



An
Bord
Pleanála

Inspector's Report ABP-307779-20

Development	Extension to existing Nursing Home building.
Location	Altadore Nursing Home (Protected Structure), Glenageary Road Upper, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0320
Applicant(s)	JKP Nursing Home Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observers	Ann Moran Rossa Mac Canna
Date of Site Inspection	11 th November 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. Altadore Nursing home located on a stated site area of 0.3134 hectares is on the south eastern side of Altadore, a short cul de sac located to the north east of Glenageary Road Upper. The buildings on site are located in an L shape with the original House located to the south western side of the site, a protected structure, and newer buildings, where the subject development is proposed, located to the south east. They face onto car parking, landscaped grounds and the main access to the site. To the south west, is a short cul-de-sac of large, detached houses.
- 1.2. The site is located approximately 1.2 km from the centre of Dun Laoghaire and approximately 550 m from the Sallynoggin Road where a range of retail units, social/ community services and bus routes are available.

2.0 Proposed Development

- 2.1. The proposed development consists of a second-floor extension located over the two-storey east wing of the existing nursing home. This will provide for an additional five bedrooms and associated internal alterations. The additional proposed floor area is stated to be 152 sq m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for a single reason as follows:

‘By reason of its scale, siting and proximity to Altadore House, the proposed extension will visually detract from the setting and legibility of this Protected Structure. The proposed development is higher than the ridge height of the Protected Structure, such that the Protected Structure would therefore no longer be the dominant building within the site, thereby eroding its historical and architectural context. The height and bulk of the proposed extension will have a visually overpowering impact which would be detrimental to the heritage value of the building. The proposal, if permitted, would set an undesirable precedent, whereby continued ad hoc development may undermine the significance and interest of a Protected

Structure. The proposal is considered to be contrary to Policy AR1 and Section 8.2.11.2 (iii) of the Dun Laoghaire-Rathdown County Development Plan, 2016 – 2022. The proposed development would, therefore, be contrary to the proper planning and development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the proposed development. The Planning Authority Case Officer reported that the principle of development was generally in accordance with Section 8.2.3.4(iii) – Nursing Homes for the Elderly/ Assisted Living Accommodation as set out in the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and was also acceptable having regard to the residential amenity of the area. The reason for refusal refers to the impact on Altadore House, a protected structure and the report relies heavily on the report from the Conservation Officer.

3.2.2. Other Technical Reports

Conservation Division – Architects’ Department: Refusal recommended due to the impact on Altadore House, due to the loss of primacy of Altadore House on this site and the extension would have an over-powering impact on the heritage value of the building.

Drainage Planning – Municipal Services Department: No objection – as the floor area is less than 300 sq m, there is no requirement for a green roof proposal.

Transportation Planning: No objection subject to conditions in relation to electric vehicle parking provision, cycle parking/ facilities, provision of a construction management plan and standard conditions.

Environmental Health Officer: No objection subject to conditions.

3.2.3. Prescribed Bodies

None.

3.2.4. Objections

A number of letters of objection were received to the original application.

The following points were made in summary:

- Refer to previous applications and building works on this site. The piecemeal nature of development represents poor planning and gives rise to nuisance to adjoining residential units.
- The density is excessive.
- The nursing home is not provided with sufficient open space, car parking and development next to a protected structure is not appropriate.
- Car parking is an issue in the area and insufficient parking is provided on site for staff and visitor needs.
- Insufficient open space is provided on site for residents.
- The development will negatively impact on the protected structure – Altadore House.
- Concern that the development will be overbearing on neighbouring residential units.
- Impact on existing residential amenity would be negative.
- Loss of natural light through the design/ orientation.
- The development would give rise to increased traffic in the area.

The following comments were made regarding the development if permitted:

- Concern about impact on the area due to construction/ delivery vehicles.
- Request that the construction works be carried out only within the subject site and that the building be covered in a shrink wrap membrane during construction to protect adjoining buildings from noise and falling materials.
- Request that construction hours be limited.
- A long list of measures to prevent parking outside the site, to prevent nuisance, to ensure that the area is kept clean and health & safety measures.

4.0 Planning History

P.A. Ref. D13A/0684 refers to a March 2014 decision to grant permission for alterations and a two storey extension to the east wing of the existing nursing home, to include: an extension (13 sq m) together with 2 no. new bay window extensions (6

sq m) to the day room at ground floor level and a bedroom extension (13 sq m) at first floor level over the proposed day room extension, together with alterations and enlargement of the existing East facing bedroom windows at first floor level, all at the gable end of the existing two storey east wing, together with internal modifications and site works.

P.A. Ref. D11A/0489 refers to a February 2012 decision to grant permission for internal alterations within the original building to provide a reduced number of 29 larger bedrooms and ensuite facilities to exceed current nursing home standards, in lieu of 36 existing bedrooms. The reduction in size of the approved penthouse apartment and its relocation including associated terrace area, to replace 3 existing bedrooms at the second-floor level of the existing bedrooms at the second-floor level of the existing building. The remodeling, including a small extension of 60 sq m at second floor level of the approved extension, to provide 6 bedrooms with en-suite bathrooms, associated support accommodation and an external terrace area, together with the associated changes to the elevations. The revised proposals will have a total of 55 bedrooms, a reduction of two on the previously approved 57. There are no proposed changes to the site or car-park layout.

P.A. Ref. D11A/0285 refers a September 2011 decision to grant permission for modifications to the previously approved extension to the nursing home (Reg. Ref. D08A/1073 - PL.06D.232813) to relocate the staircase proposed for the north eastern corner of the building to a new position further south within the building together with associated alterations to the proposed floor plans and proposed north western and north eastern facades. No changes are proposed to the overall floor area or number of bedrooms in the proposed extension, from that previously approved.

P.A. D08A/1073 – ABP. Ref. PL.06D.232813 refers to September 2009 decision to grant permission for alterations and extensions to an existing Nursing Home.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential, Assisted Living Accommodation and Residential Institution, developments are listed within the ‘Permitted in Principle’ category of this zoning objective.
- 5.1.2. RPS no. 1456 refers to ‘Altadore Nursing Home’ described as a House.
- 5.1.3. Chapter 6 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Built Heritage Strategy’. Section 6.1.3.1 ‘Policy AR1: Record of Protected Structures’ includes the following:

‘It is Council policy to:

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.’

- 5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development' and 8.2.3.4 'Additional Accommodation in Existing Built up Areas'.

8.2.3.4(iii) – 'Nursing Homes for the Elderly/ Assisted Living Accommodation'.

8.2.11 'Archaeological and Architectural Heritage' – with particular reference to Section '8.2.11.2 Architectural Heritage – Protected Structures' and the following parts:

'The inclusion of a structure in the Record of Protected Structures does not prevent a change of use of the structure, and/or development of, and/or extension to, provided that the impact of any proposed development does not negatively affect the character of the Protected Structure and its setting (Refer also to Section 6.1.3)' and

'All development proposals potentially impacting on Protected Structures shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities', (2011).

The refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building'.

Also relevant:

'(iii) Development in Proximity to a Protected Structure

Any proposed development within the curtilage, attendant grounds or in close proximity to a Protected Structure has the potential to adversely affect its setting and amenity. The overall guiding principle will be an insistence on high quality in both materials and design which both respects and compliments the Protected Structure and its setting. Innovative design in accordance with international best practice is encouraged. Pastiche design should be avoided as it confuses the historical record of the existing building and diminishes its architectural integrity'.

5.2. Guidelines

- Architectural Heritage Protection - Guidelines for Planning Authorities (2011, DoAHG)

5.3. Natural Heritage Designations

5.3.1. None

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The applicant has engaged the services of Noonan Moran Architecture to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this development.

Issues raised in the appeal include:

- The background to the need for this development has been outlined. Altadore operates as a 55-bedroom residential care facility and 11 of these rooms can accommodate two residents. These have not been used as intended and effectively operate as single bedrooms. This is not financially sustainable. Covid-19 has further emphasised issues with this type of accommodation. The extra five bedrooms will increase the overall room numbers to 60, which is a more sustainable number and will comply with HIQA standards.
- Altadore is a 'U' shaped villa-style house of circa 1840, single-storey over raised basement. The house had a circular projecting wing on one side and a rectangular wing on the other side. The house, derelict by then, was bought in 1989 and converted to a nursing home use and was extended to the south eastern side in 1992. A further extension was made to the east in 2014. The 1992 could be considered a pastiche extension and the 2014 additions are of a more contemporary design.
- The proposed extension is to the roof level of the 1992 extension. In support of the appeal it is proposed that part of the extension be omitted on the north western side; this allows for a clearer separation between the new build and

Altadore House. The view of this separation becomes clearer the further from the building it is seen from. A contemporary design/ materials will be used and will clearly differentiate the extension from the protected structure. Revised plans and elevations have been submitted in response.

- The issue of height was included in the Conservation Officers report. The appellant notes that the height is similar to that of the most recent addition, therefore the height has already been established on site.
- The appeal comments on the Planning Authority Case Officer's report. Notes that the principle of development is accepted, impact on residential amenity is acceptable, visual impact refers to the impact on the protected structure and sufficient amenity space is provided to serve future residents. Car parking was identified as acceptable, cycle parking spaces/ facilities are available and more parking spaces for bicycles can be provided. A construction management plan will be prepared.
- Third party comments are noted, and these have been addressed in the Planning Authority Case Officer's report. The 1990s extension is not part of the protected structure, this appears to be raised in error by a third party.

A number of photographs, maps and plans have been submitted in support of the appeal. A revised photomontage study has been provided.

6.2. Observations

6.2.1. A. Moran has engaged the services of Downey Planning to make an observation on the submitted appeal and the following comments are made:

- The Planning Authority have recommended refusal in agreement with the report of the Conservation Officer.
- Concern about the phrase 'unreasonably compromise' and refers to the Planning Authority comments on potential overlooking, which the observer agrees with but disagrees that the fitting of obscured glazing would be acceptable as perceived overlooking remains a potential issue. Request that if permission is granted, that no windows be placed in the extended elevation.

- The lack of open space/ amenity contravenes Section 8.2.8.2 of the development plan.
- Concern that insufficient car parking is proposed to be provided.
- A construction management plan should have been lodged with the application.
- The site has reached capacity in that it can take no more significant development.

6.2.2. An observation by R MacCanna makes the following comments:

- Queries the need for 60 bedrooms in terms of financial sustainability.
- There is no justification for the extension from a health and safety perspective.
- Consider that the Planning Authority Case Officer has incorrectly decided that the development 'will not unreasonably compromise' residential amenity. The development as proposed will dominate the observers house and this residential cul-de-sac.
- The observer had already engaged the services of Downey Planning to prepare a letter of objection against the original application.
- The observer was aware that the extension was on top of a extension and not the protected structure.
- Requests that the development be refused.

6.3. **Planning Authority Response**

6.3.1. The grounds of appeal do not raise any new matter that would justify a change of attitude by the Planning Authority to the proposed development.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Design/ Impact on the Character of the Area
- Impact on Protected Structure
- Residential Amenity
- Other Issues

- Appropriate Assessment Screening

7.2. Design, Impact on the Character of the Area

- 7.2.1. The existing nursing home is located on a short cul-de-sac to the north east of the Glenageary Road Upper. The proposed development is for a second-floor extension on an existing two-storey building, located to the south east of Altadore House, a protected structure. The extension will be accessed from an existing corridor to the north east which provides access to a lift core/ stairwell. A new corridor provides access to a total of five bedrooms. Each bedroom has its own en-suite and room sizes vary from 22 to 27 sq m. The extension to be finished in a mix of zinc cladding and render with a flat roof.
- 7.2.2. I note the elevations and floor plans etc. submitted in support of the appeal, received on the 31st of July 2020, and I consider the alteration to the north western side of the extension, although minor, does improve the visual appearance of this extension. I will consider the appeal in the context of these supporting details.
- 7.2.3. In general, the proposed extension is visually acceptable and will integrate with the existing structures on site. I do not foresee that the extension will dominate the contemporary building located to its north eastern side.

7.3. Impact on Protected Structure

- 7.3.1. The primary concern raised in the appeal is the impact on the original Altadore House, a protected structure. As already noted in the planning history, the site/ curtilage of Altadore House has undergone significant development in recent times.
- 7.3.2. The comments of the Dun Laoghaire-Rathdown Count Council Conservation Officer are noted, and the Planning Authority Case Officer appears to agree fully with these comments. The principal concerns appear to be overdevelopment and negative impact on the setting/ character of Altadore House.
- 7.3.3. From the site visit, it was immediately apparent which building was the protected structure and which was the new build unit. However, the location of the proposed extension is on an extension that was built in the early 1990s and the design of this sought to replicate the design/ character of Altadore House. The layout of the site is such, that upon entry, it is the modern – 2014 permitted extension that is first seen

and not the protected structure; this is due to the location of the entrance and site layout.

7.3.4. I am of the opinion that the proposed extension, with its contemporary design, will not give rise to confusion as to its vintage. This extension is not on any part of the protected structure and the revised elevations submitted in support of the appeal provide for a 'cleaner' side elevation and a greater separation between the protected structure and later additions. The extension will be clearly part of the new build additions. I fail to see how this extension will impact on the protected structure to such a degree as to erode the character of it, the submitted photomontages are of a good quality and clearly demonstrate the revisions/ potential impact. I am satisfied that the proposed development does not negatively impact on the character or setting of Altadore House.

7.3.5. The Conservation Officer may be concerned about the impact when viewed from the site entrance but facing the front of Altadore House, the extension will not dominate it. As noted in the appeal, the existing modern addition is a similar height to that proposed and the issue of height has already been established here. I would suggest that a lighter colour than the dark zinc proposed may further differentiate the new build from that of the protected structure. This can be addressed by way of condition if permission is to be granted. I noted from the site visit that the applicant has painted the buildings on site in different colours, although subtle, to differentiate them.

7.4. Residential Amenity

7.4.1. The Planning Authority Case Officer was satisfied that the proposed development would not adversely impact on the residential amenity of adjoining properties. High level windows on the side/ south west elevation should adequately ensure that overlooking leading to a loss of privacy is not an issue. The bottom of the window is circa 1.45 m above floor level, and it was suggested that obscured glazing could be fitted here. Considering the location and function of these windows, I am satisfied that they will not give rise to overlooking. I note reference to perceived overlooking in the observations; the height of these windows when in place should address this concern at any early stage.

- 7.4.2. Any reduction in daylight/ sunlight is likely to be marginal. Some sunlight may be lost in the early morning in summer, but such loss of light is not likely to impact negatively on the residential amenity of existing properties. The design of the extension will ensure that it is not overbearing on adjoining properties. Just to state, that the building is set back by 2.1 m from the boundary and the garage of the house to the south of the subject site, 10 Altadore, is constructed right onto the boundary.
- 7.4.3. The Third-Party Observation prepared by Downey Planning on behalf of A. Moran makes a big issue out of the phrase 'unreasonably compromise' in the Planning Authority Case Officer's report, implying that the development may impact the observer's property. In the interest of fairness, the report in this section states '...the Planning Authority is satisfied that the proposal will not unreasonably compromise the properties to the south by reason of overshadowing or by being visually overbearing'. I interpret this phrase to mean that the development will not impact on the neighbouring properties in terms of overshadowing and overbearing, and I agree with this.

7.5. **Other Issues**

- 7.5.1. Concern was expressed that the proposed development would give rise to additional traffic in the area. Whilst this is possible, I would not be concerned about the additional traffic that a five-bedroom extension to a nursing home would generate. Any increase in traffic would not be noticeable as it would be primarily from visitors to the residents of this development, who are unlikely to generate any significant increase in such vehicle movements.
- 7.5.2. Car parking was also raised as a concern in the observations. The Dun Laoghaire-Rathdown County Council Transportation Planning Section reported that an additional parking space should be provided on the basis of one space per four residents, the development would generate one extra space. However, the Transportation Planning are satisfied that there are sufficient parking spaces on site. I note that there are a number of bus services within walking distance of this site and I am satisfied that car parking should not be an issue here.
- 7.5.3. The applicant states in the appeal statement that additional bicycle parking can be provided on site and there are already changing and drying facilities on site. A Construction Management Plan will be produced if permission is granted.

7.5.4. The Drainage Planning – Municipal Services Department have reported no objection to the proposed development.

7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the nature and scale of the proposed development, the provision of a second-floor extension to an existing building, and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. In addition, it is not foreseen that the proposed development will negatively impact on Altadore House, which is listed on the Record of Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 6 th of May 2020 and by the further plans and particulars received by An Bord Pleanála on the 8 th day of August 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details
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	<p>to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The development shall provide for a reduced floor area in accordance with Drawings no. 20_038_PL_011, 20_038_PL_015, and 20_038_PL_017 received by An Bord Pleanála on the 8th of August 2020.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The windows on the south west elevation shall be glazed with obscure glass.</p> <p>Reason: To prevent overlooking of adjoining residential properties.</p>
4.	<p>a) Details of the materials, colours, and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>b) A lighter colour shall be used than that indicated for the zinc cladding.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p>

	<p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
8.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Paul O'Brien

Planning Inspector

9th December 2020