



An
Bord
Pleanála

Inspector's Report

ABP-311726-21

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| Development | Single storey extension to rear of existing nursing home and associated site works |
| Location | Roseville Nursing Home, Meath Road, Bray, Co. Wicklow, A98 XW24 |
| Planning Authority | Wicklow County Council |
| Planning Authority Reg. Ref. | 21990 |
| Applicant(s) | Denise Dunne |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third Party |
| Appellant(s) | Damien Nolan |
| Observer(s) | None |
| Date of Site Inspection | 6 th January 2022 |
| Inspector | Ian Boyle |

1.0 Site Location and Description

- 1.1. The subject site comprises an existing Nursing Home (Roseville Nursing Home) and has an address at No. 49 Meath Road, Bray, Co. Wicklow, A98 XW24. It is situated approximately a 1km to the west of Main Street, which is the main throughfare of Bray town centre.
- 1.2. The site accommodates an existing five-bay, two-storey, former redbrick house, which is now in use as a nursing home. The house is from Victorian-era and listed on the National Inventory of Architectural Heritage (NIAH Ref. 16301024). It is set back behind a low redbrick wall with square gate pillars and a wrought-iron gate. The front façade of the house has two projecting bays. A metal fire escape staircase has been added to the north side of the building in more recent years and the former front garden is now used as a surface carpark.
- 1.3. There is an existing vehicular access at the front of the site, which is the western boundary, and a narrow access lane is at the rear connecting the site to Convent Avenue to the northwest.
- 1.4. The site is adjoined to the north by two existing detached dwellings (Lonsdale and Alvernor), the east by the Dublin-Rosslare railway line, the south by two further dwellings (St. Andrew's and Easkey) and the west by Meath Road.
- 1.5. The site has a stated area of 0.15ha.

2.0 Proposed Development

- 2.1. The proposed development is for a new single-story visitor room and ancillary site works.
- 2.2. It is stated that the visitor room is needed due to Covid-19 visiting complications and to allow to family and friends to meet under safe conditions.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission on 28th September 2021, subject to 7 no. conditions, which are standard in nature.

3.2. Planning Authority Reports

3.3. Planning Reports

- The Planner's Report stated that the proposal is fundamentally an extension of the existing visiting room. The floor area of the extension is 49sqm and 3m in height. The existing visiting space is small at 10sqm. The proposal is larger in size by approximately fivefold.
- The proposed external finishes are not stated. However, this could be dealt with by way of condition in the event of a grant of permission.
- The proposed extension is single storey and would not be located beyond the line of existing patio boundary on the site. It is, therefore, considered that the proposed extension would not result in overshadowing or overlooking of the adjacent property.
- In relation to the issue of additional noise from the proposed development, it is not considered that any noise from the proposed development would not be excessive.
- The Planner's Report recommended that permission be granted.

3.4. Other Technical Reports

Municipal District Engineer: No roads or drainage objection. However, bedroom no. 22 would become an inner room. The potential impact on escape routes and fire safety should be considered.

Roads Department: No objection.

3.5. Prescribed Bodies

Irish Water: No objection.

Irish Rail: No objections. However, some observations were raised in relation to proposed boundary treatments and excavation, various protocol required to be followed during the construction phase if permission granted (for example, use of a crane over the railway line), consideration of noise and vibration caused by the operational railway line and its related activities.

3.6. Third Party Observations

A third party observation was received by a resident in the area (Damien Nolan), who resides in Alvernor. Alvernor is the house adjoining the appeal site at its north-western corner.

The main concerns raised are summarised as follows:

- Proposed development would be overdevelopment of the site.
- The proposed extension could potentially be converted to bedrooms in the future. It is also possible that an application could be lodged seeking the conversion of the single-storey extension to be converted into a two-storey extension.
- Permission was refused previously for a similar development (Reg. Ref. 11/116 applies).
- Residential amenity impact would be experienced by adjoining properties (visual impact, overshadowing, etc.)

4.0 Planning History

Subject Site

Reg. Ref. 17/446: The Planning Authority granted retention permission for two timber sheds constructed along the rear (eastern) and side (north) boundary of the site on 13th June 2017.

ABP Ref. PL27.243897 (Reg. Ref. 14/630036): The Board granted permission to amend a previously permitted extension (ABP Ref. PL39.241450) comprising flat roof to pitched roof, 4 no. ensuite bedrooms, living room and internal alterations on 28th January 2015.

ABP Ref. PL39.241450 (Reg. Ref. 12/630075): The Board granted permission for the demolition of part of single storey extension to rear, addition of extension to rear with all associated site and development works on 26th April 2013.

Reg. Ref. 11/630116: The Planning Authority refused permission for the demolition of part of the existing single storey extension to the rear nursing home and the addition of a new rear extension consisting with all associated site and development works on 29th May 2012.

Reg. Ref. 10/630078: The Planning Authority granted permission for a laundry extension and staff changing room at the north side of the existing nursing home, pedestrian gate and removal of temporary prefab unit on 10th September 2010.

Reg. Ref. 99/19: The Planning Authority granted permission for a single-storey extension comprising 9 bedrooms with ensuite, day room, kitchen, sluice room, first floor extension of an existing bedroom and associated parking on 9th June 1999.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan 2018-2024

- 5.1.1. The site is zoned 'Existing Residential', under the *Bray Municipal District Local Area Plan 2018-2024* ('LAP').
- 5.1.2. The LAP states that the purpose of this zoning objective is to protect, provide and improve residential amenities of existing residential areas. The description for the zoning is provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

5.1.3. The LAP states that land uses generally appropriate for residential zoned areas includes nursing homes.

5.2. **Wicklow County Development Plan 2016-2022**

5.2.1. Appendix 1 of the *Wicklow County Development Plan 2016-2022* ('Development Plan') includes Development Management Standards, which are applicable to the proposed development.

5.3. **Natural Heritage Designations**

No natural designations apply to the subject site.

The closest European site is the Bray Head SAC (Site Code 000714), which is approximately 750m to the south. The site is also a designated pNHA (Site Code 000714).

The Ballyman Glen SAC (Site Code 000713) is approximately 3km to the west.

The Knocksink Wood SAC (Site Code 000725) is approximately 4.9km to the west.

The Rockabill to Dalkey Island SAC (Site Code 003000) is approximately 5.4km to the north.

The pNHA Dargle River Valley (Site Code 001754) and pNHA Great Sugar Loaf (Site Code 001769) are approximately 3.2km and 4.5km to the southwest, respectively.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. A third party appeal has been made by a resident in the area (Damien Nolan), who resides in Alvernor.

6.1.2. The main grounds of appeal generally reiterate the concerns raised in the previous observation to the Planning Authority made by the same party. However, the appeal raises the following additional main concerns:

- Numerous applications for larger scale extensions to the existing nursing home have failed. It is the objective of the owner, however, to continue trying to develop this commercial enterprise to the maximum extent possible. The subject development proposal is unnecessarily large.
- The size and scale of the proposed extension is not mandated by the Health Information and Quality Authority (HIQA) and there are other potential temporary options available to the nursing home which would facilitate safe visits during C19.
- The existing facility causes significant residential amenity impacts, including noise, visual impacts, light spill and glare. This is not consistent with what is a Residential Zone.
- The proposed development would be contrary to the objective of the land use zoning objective, which is *inter alia* to protect existing residential amenity in the area.

6.2. Applicant Response

The Applicant lodged an Appeal Response on 24th August 2021, which includes the following main points:

- The existing visitor area is 10sqm and no longer fit for purpose. The new extension would be 49sqm, single-storey and improve the size of the visiting area to facilitate social distancing.
- The proposed development is consistent with the various applicable development management standards, including plot ratio, side separation distances.
- The proposed extension at 3m in height would not increase the height of the existing structure and, as such, would not increase the potential for overshadowing of neighbouring properties.
- The proposed extension does not decrease the separation distance between the subject building (nursing home) and Appellant's dwelling. The existing boundary wall would be sufficient to prevent direct overlooking and the Appellant's property is located 9/10m from the proposed glazed door.

- The Appellant states that the area is a 'residential zone', thus, suggesting the nursing home is a non-compatible use. However, nursing homes are listed as permitted in principle under the relevant zoning provisions.
- The previous application for extending the nursing home was for a larger extension and is not a 'like-for-like' comparison. The refused extension was for two-storeys with a floor area four times that of the subject proposal and plot ratio of 0.6 (Reg. Ref. 11/630116). The current proposed development would not be bulky, excessive in height or exceed the envisaged plot ratio for the site, which is 0.5. The proposed extension seeks a plot ratio of 0.49.
- In terms of noise, the proposed development would assist in reducing this potential nuisance as the extension would enclosing the space and allow visitations to occur indoors. Most visits currently take place outside.
- There is little or no potential for the proposed development to generate light spill on the adjacent property given its height (3m), distance from the Appellant's dwelling (10m) and that there is a boundary fence in place (2m in height). Condition No. 7 of the Council's Notification of Decision to Grant Permission requires any external lighting to be cowled and directed away from the Appellant's property.
- The Appellant submits that the proposed development is a precursor to attain permission for a future two-storey extension. The Applicant confirms that this is not their intention.

6.3. Planning Authority Response

- None

7.0 Assessment

The main planning considerations relevant to this appeal are:

- Overdevelopment
- Residential Amenity
- Appropriate Assessment

7.1. Overdevelopment

- 7.1.1. The proposed development is for a single storey extension of the existing nursing home. The stated purpose of the extension is to accommodate members of the public, who are often family and friends, visiting residents of the facility. The Applicant confirms that Covid 19 has made visitations more difficult due to social distancing requirements and given the older age profile of the nursing home residents who are more at risk of severe illness.
- 7.1.2. The Appellant submits that the proposed extension is of an excessive size and scale and that it would represent overdevelopment of the site. It is also stated that as the appeal site and Appellant's property are within a 'Residential Zone' – where the objective is to protect existing residential amenity – the proposed development would be contrary to its land use zoning objective.
- 7.1.3. The zoning for the site is 'Existing Residential'. The LAP references nursing homes being as generally appropriate for residential zoned areas, subject to being in accordance with the Development Plan. The proposed development, therefore, would not be in conflict with the relevant zoning objective for the lands, in my opinion.
- 7.1.4. Appendix 1 of the Development Plan (Development and Design Standards) states that the maximum plot ratio for housing at the edge of centre is 0.5 (5,000sqm per ha). I note that the current plot ratio onsite is 0.48, which would increase to 0.52 under the proposed development, which is slightly above the maximum permitted. However, given the small scale of the proposed extension, which is 49sqm and single storey in height, I consider it an appropriate scale of development for the site and its receiving environment.
- 7.1.5. The proposed extension reaches a maximum overall height of 3m. It would not exceed the ridge line of the existing structure and, in my opinion, would sit comfortably within the existing massing and volume of development that is currently onsite. The extant building is taller on southern side of the site, meaning the existing building already impedes the sun path during the various times of day. The proposed extension would not be likely to lead to any additional overshadowing, or obstruction of light as a result, particularly as it does not encroach any further towards the Appellant's property or past the existing enclosed patio. As such, and in my opinion,

the proposal would not give rise to any significant additional visual impact or increased likelihood of overshadowing.

- 7.1.6. I note that the existing visitation room is 10sqm and I would take the view, given its small size, that it is no longer well-equipped or suited for its designated role and that it could be improved. The Proposed Site Plan shows that the extension would be situated where the existing patio space is located. Therefore, the extension could be said to be filling in a gap between two existing parts of the building. Importantly, the new addition would not decrease the side separation distance between the nursing home and Appellant's property and would retain, what I consider, is a sufficient distance between the new build and the side boundaries of the site. This distance is 5.4m at its nearest point.
- 7.1.7. The new larger visitor room would provide increased space and improve the quality of care that is currently available at the home due to being able to facilitate more comfortable visitations. The room would be able to accommodate additional furniture, seating and small tables for its residents and their family and friends to meet. I note that the Applicant has stated Covid 19 is the main reason for requiring this additional space, such that spacing restrictions and other protocols can be more easily followed. Whilst this is acknowledged, the new visitor room would fundamentally improve the existing nursing home, in my view, and be better able to provide good-quality care and a more comfortable setting for residents to see, meet, and socialise with relatives and other people on a long-term basis. This would particularly be the case when weather conditions are inclement – as was the case during my site visit.
- 7.1.8. In relation to the Appellant's assertion that a larger visitor space is not a formal requirement of HIQA, or any other medical or health organisation, I consider this is not a valid planning consideration in the context of this appeal.
- 7.1.9. In summary, I consider that the extension would not seriously injure the visual or residential amenities of property in the surrounding vicinity. The proposed development is consistent with the zoning objective for the site and would not result in overdevelopment. It is, therefore, in accordance with the proper planning and sustainable development of the area and should be granted permission.

7.2. Residential Amenity

- 7.2.1. The Appellant states that they have concerns regarding potential overlooking and noise, which would negatively affect their residential amenity.
- 7.2.2. As noted above, the proposed extension is single storey and would not be situated any closer to the adjacent property to the north. It has been sensitively designed and positioned on the site such that it does not extend past the existing building line that runs along the north side of the appeal site. There is a proposed glazed door on the northern elevation of the visitor room. However, this has an overall height of approximately 2.4m, which is not considered excessive. It is further noted that the shared boundary wall that provides a good level of screening between the two properties and which is roughly 2m in height. Therefore, I consider it unlikely that the proposed extension could result in any significant overlooking of the Appellant's property.
- 7.2.3. In terms of potential noise created by additional activity due to visitations, I do not consider that this would be excessive or that it would be likely to be greater than experienced at present. The area where the proposed visitor room would be located is currently an external patio area. It is likely that enclosing this space would mean less visitations taking place outdoors and that noise could potentially be reduced because of this.
- 7.2.4. The issue of light spill and glare on adjoining residential properties could be addressed via condition. This would also assist in minimising any potential such impact from the development on the nearby railway line.

7.3. Appropriate Assessment

- 7.3.1. Having regard to the nature and small scale of the proposed development, which is an extension to an existing nursing home facility, located within an urban and serviced area, and the distance from the nearest European site; no Appropriate Assessment issues arise. Therefore, it is not considered that the proposed development would 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. I recommend that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the *Bray Municipal District Local Area Plan 2018-2024*, including the zoning objective for the site ('Existing Residential'), which states a nursing home use is generally appropriate for residential zoned areas; *Appendix 1* of the *Wicklow County Development Plan 2016-2022*; the existing use of the site; and size, scale and design of the proposed extension; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details 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>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> |

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| | <p>Sample panels shall be erected on site for inspection by the planning authority in this regard.</p> <p>Reason: In the interest of visual amenity.</p> |
| 3. | <p>Surface water drainage arrangements for the proposed development shall comply with the requirements of the Planning Authority.</p> <p>Reason: In the interest of public health.</p> |
| 4. | <p>Lighting shall be directed away from adjacent housing and gardens and directed and cowled such as to reduce, as far as possible, the light scatter over any adjacent houses and gardens and designed so as not to cause excessive glare or impair the vision of train drivers or personnel operating on track machines.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 5. | <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> |
| 6. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 7. | <p>The developer shall pay to the planning authority a financial contribution respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by</p> |

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| | <p>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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developers 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> |
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Ian Boyle
Planning Inspector

10th January 2021