Plan that seek to protect and safeguard such monuments from inappropriate developments. Including but not limited to Section 9.1 and objective HCL2 Objective 3 of the Development Plan.
- 7.4.4. Based on the above, whilst I consider that the cumulative impact of the proposed development on the surviving built heritage of merit on this site would be significantly diminished should planning permission be granted for this scale of development on what is a highly sensitive to change and modest in area site; notwithstanding should the Board be minded to grant planning permission for the proposed development I recommend that safeguards recommended by the Department should be imposed.

7.5. Impact on the Residential Amenities of Properties in the Vicinity

- 7.5.1. The 3rd Party appeal raises a number of concerns with the potential of the proposed development to give rise to adverse impacts on their established residential amenity. In particular, the proposal gives rise in their view to overshadowing, additional overlooking, reduced privacy, reduced security and has the potential to give rise to parking as well as additional congestion in the vicinity of their properties due to the lack of adequate on-site provision of car parking. As a result of the latter it is their view

that car parking demands of the development would further erode their residential amenity as a result of the surplus car parking having to be absorbed in the Sally Park residential scheme with the proposed development also giving rise to increase traffic movements alongside increased potential for congestion as well as traffic conflict to arise.

7.5.2. Should planning permission be granted for the development as proposed I concur with the appellants in this case that it would give rise to changes to their established residential amenity.

7.5.3. Whilst I consider that the level of overshadowing and overlooking that would arise is not out of context with such a suburban setting arguably owners of properties in Sally Park and Sally Park Close would have considered the potential for future development of what is an already restricted in area curtilage and setting around Sally Park Protected Structure would be limited due to the level of protection that is given to safeguarding its acknowledged architectural as well as historical built heritage merit alongside the rarity of such an example of Georgian country house architecture in this area and the wider area.

7.5.4. Moreover, it would not be unreasonable also for one to assume the mature landscaping that survives around its western, eastern and southern perimeters also afforded not only for the subject Protected Structure and Recorded Monument to be highly visually screened within its suburban setting which in part allows for its better appreciation as part of a landscaped setting. In turn over the decades since Sally Park and Sally Park Close have been completed the mature landscape, in particular, the trees have not only formed part of these properties borrowed landscape they have also provided a high level of privacy to these properties over and above what one would normally have in such a suburban setting.

7.5.5. However, I note from the documentation provided by the applicant that a number of the surviving mature trees site are of poor quality and/or are in poor condition alongside the loss of a number of the existing trees is required to facilitate the ground works of the proposed extension to this nursing home facility.

7.5.6. In this regard, I consider that the revised landscaping is much improved and that there is potential for further improvements to be achieved by way of condition should the Board be minded to grant permission with this supplementing the architectural

response to this site that in my view has despite the two storey nature of the main extension proposed and the proximity of the southern and western elevations of the proposed extension, particularly at first floor level, included appropriate measures that ensure that overlooking is minimised to a degree that the residential amenity impact is negligible. Notwithstanding, the more regimented landscaping that results does not evoke the more naturalistic but controlled landscaping that would have been part of this Georgian country house designed setting.

- 7.5.7. I also consider should the proposal have been a similar type residential development to that which borders the perimeters of its western, southern and eastern boundaries there would be a general expectation that a lateral separation distance of c22m at first floor level between opposing existing and proposed development would have been sought. Considering that much less lateral separation distances would arise from this proposal should planning permission be granted it is not unreasonable in my view the concerns raised by the appellants in terms of their residential amenity being diminished by way of increased overlooking over and above that which would be expected in such a context.
- 7.5.8. In relation to the additional security issues that the proposed development could give rise to I acknowledge that opening up more of the site to accommodate the proposed development including the provision of pathways between the southern and western elevation of proposed extension and the adjoining residential properties of Sally Park this could be addressed by way of condition that ensures that access is appropriately restricted. The latter would be a normal provision in a nursing home setting as part of providing a secure and safe setting for residents and staff. I am also cognisant that the applicant's response indicates that the nursing home would be gated; however, this is not what I observed is the case on the day of my site inspection.
- 7.5.9. In terms of car parking provision I note that the existing nursing facility as set out in their mobility management plan indicates that it contains 43 beds and for example the first week studied indicated that staff numbers during morning shift Monday to Friday equated to 17 persons and dropped to 14 at the weekends. It also indicates that by the mid-morning shift that the number of staff can reduce from 17 downwards and provides no change to the 14 indicated at weekends. A lesser staff number ranging from 17 to 10 is indicated for the afternoon shift during the 7 days observed; the mid-afternoon shift again having lower staff numbers of 11 indicated Monday to Friday with

this number reducing to 10 during the weekends and again the evening shift Monday to Sunday indicated 10 staff. In relation to the car parking usage this was given to have at its peak usage 17 cars parked.

7.5.10. In other weeks study at times staff in the building were cited as being 22 in number and at no point did the cars parked within the site exceeded 17.

7.5.11. This plan also indicated that in total this nursing facility had approximately 23 staff and that peak usage of the car park occurs during shift changes though it is noted that the Knockylon/Ballycullen road bus stops are located in proximity of the site with these being serviced by routes 49 and 65b by Dublin bus. It further indicates that visiting is allowed throughout the day between the hours of 9am to 9pm and that this does not affect the usage of the parking provision and that study conducted included Mother's Day.

7.5.12. I noted during my inspection of the site that the current parking arrangement does not include any demarcated spaces and appears to occur on an *ad hoc* basis. I observed a total of 9 cars parked to the front of the Protected Structure alongside two vans parked at the entrance gates from which I observed persons accessing these vans alongside entering and exiting from the main door of the nursing home facility during my inspection. I also observed that the Ballycullen Road contains cycle lanes on both sides and that the cul-de-sac serving the site was not heavily trafficked but was being used by younger children playing on it as well as in the vicinity of the access roads serving Sally Park Close. There is also a pedestrian linkage present that extends to the Ballycullen Road on one side.

7.5.13. By way of this application the applicant seeks to increase the bed numbers within this nursing home facility by 27 yet this figure does not marry with the mobility management plan which indicates that there will be increase in beds from 43 to 63. It further proposes that 17 car parking spaces would be provided to meet the needs of the existing and the proposed development.

7.5.14. Having regard to the existing nursing home facility resident numbers according to publicly available information consists of 21 single en-suite rooms; 4 single rooms; 5 double rooms and 3 multi-rooms. The submitted plans would appear to suggest that the actual bedspaces within this facility is 44. If in good faith the number of 43 is accepted as being an accurate representation the resulting bedspaces within the

nursing home facility proposed under this application would be 70. Table 11.23 sets out the car parking requirement for Zone 1 land as 1 space per 4 residents. It includes no specified additional staff and/or visitor spaces. This would equate to the overall development, i.e. new and proposed requiring 17.5 car parking spaces. Thus, a shortfall of 0.5 car parking space proposed to serve the existing and proposed development with the existing bedspaces accounting for 10.75 car parking spaces from this total.

- 7.5.15. Whilst the proposal may appear to fall slightly short of the required Development Plan standards; the mobility management plan submitted with this application suggests that at normal times the current car parking usage equates to car parking need that exceeds the maximum Development Plan standards for this nature and scale of land use; and, at the time of my site inspection I observed that there was an overspill onto the public road arising from the nursing home facility, the Development Plan indicates that the car parking requirement is a maximum and not a minimum. Therefore, though I consider the concerns of the appellants are reasonable that the proposed development, if permitted, could give rise to an actual overspill of car parking on the surrounding road network, this in itself is not sufficient basis to refuse planning permission as in parking terms the proposed development accords with Development Plan standards.
- 7.5.16. However, in terms of additional traffic generated on the cul-de-sac road serving the site I am of the view that the intensification of use is likely to give rise in a significant change to the current usage of this road and its access point onto the heavily Ballycullen Road. This overspill could arise for example in situations where larger vehicles are accessing the site and where emergency service vehicles have to attend. In such situations having regard to the lack of any loading space for either type of vehicle this is in my view a real possibility.
- 7.5.17. As such there is potential for it to give rise to obstruction of movement on the public road network that serves Sally Park Close with its increased usage alongside the potential given the mobility management plans findings that at times at its current bed space numbers it requires the proposed 17 car parking space now proposed to be provided under this plan. Moreover, I raise concern that there is varying number of car parking spaces shown in the suite of drawings provided with these varying with figures lower than the 17 proposed alongside one space located in a service area to

the east that would if in use mean that those using the two car parking spaces in the north eastern corner would be unable to make a 3-point turn and would have to reverse into or out of these spaces to where there is sufficient space to make the required manoeuvre to the front of the existing front building line. This in itself is not ideal as it could give rise to conflict in this area of the site.

7.5.18. Whilst I am cognisant that the site is within easy walking distance of bus stops on the Ballycullen Road and Firhouse Road the public transport options due to the limited routes that these stops service may result in those accessing this nursing home, particularly staff and visitors using their car. Despite this fact the creation of additional car parking spaces within the grounds to serve the proposed and existing nursing facility by way of condition would result in further erosion of the very limited landscaped space remaining and also a compromised outdoor amenity for future occupants and staff. Thus, further eroding the legibility and integrity of the Protected Structure.

7.5.19. Based on the above considerations I raise concern that the proposed development could give rise to a diminishment of residential amenity for residents of Sally Park Close by way of increased use of the cul-de-sac road that serves it and the subject site with this in turn giving rise to potential road safety and traffic hazard issues. I also consider the proposed development, if permitted in the form proposed, would give rise to diminished residential amenities for adjoining Sally Park properties bounding the western and southern parameters of the site.

7.6. Other Issues.

7.6.1. **Servicing:** I concur with the Planning Authority that the applicant's further information response together with the conditions imposed by the Planning Authority address all water and drainage matters arising from the proposed development. There also appears to be sufficient spare capacity in the public water and drainage infrastructure to meet the additional demands the proposed development would place upon it. I therefore raise no specific concerns in this regard and as such I recommend that the Board should it be minded to grant planning permission to impose the relevant conditions recommended by the Planning Authority in their decision notification that specifically deal with these matters.

7.6.2. **Rationale for the Proposed Development:** I accept the rationale given by the applicant as to why this application is being made both in terms of meeting the required

HIQA standards through to the economies of scale such commercial enterprises need to meet to be sustaining.

I also accept that it is vital that Protected Structures are maintained in use; however, such uses should be sympathetic to them and not give rise to undue harm.

In this instance the balance between the development sought and safeguarding the built heritage of this site does not reach a positive conclusion as this modest built heritage sensitive site is unable to absorb the scale of the development sought with the scale of development sought giving rise to significant detriment to the intrinsic character and setting of the Protected Structure as well as the Recorded Monument.

The proposed development represents an overdevelopment of this built heritage sensitive site and as it is a scale that cannot be accommodated with the architectural and historical merit of the Protected Structure as well as the Recorded Monument.

In this case whilst the provision of social care within the community for older persons and those who need convalescing is private enterprise for private gain whereas the safeguarding of the built heritage is in the public interest not just for this generation but for future generations.

7.6.3. **Landscaping and Boundaries:** Should the Board be minded to grant permission I recommend that it include appropriate conditions that ensure an appropriate landscaping response alongside ensuring as far as possible that the boundary treatments particularly along the southern and western boundaries of the site are sufficiently visually robust to safeguard the residential amenities of adjoining properties. In addition, I consider that a condition be imposed restricting access to the rear of the proposed extension particularly in terms of the easternmost projection that is positioned in close proximity to the entrance gate in the interests of future residents of the nursing home and in the interests of protecting the residential amenity of adjoining properties.

7.6.4. **Period Entrance:** I note that the Roads Department of the Planning Authority recommended modifications to the period entrance that provides the sole means of access and egress to the site. Considering that this entrance forms part of the surviving features within the curtilage of this Protected Structure and in itself is indicated as being afforded with protection any widening and other alterations are not appropriate. I also note that the Planning Authority's grant of planning permission did

not include a condition seeking that this entrance be widened and I concur with this conclusion.

7.6.5. **Lighting:** There is little clarity in terms of how the proposed development will be lit and whether or not that this could give rise to any dis-amenity to residential properties in its vicinity. Should the Board be minded to grant planning permission I recommend that it seek by way of condition a lighting scheme to be agreed with the Planning Authority.

7.6.6. **Anomalies in Submitted Drawings:** Should the Board be minded to grant permission for the development sought under this application in the interest of clarity I recommend that it impose Condition No. 5 of the Planning Authority's decision notification in order to overcome the anomalies that exist in the submitted drawings.

7.6.7. **Bicycle Parking:** Section 11.4.1 of the said plan sets out the bicycle parking standards at 1 per staff and 1 per 10 residents for nursing homes/retirement homes. This provision has not been demonstrated, therefore, should the Board be minded to grant planning permission for the development sought under this application I recommend that it impose a condition requiring that this provision be met.

7.7. **Appropriate Assessment**

7.7.1. This application is accompanied by a robust screening report which concluded that despite the significant number of European sites that concludes significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA.

7.7.2. The nearest European sites are the Special Areas of Conservation: Glenasmole SAC (Site Code: 001209), which lies c3.8km to the south west and the Special Areas of Conservation: Wicklow Mts. SAC (Site Code: 002122), which lies c6.1km to the south. Given the significant separation distance between them together with the nature of development in between together with the lack of any tangible connectivity it is reasonable to conclude, that this serviced site on the basis of the information on file, which I consider is adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on either of these sites mentioned or any other such sites within the wider area. I therefore consider that in this case a Stage 2 Appropriate Assessment, is not required.

8.0 Recommendation

- 8.1.1. I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be **refused** for the reason set out below.

9.0 Reasons and Considerations

1. Sally Park Nursing Home is an 18th-century Georgian country house, a recorded monument, a protected structure, and is listed in the National Inventory of Architectural Heritage where it is identified as being of regional architectural and historic importance.

Having regard to the mass, scale, bulk, height and positioning of the proposed development, in particular the proposed extension to the west and within the grounds to the front of this modest in size country house, which is the most intact vantage point from which this structure's architectural and historical merit can be appreciated, it is considered that the proposed development would constitute a dominant and visually discordant feature to the front of this Protected Structure and Recorded Monument, that would not only be visually obtrusive, it would seriously detract from their intrinsic character and setting. Moreover, it would diminish its visual appreciation in its limited remaining landscaped curtilage and result in loss of the building to space relationship that was one of the defining characteristics of this style of Georgian country house architecture.

The proposed development would, therefore, contravene the would contravene the policies set out in the South Dublin Development Plan, 2016 to 2022, in relation to the protection of archaeological and architectural heritage, and for this reason it would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by reason of its scale, massing and bulk at this built heritage sensitive site, would constitute overdevelopment of the site, it would also be out of character with the surviving setting of this Protected Structure and Recorded Monument as it would seriously injure and compromise the visual amenities of its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed two-storey element of the proposed development, because of its inadequate lateral separation distance between it and adjoining properties bounding the southern and western boundaries of the site would seriously injure the amenities of the property in a manner that would be contrary to the 'RES' land use zoning of the site and its setting as set out in the South Dublin Development Plan, 2016 to 2022. As the 'RES' land use zoning objective sets out to protect residential amenity the proposed development would be contrary to it. Therefore, the proposed development would for this reason be contrary to the proper planning and sustainable development of the area.
4. The development has the potential to generate a significant additional volumes of traffic, which the cul-de-sac road serving it is not capable of accommodating safely due to its design, capacity and the lack of any demarcated on-street car parking space in the event of the car parking requirements of this development exceeding that provided within the confines of the site. The proposed development also does not include a designated drop off and collection point nor does it include any loading and unloading bays for larger vehicles. The absence of this provision together with the level of car parking proposed within this modest in area site has the potential to give rise in overspill onto the adjoining road network that together with the additional volumes of traffic the proposed development would generate has the potential to give rise to road safety issues and traffic inconvenience for other road users. The proposed development would, therefore, have the potential to give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

Patricia-Marie Young
Planning Inspector

11th day of November, 2020.