



An
Bord
Pleanála

Inspector's Report ABP 310004-21

Development	Construction of five single storey independent dwelling units (bungalows with terraces) and associated site development works.
Location	Land at Rear of Stg Agnes Convent Captain's Place, St. Agnes Avenue, Crumlin, Dublin 12.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2126/21.
Applicant	St Agnes Property Ltd.
Type of Application	Permission.
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	St Agnes Property Ltd..
Date of Site Inspection	18 th August, 2021.
Inspector	Jane Dennehy.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
7.0 Assessment.....	8
7.7. Appropriate Assessment.	9
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10

1.0 Site Location and Description

- 1.1. The application site is within the former lands at St Agnes Convent and a recently constructed Primary Care Centre Building occupied by the HSE, a pharmacy and a cafe at the rear of schools with access from Armagh Road which is Phase 1 of the overall development of the convent lands. The former convent lands at the rear of the Phase 1 development are part developed. Independent living units in blocks, six of which have been constructed on these lands and the front central section of the site for which there is a grant of planning permission for a residential care facility is fenced off.
- 1.2. The application site comprises a subdivided space at the rear of the footprint for the permitted residential care facility adjacent to the main pedestrian route and open amenity space across site overlooked by the residential care facility and the blocks of independent living units. This subdivided site area is on the opposite side of the pedestrian route in front of two (Cedar Building and Elm Building) of the six constructed and occupied blocks of independent living units
- 1.3. It is noted that permission has also been granted, in 2021 for a building to the west side of the Cedar Building for eight independent living units and that permission has also been granted for two garden rooms and for a building to the east side of the Elm Building with sixteen independent living units and two garden rooms. (P.A. Reg. Ref. 2125/21 refers)
- 1.4. To the west side of the convent building there is undeveloped land on which a permitted development of a further twelve independent dwelling units have not been constructed. (P. A. Reg. Ref. 4456/19/PL 308078 refers. Details are in section 4 below.)
- 1.5. To the north-east, east, and south there are two storey terraced dwellings along Cashel Road, Stanaway Road and Captains Road.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for the construction of five, one bed bungalows for use as independent living units with a total stated floor area of 256 square metres.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 23rd March, 2021, the planning authority decided to refuse permission based on the following reason:

“Having regard to the quantum of development already permitted on this site, and the location of the five independent living units on what is the main communal open space for the scheme, it is considered that the proposed development would constitute overdevelopment the site, would decrease the amount of communal open space for the entire scheme, and would seriously injure the residential amenities of the occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his report notes the proposed location of the five independent living units on lands that are designated as a central communal open space associated with the residential care facility and within the overall development and that the current proposal contributes to erosion of communal open space. Reference I also made to the grant of permission for the space to the side of the convent building in this regard, for twelve independent living units. (P. A. Reg. Ref. 4456/19/PL 308078 refers. Details are in section 4 below.) A refusal of permission is recommended based on grounds of overdevelopment and undesirable precedent for similar developments
- 3.2.2. The reports of the Transportation Planning Division and the Drainage Division indicate no objection to the proposed development subject to conditions.

4.0 Planning History

P.A. Reg. Ref.2125/21: - Permission was granted, subject to standard conditions for two infill builds of four storeys providing for a total of sixteen independent living units, (eight in each building) two garden rooms. It is noted from review of the application's site layout plan that the proposed location is to the east side of the Elm Building

P. A. Reg. Ref. 3161/20: Permission was granted for modifications to the permitted Nursing Home comprising: - Reconfigured basement, decrease in floor plate of building, decrease in floor area of building; reconfiguration of floor plans to provide an additional 17 bedrooms bringing the total to 151 bedrooms and providing separate external access to common facilities within a 5 storey over basement structure. Modifications also include redesigned external gardens; an additional 8 car parking spaces and associated site works and services

P. A. Reg. Ref 2572/20/PL 307778: The planning authority decision to refuse Permission for Construction of two infill residential buildings of 3-4 storeys in height each accommodating 10 no. 1 bedroom independent living units (total 20 units) with associated balconies/winter gardens and associated site works and services was upheld following appeal based on the following reason: -

“Having regard to the close proximity of the proposed infill blocks to the existing blocks, the narrow width between the footprints and the height, scale and mass and the design of the proposed blocks, and resultant substitution of narrow circulation space for the communal amenity space between blocks, it is considered that the proposed development would seriously injure the residential amenities of occupants of and the visual and residential amenities of the integrated independent living units and residential care facility within the site and would be contrary to the proper planning and sustainable development of the area.”

P. A. Reg. Ref 4456/19/ PL 308078: - Further to appeal permission was granted for for construction of a residential building of three storeys in height, accommodating twelve 1-bedroom Independent Living Units, with associated balconies, 6 on-site carpark spaces, associated site works and services.

P. A. Reg. Ref.3544/ PL305593: The planning authority decision to refuse permission for a development consisting of construction of two. infill residential buildings of 3-4 storeys in height, each accommodating 11 no. 1-bedroom independent living units (total 22 units) with associated balconies and associated site works and services based on the following reason.

“Having regard to the close proximity, height, and scale of the proposed development to the previously approved blocks, and to the design and

disposition of the proposed infill blocks, it is considered that the proposed development would represent a poor design response where the resulting narrow circulation spaces would be of poor quality and overbearing in nature. The proposed development would have an adverse impact on the amenities of future occupants of the development and would, therefore, be contrary to the proper planning and sustainable development of the area.”

- 4.1.1. Permission for the residential care facility, not yet constructed was granted under P. A. Reg. Ref. 2882/12 (PL 241890) Subsequent modifications were permitted under P. A. Reg. Refs. 3610/18 and 3611/18
- 4.1.2. There is a prior planning history for the primary care centre and renovation and change of use of the convent buildings to medical and health care now complete and in operation under P. A. Reg. Ref. 2881/12 (PL 241889).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective ‘Z15’: *to protect and provide for institutional and community uses”*.
- 5.1.2. Policy QH14 provides for support for ILUs and supported living for older people and provision for purpose-built accommodation and section 5.5.4 provides for quality housing for all including the specific accommodation needs for older people. Policies QH03 and QH4 provide for the drawing up of design principles for good practice in providing for age friendly accommodation in connection with the appropriate housing bodies and agencies.
- 5.1.3. Indicative site coverage is 50% and plot ratio is 0.5-2.5.
- 5.1.4. The location is in Area 3 for Parking and according to Table 16.1 there is a requirement for one space per two dwellings and one space per two bed spaces for the residential care facility

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was received from McGill Deign on behalf of the applicant on 21st April, 2021 in which it is requested that permission be granted.
- 6.1.2. It includes a detailed account of some of the planning history, (in that some recent applications are not included), background and context to the overall integrated primary health and residential care development, described as being in five phases, the proposed development being Phase, the current proposal and national and regional policy, the current CDP and the Dublin City Age Friendly Strategy 2014-2019 including that of the specific accommodation facilities and needs for older people.
- 6.1.3. According to the appeal grounds:
- The proposed development is small scale and it is consistent with the submitted overall masterplan having regard to the revisions permitted for the nursing home under P.A. Reg. Ref. 2126/20.
 - The reduction at 300 square metres in open space involved is insignificant and the proposal should also be considered in conjunction with a conjoined application for sixteen independent living units and seventy square metres of communal rooms and extended paved areas. An excess of 160 square metres in internal hall and meeting areas responds to residents' needs. (P. A. Reg. Ref 2125/20 refers)
 - There is a high quality to the overall development with ample green space at the front and rear of blocks, paved accessible routes which are joined to the current proposal. The proposed dwellings add visual interest and of sense place and the pedestrian street will be enhanced. There are good quality own door south facing units fronting onto the pedestrian street.
 - The suggestion that the communal open space is being eroded is rejected. In that the existing space, in spite of the reduction has been enhanced, improved and connected and there are additional facilities and amenities

- There is abundance of open space which can support one hundred and thirty residents. The nursing home has been redesigned so that a shop café and hairdresser are accessible for (independent) residents
- Observations made in the planning officer report and references to extracts (provided in the appeal) to the inspector's report on the proposal for the nursing home element within the scheme regarding impact on quantum of open space are inappropriate and incorrect due to the following considerations:
 - The proposed development is not located in open or communal open space but in private open space for the nursing home. It was intended that the space could be made accessible to the residents of the independent living units but the accesses from the street are now gated for reasons of security and health. The space is not required for the nursing home and visual amenity will be available to the rooms above ground level.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The open aspect of the overall scheme has been significantly eroded by recent additions of independent living units by way of the blocks Cherry and Hawthorn between the Birch and Cedar Building and the Elm and Fir Buildings leading to a gradual increase in pedestrian corridor effect as opposed to a pedestrian route benefiting from adequately sized and well configured open passive recreational spaces with amenity potential relative to the buildings.
- 7.2. It is considered that there is no capacity within the overall development for further site coverage with buildings, at the cost of the diminution in amenity potential and quantum of communal or open space provision and open aspect benefitting the residents.
- 7.3. In this regard, the remarks in the appeal as to the quantum and as to statement therein as to designation of the space within the site area as private open space as

opposite to communal or open space within the overall scheme is considered to be immaterial. The remarks of the planning officer in his report as to the subject area reading as communal open space on application drawings is reasonable. The space clearly would not function as private open space associated with an individual dwelling unit

- 7.4. Diminution in quality of amenity potential for residents, to facilitate an increased density or quantum of units is of particular concern given that the nature of occupancy of the overall development whereby an outlook over or access to open aspects and outdoor amenity space is of particular importance to quality of life and residential amenity. Furthermore, given the necessity for consistency with the zoning objective with the CDP, which is to provide for institutional and community uses, protection and preservation of quality and quantum of communal and open amenity space is particularly pertinent in the interests of occupants.
- 7.5. In conclusion therefore, it is agreed with the planning officer that the insertion of the proposed five additional dwelling units into this central space would seriously injure the residential amenities within the scheme and the decision of the planning authority to refuse permission is supported.
- 7.6. **Environmental Impact Assessment – Screening.**
- 7.6.1. Having regard to the minor nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.7. **Appropriate Assessment.**
- 7.7.1. Having regard to the scale and nature of the proposed development and to the location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld. Draft Reasons and Considerations follow.

9.0 Reasons and Considerations

“Having regard to the quantum of development already permitted on this site, and to the location of the proposed development, adjacent to the main pedestrian route between the residential care facility building and the blocks of independent living units it is considered that the proposed development would sever and would diminish the quality, quantum and amenity potential of the overall scheme. As a result, the proposed development would constitute substandard overdevelopment, would seriously injure the residential amenities of current and future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.”

Jane Dennehy
Senior Planning Inspector
20th August, 2021.