



An
Bord
Pleanála

Inspector's Report

ABP-312362-22

Development

Demolition of structures to west and north of the building, construction of single-storey extension to east, two-storey extension to west and three-storey extension to north of the building. All associated site works & services. Existing structure is a protected structure (RPS Ref. No. SDCC RPS 285).

Location

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

Planning Authority

South Dublin County Council.

Planning Authority Reg. Ref.

SD21A/0212.

Applicant

Oaklands Nursing Home Ltd.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party.

Appellants

Michael & Regina Mills.

Observer(s)

None.

Date of Site Inspection

10th day of March, 2022.

Inspector

Patricia-Marie Young.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	6
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	10
3.4. Third Party Observations	10
4.0 Planning History.....	10
5.0 Planning Context	15
5.2. Local Planning Provisions	15
5.3. Natural Heritage Designations	16
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Applicant Response	18
6.3. Planning Authority Response	19
6.4. Observations	19
6.5. Further Responses.....	19
7.0 Assessment	20
8.0 Conclusion	38
9.0 Recommendation.....	38
10.0 Reasons and Considerations	38
11.0 Conditions	39

1.0 Site Location and Description

- 1.1. Having conducted a site inspection on the 10th day of March, 2022 and having previously inspected the site as part of my preparation of my report for appeal case ABP.306735.20, I consider that the site location and description given for this previous appeal case is by and large still applicable. It reads:

“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.

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.

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.

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”.

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.

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.

The surrounding area has an established residential suburban character and with Dublin city centre located c10km to the north east”.

- 1.2. To this I note that in the intervening time a single storey timber structure has been erected and a steel container has placed on part of the car parking area forward of the principal elevation of the main building on site. I also observed some works on going on site with a large skip also placed forward of the building line.
- 1.3. To this I further add that to rear of the main building there are a number of later additions and alterations of varying quality. The additions range from single storey to three storeys in their built form. These later additions and alterations obscure the original envelope and its later 2-storey addition of merit on its western side. The

modest area between the side and rear of the nursing home and its site boundaries are mainly hard surfaced with some mature planting evident on the easternmost boundary along a side driveway.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of single storey structures attached to the west and north of the existing building; construction of a single storey (53.1sq.m) extension attached to the east of the existing building; two storey (161sq.m) extension attached to the west of the existing building; three storey (189.2sq.m) extension attached to the north of the existing building; the existing structure is a protected structure (RPS Ref. No. SDCC RPS 285); construction to include all associated site works and enabling works.

2.2. On the 5th day of November, 2021, the applicant submitted their further information response to the Planning Authority. Due to this response not being deemed significant in its nature no new public notices were submitted. This response:

- Clarifies the removal of trees and that no trees forward of the front wall of the existing primary building would be removed as part of this development.
- Clarifies the replacement soft landscaping.
- Provides a revised Site Layout Plan showing revised car parking spaces and bicycle parking provision. It also shows the location of a formalised accessible spaces and electrical charging points. In total it shows that in addition to the 10 existing car parking spaces 11 car parking spaces are proposed and a bike store that would accommodate 10 bicycle spaces.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. By order dated that 2nd day of December, 2021, planning permission was **granted** for the proposed development subject to 10 no. mainly standard conditions including:

- Condition No. 2: Requires that the window at the first-floor elevation on the western elevation of the two-storey extension to the west of the existing building be glazed in obscure glazing.
- Condition No. 3: Requires compliance with architectural conservation sub conditions.
- Condition No. 4: Restricts the commencement of development on site until the landscaping details are agreed. This condition also requires the provision of a detailed Arboricultural Impact Assessment through to the payment of a trees/hedgerow bond.
- Condition No. 5: Deals with Surface Water Drainage.
- Condition No. 6: Relates to Irish Water Connection Agreement.
- Condition No. 7: Sets out road and parking infrastructure requirements. It also requires a revised pedestrian route layout from existing pedestrian main gate to the reception door of the facility, agreement of a Construction Demolition and Waste Management Plan, and a Mobility Management Plan to be completed within six months of the opening of the development.
- Condition No. 8: Deals with the matter of minimising air borne dust.
- Condition No. 9: Deals with the matter of construction noise and hours.
- Condition No. 10: Sets out the financial contributions payable.

This decision order is accompanied by a number of notes and addendums including one setting out the requirements of Section 34(13) of the Planning and Development Act 2000, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report**, included the following comments:

- The applicant has indicated that the removal of trees along the eastern boundary is necessary to facilitate the proposed development and it is welcomed that the revised design now includes a formal line of birch trees at this boundary. Notwithstanding, further details are required in relation to the proposed removal of trees at this location.
- The applicants revised site layout plans show a proposed car parking layout with formalised accessible spaces and electrical charging points. This is deemed to be acceptable as is the quantum and type of bicycle storage proposed.
- Details including pedestrian routes, storage, Mobility Management Plan and the provision of a Construction Traffic Management Plan can be dealt with by way of condition.
- Development contributions for the additional 409.2m² extension are applicable.
- Concludes that the applicant has in general satisfactorily dealt with the Planning Authority's further information request and that the development sought under this application accords with the policies and objectives of the Development. Therefore, a grant of permission, subject to safeguards, is recommended.

The **initial Planning Officer's report**, concludes with a recommendation for additional information on the following matters:

- | | |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Item No. 1: | Raises concerns in regard to the removal of vegetation along the eastern boundary and it seeks details to be provided in relation to the treatment of this boundary. It also sets out that if vegetation is to be removed and clarification on what mitigation measures are proposed to address residential and visual amenity impact. |
| Item No. 2: | Requests clarification on trees for retention and trees for removal. |
| Item No. 3: | Clarification is sought in relation to the differences in car parking shown in the application drawings and bicycle parking provisions. |

3.2.2. Other Technical Reports

Architectural Conservation Officer: Their report dated 13th day of September, 2021, includes the following comments:

- The current application provides a modified proposal to previous application P.A. Ref. No. SD19A/0200 that was refused on appeal by the Board.
- The revised proposal does not include any development to the front site of the Protected Structure with the extension built on either side and to the rear of it instead.
- The extension is two storey and in part single storey with the latter responding to neighbours' concerns.
- The internal alterations are limited to a few rooms in the existing building.
- The current proposal seeks to fit as much as possible of the essential additional required accommodation to the sides and rear of the Protected Structure. The rear wall and the vegetation to the side boundaries would provide significant screening of the extension proposed.
- This proposal seeks to clearly define contemporary new additions from existing structures and the minimalist treatment of the new elevations provides appropriate contrast to the existing structure.
- The Energy Efficiency and Climate Adaption Design Statement is welcomed.
- The overall design, location, mass, and treatment of the proposed new extension allows for the new extensions to sit sensitively within the subject site.
- The extension would have minimal impact on the garden and overall setting of the Protected Structure.
- An improved landscaping design as well as the approval of materials and finishes are recommended.
- This report concludes with a schedule of recommendations.

Environmental Health Officer: In a report dated the 26th day of August, 2021, no objections are raised subject to the imposition of a recommended condition to deal with noise; plant equipment and air quality.

Water Services: In a report dated the 25th day of August, 2021, raises no objection subject to the imposition of conditions relating to surface and foul water drainage.

Public Realm: A **final report**, dated the 15th day of November, 2021, indicates that the applicant's additional information response is generally acceptable subject to any

grant of permission including additional safeguards in relation to final details of the landscaping works; proposed tree planting along the eastern boundary; through to measures for protection of existing trees to be maintained that could be potentially adversely impacted by the construction works. It requests that a condition be included for a tree bond to the sum of €20,578 and an Arboricultural Assessment. It also requests that a condition be imposed requiring that the mitigation measures contained in the Bat Assessment Report be implemented in full.

Transportation: A **final report** dated, the 17th day of November, 2021, raised no objection subject to safeguards.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.4. **Third Party Observations**

3.4.1. During the determination of this planning application the Planning Authority received two Third Party submissions. The Third-Party Appellant reiterate their main concerns in relation to the proposed development were it to be permitted. The submission from Sally Park Residents Association raises procedural, traffic, residential amenity, built heritage, security of their property, boundary treatment through to adequacy of car parking to cater for visitors concerns.

4.0 **Planning History**

4.1. **Relevant Planning History: Subject Site**

- **ABP. 306735.20 (P.A. Ref. No. SD19A/0200):** On appeal to the Board planning permission was **refused** for a development described as the 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 for the following stated reason and consideration:

“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 and south 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, which would seriously detract from the intrinsic character and setting of the Protected Structure and Recorded Monument. Moreover, it would diminish the potential for visual appreciation of the Protected Structure from within its limited remaining landscaped curtilage and would result in further and unacceptable 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 policies set out in the South Dublin Development Plan, 2016 to 2022, in relation to the protection of archaeological and architectural heritage, and would, therefore, be contrary to the proper planning and sustainable development of the area.”

This decision was made on the 11th day of November, 2020, and it is accompanied by the following note which reads:

“The Board noted the concerns of the Inspector in relation to traffic safety, and particularly the varying number of car parking spaces shown on the submitted drawings. However, having regard to the substantive reason for refusal, the Board decided not to pursue this matter further with the parties”.

- **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 Planning Context

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, as amended, 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, the following Natura of 2000 sites are situated within its wider setting:

- 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 this Third-Party Appeal can be summarised as follows:

- Concern is raised in relation to one particular element of the proposed development sought under this application. That is the single storey extension on the eastern side, and the adverse impact it would have on their residential amenities.
- Under a previous application P.A. Ref. No. SD04A/0054 that in the exact location to this element a similar extension was refused by way of omitting it from the remainder of the development permitted by way of condition and for reasons given in the interest of residential amenity.
- On appeal to the Board permission was refused for the construction of a two storey 475m² extension and a link corridor at the same location (Note: ABP Ref. No. PL06S.243632 / P.A. Ref. No. SD14A/0096). In light of this decision by the Board and having regard to the planning history of the site it is considered that this element should be omitted from any grant of permission for the same reasons and considerations given by the Board in appeal case ABP PL06S.243632.
- The single storey element of concern would be visually dominant and overbearing as appreciated from their property. In this regard, it is noted that this extension on the eastern side of the building would have a 11.48ft height and would directly face their property and its width would span the entire width of their property.
- They have an extension to the rear of their property which is not shown on the submitted drawings by the applicant. Thus, there would be less separation distance between their living spaces and this extension than what is shown in the submitted drawings and documentation accompanying this application. With such proximity adverse residential amenity impact would arise from overshadowing of their private amenity space and the interior spaces of their home.
- Negative impact on residential amenities is contrary to 'RES' land use zoning objective.
- To facilitate this development the applicant proposes to remove existing trees and shrubbery that screen their homes from the nursing home.

- The screening with Birch trees as part of the replacement boundary is not suitable as these can grow up to 25m high and spread 8 to 10 metres in width. Of additional concern they have shallow roots and can result in aggressive spreading over a large area which could cause issues with boundary walls and the walls of the nursing home itself. Moreover, they would be oppressive and hugely impactful on their residential amenity by way of overshadowing over and above the existing situation.
- The proposed extensions would be visually discordant features and would further detract from the visual appreciation of the Protected Structure.
- Concerns are raised in relation to the suitability of the hours where construction works permitted by way of condition by the Planning Authority. The hours are not cognisant of the residential setting and also the nursing home itself. As such these are objected too and should be amended should the Board be minded to grant permission.

6.2. **Applicant Response**

6.2.1. The Applicants response can be summarised as follows:

- The previous application sought a large impactful extension to the east of the existing building. However, the design included a single storey built form that sought to minimise overshadowing of properties in its vicinity.
- An existing and resulting shadow impact has been undertaken with this assessment provided with this response.
- The development proposed, if permitted, would not have any appreciable impact on the daylighting of the existing buildings around the proposed site.
- It is accepted that the choice of trees is not satisfactory to the appellant. In response to this it is proposed to amend their choice of tree to be planted along the eastern boundary.
- The existing trees on site are approximately 6m in height and it is intended to replace these without exacerbating the precedent set by the existing foliage within a realistic timeframe.

- The design team have also worked with G1 graded RIAI conservation architect and consultation was had with South Dublin County Councils conservation staff.
- The proposed development would have minimal impact on the Protected Structure.
- Due to the residential nature of the facility the contractor would be instructed as part of their contract to not undertake any noisy or intrusive works prior to 9am any day during construction.
- Early on-site attendance will only accommodate minimal impact and low noise work or would facilitate the later undertaking of significant works.
- Every effort would be employed to make intrusive works occur closer to midday and early afternoon to accommodate residents.

6.3. **Planning Authority Response**

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

- They confirm their decision.
- They consider that the issues raised in the appeal have been covered in their Planning Officer's report.

6.4. **Observations**

6.4.1. None received.

6.5. **Further Responses**

6.5.1. On the 8th day of February, 2022, the Board received a further response from the Planning Authority. The comments therein reiterate those in their submission received by the Board on the 28th day of November, 2021.

6.5.2. On the 13th day of February, 2022, the Board received a further response from the **Third-Party** Appellant. It can be summarised as follows:

- The drawings submitted by the applicant that deal with the matter of daylight does not consider the height of the proposed trees, the planting of which has been a condition applied by the Planning Authority in their grant of permission. These trees

have been conditioned to address any negative visual impact that this development may have on the adjoining residential properties.

- The shadow impact provided by the applicants only serves to demonstrate how extensive the shadowing is from the existing building on the surrounding residential properties.
- The site is already overdeveloped in its capacity as a nursing home.
- It is acknowledged that the applicant is willing to amend the type of tree, and this is welcomed as is their intention not to allow the trees to grow to such a significant height. Notwithstanding, this is contrary to their past behaviour given that they never trimmed or pruned the trees growing the far side of their boundary wall.
- The applicant falls short in giving a commitment to more favourable working hours including on Saturdays reflecting the sites context in a residential area.
- The significant works required to facilitate this proposed development are unlikely to fall below acceptable noise levels.

7.0 **Assessment**

7.1. *Preliminary Comment*

7.1.1. I consider that the key issues for consideration in this appeal relate to the following:

- Impact on Amenities.
- Impact on Built Heritage.
- Other Issues.

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

7.1.3. Prior to commencing my assessment below I note that the proposed development was revised by way of the applicant's further information response submitted to the Planning Authority on the 5th day of November, 2021. The Planning Authority's decision to grant permission subject to conditions was based on the proposed development as revised. I consider that the information provided by the applicant in their further information response on matters such as landscaping, boundary treatments, car parking, bicycle parking/storage through to the extent of tree removal

allow for a more informed assessment of the development that is sought under this application. Therefore, my assessment below is based upon the proposed development as revised.

- 7.1.4. I also note for clarity that the general principle of an extension to an existing nursing home establishment on ‘RES’ zoned lands whose land use objective is to protect and/or improve residential amenity given that ‘*residential institutions*’ and ‘*nursing homes*’ institutions are types of developments listed as being permissible. This is however subject to safeguards.
- 7.1.5. I am also cognisant that 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.
- 7.1.6. 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 Development Plan 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*”.
- 7.1.7. In addition, Section 6.4 of the National Planning Framework, which deals with the matter of Age Friendly Communities sets out that the numbers of people aged over 65 will more than double to 1.3 million people by 2040, thus making up 23% of the population. This I note is a significant increase given that in 2016 people aged over 65 made up 13.5% of the population.
- 7.1.8. The NPF also recognise that “*as people get older, they are likely to have increasingly complex healthcare needs, with a requirement for services and facilities to support the provision of suitable and necessary care*”.
- 7.1.9. National Policy Objective 30 sets out that “*local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans*”.

- 7.1.10. Moreover, National Strategic Outcome 10, includes provision for 'Services for Older People'. It sets out the need for additional capacity through long-term residential care beds to meet demographic needs and additional short-term beds to deliver an improved model of care for older persons.
- 7.1.11. Based on the foregoing it is my considered opinion that the general principle of the proposed development is acceptable on 'RES' zoned land. Moreover, given the site's location in accessible and well-connected suburban area of Dublin well served by transportation links. As well as adjoining recreational amenity and being in proximity to other synergistic land uses including those present along Firhouse Road that the expansion of an existing and long-established nursing home facility is not out of context with its setting.
- 7.1.12. I also concur with the Planning Authority that other matters such as compliance with development management standards relevant to the development sought, infrastructural and service provision raise no particular substantive concerns in this case. With any minor outstanding issue in relation to such matters being such that they are appropriate to be dealt with by way of standard conditions.
- 7.1.13. Further, the Third-Party Appellant in their grounds of appeal submission raise no particular concerns on such matters and I am also cognisant that the site is a brownfield site with existing connections to public water and mains drainage for which there is capacity to accommodate the additional needs and demands this development would require.
- 7.1.14. Moreover, there is sufficient space on site subject to appropriate design that are sympathetic to the built heritage of the site and the use of the structures thereon as a residential institution to accommodate other requirements including car parking, bicycle parking through to waste storage.
- 7.1.15. I therefore do not propose to deal with these matters in my assessment below as they are matters which in my considered opinion the Board would have made the same conclusions upon to that of the Planning Authority. As such my assessment below confines itself to the substantive planning issues raised by the Third-Party Appellant in their appeal submission to the Board.
- 7.1.16. In terms of procedural issues, I note that as part of the Planning Authority's determination of this application concerns were raised by Third Parties that the public

notices were not sufficient to describe the scope of works to be carried out including to the Protected Structure.

- 7.1.17. On this matter I note that Section 3.4 of the Development Management Guidelines for Planning Authorities, 2007, sets out that: *“the purposes of public notices is to inform the public of the proposed development and to alert them as to its nature and extent.”* It also notes the amendments to Planning and Development Regulations, 2001, as amended which amended Article 18 and Schedule 3, Form No. 1, provides that the public notices should give a brief description of the nature and extent of a proposed development.
- 7.1.18. The said Guidelines also indicates that they should *‘as a rule of thumb, a notice is not required to include details that can reasonably be assumed to be part of a normal part of development’* and that a common-sense approach to informing the public of the nature and extent of the development should be applied.
- 7.1.19. In this case I am of the view that the description of the development is consistent with this as they do provide a clear brief description of the nature and extent of the proposed development as well as to the fact that the development includes works to a structure that is a designated Protected Structure.

7.2. Impact on Amenities

- 7.2.1. The two main concerns raised by the Third Party Appellant is: firstly, the impact that the proposed eastern side extension; the loss of screening of the nursing home as viewed from their property by way of the removal of mature trees and hedging along the eastern boundary of the site; the adequacy and appropriateness of the replacement boundary treatments with these having the capacity to give rise to additional levels of overshadowing over and above the existing context alongside the type of tree species chosen has the capacity to give rise to interference by way of structural damage to boundaries and other features in the vicinity of the tree planting proposed. And secondly, that the proposed extension would be visually intrusive and overbearing when viewed from their property as well as in the context of their property.
- 7.2.2. I also note that the appellants submission also raises concerns that the documentation submitted by the applicant has failed to accurately depict their property and its relationship with the proposed development. On this point they note that the Board should have regard to the fact that their property has been extended to the rear and

that this is not shown in the drawings submitted with this application. It therefore should not be accepted by the Board that the documentation provided accurately depicts its context in relation to adjoining properties in its vicinity. But also, as a result the mitigation measures proposed to safeguard their established residential amenity arguably are based on a context where there is more generous distance in place between the rear of their dwelling and the eastern extension proposed. This also has implications in terms of any assessment of impact on residential amenities arising from any change in boundary treatments between the proposed site and adjoining properties like theirs.

- 7.2.3. Furthermore, they contend that given the planning history of the site where previous proposals to extend to the eastern side of the subject building have been refused that the extension now proposed at this same location should be similarly refused. Given that this refusal was in part based on serious injury to residential amenity of properties in its vicinity.
- 7.2.4. The First Party on the other hand consider that the appellants concerns are more manifest than would actually be the case if the proposed development were permitted.
- 7.2.5. They also accept that the trees proposed within the landscaping scheme are not appropriate and as such they are willing to omit the tree species proposed and replace them with trees that have been chosen from the Planning Authority's publication 'Living with Trees' South Dublin County Council Tree Management Policy, 2021 - 2026.
- 7.2.6. I am cognisant that this publication identifies trees which are suitable in urban garden and urban location contexts setting out their height and width at maturity which is of value in deciding upon suitable trees in such contexts.
- 7.2.7. In this regard the applicant proposes to replace the Weeping Birch with Sorbus Vilmorinii and to replace the Silver Birch with Prunus Amanogawa. It is their belief that this amended choice of trees would be both colourful, pleasant, and appropriate for their context. They are also a type of tree whose height, width and foliage would provide screening but would not give rise to overshadowing over and above the existing situation.
- 7.2.8. Having had regard to the information available on the replacement trees I am of the view that these are appropriate and site sensitive replacement trees that would within a reasonable time provide screening along the eastern boundary where the applicant

proposes to remove existing trees that currently perform a valuable function in this type of urban context, i.e., providing robust screening. They would also not appear to be tree specimens that would give rise to significant issues with boundaries and/or other features in adjoining properties subject to appropriate safeguards.

- 7.2.9. I also note to the Board that the Planning Authority as part of their notification order to grant permission included a condition (Note: Condition No. 4) which restricts the commencement of development on site until all landscaping details are agreed. This condition also requires the provision of a detailed Arboricultural Impact Assessment through to the payment of a trees/hedgerow bond.
- 7.2.10. I consider that the requirements of this condition are reasonable and a similar or a more robust landscaping which includes semi-mature tree planting for the replacement trees as part of the eastern boundary treatment should be imposed should the Board be minded to grant permission. In reasonable time the semi-mature trees would perform a similar screening function of the nursing home as the trees to which removal is proposed to facilitate the proposed eastern portion of the extension sought under this application.
- 7.2.11. In relation to the Appellants concerns that the boundary measures proposed may infringe on the boundary line and the potential for the proposed development to give rise to structural integrity issues for their property and other properties bounding the eastern boundary of the site where works are proposed. It is my opinion that any instances of damage to, or interference with, the appellants' property or other adjoining properties attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned.
- 7.2.12. In this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that '*A person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.
- 7.2.13. The Board may consider it appropriate to include an 'Advisory Note' setting out the requirements of Section 34(13) of the Planning and Development Act, 2000, as amended, as a precaution.

- 7.2.14. In relation to the proposed eastern element of the extension sought under this application and its potential to be visually overbearing and visually intrusive when viewed from the appellants property. Or indeed other adjoining properties along the eastern boundary. I consider that the removal of trees would be compensated by what would in time be a more site sensitive and qualitative landscaped boundary treatment that would provide appropriate levels of screening in this context.
- 7.2.15. Moreover, the replacement boundary treatment would address the fact that the existing situation includes that Sally Park properties bounding particularly the northernmost end of the eastern boundary are highly visible from the appeal site at various viewpoints.
- 7.2.16. This proposal would resolve this issue and in so doing improve their residential amenities by way of improving privacy to their rear amenity spaces and their rear elevations.
- 7.2.17. Against the context of the replacement boundary treatment, I consider that despite the single storey eastern extension proximity to the eastern boundary of the appellants property and opposing Sally Park Close properties. Which appear to be c2.4m at their nearest point from the drawings submitted with this application. It would not in my view be a type of new built insertion that could be reasonably considered to be visually obtrusive when viewed from these adjoining properties.
- 7.2.18. Similarly, I consider that this is also the case in terms of the proposed extension itself alongside that it would not when taken together result in any significant adverse impacts on the residential amenity of properties in its vicinity.
- 7.2.19. This conclusion is based on the following factors:
- 1) *Contemporary Architectural Design Response:* This approach has allowed for a more light weight response to the site context built heritage to potential to give rise to adverse residential amenity impact on properties in its vicinity that are sensitive to change restraints.
 - 2) *Built form:* The modest in area (Note: 53.1m) single storey structure has a modest given flat roof height of 3.475m and it has modest width extending out from the existing building with the maximum width being 3.39m from the existing building which it attaches to is two storey (Note: 6.825m).

It has a staggered and in part curving eastern elevation that harmonises with the alignment of the boundary wall alongside responds to the existing building including steps that facilitate access above ground floor level. The curved nature of the eastern elevation would soften its appearance, provide interest, and would allow for the increase in width of the single storey extension at this location to align with the direction of the eastern boundary of the site at this location.

The depth of the extension mirrors that of the existing two storey structure it would attach to.

Arguably the single storey eastern extension provides a graduation and subservience in building height against its context of the existing structure and the two storey built forms that characterise the adjoining Sally Park Close properties. In addition, the subservience is warranted given the lateral separation distance between the two.

I therefore consider that the built form, in terms of its height, mass, volume and built articulation reflects the modest nature of the eastern elevation proposed and it also respects the sensitivity of its site setting to change.

I consider that the overall built form in terms of its height, mass, scale and volume are acceptable in this site context and setting.

- 3) *Overlooking and Perception of Overlooking:* The eastern elevation treatment contains no window openings. The only glazed opening proposed in this elevation is a single standard in height and width glazed door. This door provides access to a modest internal hallway that would link with the main hallway on the ground floor of the two-storey extension it would attach to. It would also provide access to the two-bedroom spaces each with WCs proposed within this space as well as provide an access to the adjoining external area which due to its restricted width is indicated in the submitted drawings would consist of a pathway and planting.

Whilst any overlooking that would arise from this door would be in my view limited and I consider that some level of overlooking is to be expected in a suburban setting like this. Notwithstanding, the existing situation is that there are robust boundaries *in situ* along most of the site boundaries around Sally Park Nursing Home.

As such the existing context is one that there is limited actual overlooking arising from the Sally Park Nursing home and residential properties bounding it to the east, south and west. In saying this I do recognise that towards the northern end of the eastern boundary the existing boundaries do need reinforcement to more effectively and robustly function to provide screening between the proposed development and the adjoining Sally Park Close properties at this location.

As such I recognise that the applicant by way of this application is seeking to provide a more site appropriate natural landscaping boundary that would overcome the loss of trees that would arise from the proposed development were it permitted. But also, would provide more site appropriate screening of the eastern boundary. I concur with the Planning Authority that this could be improved further by improvements to the landscaping scheme.

I also concur with the Planning Authority that in relation to the aforementioned door opening on the eastern elevation of the eastern extension that safeguarding established residential amenity could also be improved by way of a condition requiring that the glazing of this door be opaque or similar. This I consider is required to mitigate overlooking or perception of overlooking from this extension while the tree planting along the eastern boundary matures to a point where it provides an acceptable level of screening.

I also consider that the use of opaque glazing would still allow this door to provide a level of natural light into this extension's interior hall space.

In relation to the extension to the rear this extension which is three storeys has a limited 3.18m projection at its nearest point to the eastern boundary and no windows are proposed facing due east. There is also a lateral separation distance of c27m between the rear proposed extension and rear boundaries properties to the east.

In relation to the extension to the west. This extension is obscured from view from Sally Park Close properties by the existing buildings on site and landscaping.

As such I consider that no overlooking or perception of overlooking would arise from the west and rear extensions proposed.

I therefore consider that the residential amenities of adjoining Sally Park Close properties, including the appellants property, would not be adversely impacted by way of overlooking or perception of being overlooked from the extension that is proposed to the east of the main building by way of this application.

- 4) *Material, Finishes and Treatments:* The drawings show that the eastern elevation would be clad in vertical timber. I note that this is the predominant material, finish and treatment of all of the extensions proposed under this application and I am cognisant that it is a natural material that is often used in contemporary architectural buildings, in particular extensions to existing structures to visually different between different building layers and architectural styles.

Overtime this natural material would develop a soft aged patina that together with the flat roof design and what appears to be the provision of internal guttering in my view would diminish any potential of this extension having a visually overt appearance as viewed in its site context, including that from adjoining Sally Park Close properties.

I also consider that it would be sympathetic and harmonious to the tree planting proposed along the amended eastern boundary as well as the Protected Structure itself due to it being a contemporary material that reflects the fact that Sally Park original setting was a country house in park landscape that is likely to have had strong sylvan character.

I therefore consider that the materials, finishes and treatments indicated in the submitted documentation have the potential to lessen the visual impact of the proposed extension. Alongside would help to visually integrate these extensions in a respectful and harmonious manner with their site context.

- 5) *Overshadowing, Sunlight and Ventilation:* This application is accompanied by a sunlight and shadow analysis. Additional analysis of sunlight and shadow impact on adjoining properties in the vicinity of the proposed extension has been provided by the applicant as part of their appeal submission. This analysis was carried out to accord with best accepted practices and they show that the eastern proposed extension, if permitted, would not impose an angle of obstruction greater than 25° degrees and as such it can therefore be concluded that the proposed development would not have any appreciable impact on the daylighting of the existing buildings

around the proposed site. In relation to the eastern extension, there appears to be no notable change in context over the existing situation in terms of overshadowing through to daylighting.

I consider that the documentation provided on this matter also show that the location, the built form, the massing through to the height of the proposed extensions have been carefully modulated so as to maximise access to natural daylight, ventilation and provide views where there are opportunities to do so without giving rise to overlooking of properties sensitive to change.

I also note that the appellant has not provided any evidence to contradict these findings and I consider that despite the omission of the appellants rear extension and the proposed natural landscaping amendments they appear to present an accurate illustration of the overshadowing impacts that would arise from the proposed development were it to be permitted.

Accordingly, I am satisfied that the proposed development is acceptable at this location and that it will not excessively detract from the amenities of surrounding properties by reason of daylight/sunlight impacts. In turn I am satisfied that the level of overshadowing would add to any level of visual oppressiveness of the appellants rear private amenity space or interior of their property or indeed any other properties within the vicinity of the proposed development.

- 6) *Removal of Side Driveway:* The placement of this extension would remove the noise, light and fume nuisances that would arise from the use of the space between the main building and the eastern boundary as a car parking and essentially waste storage area. This would improve the residential amenity of adjoining properties in the medium to long term, i.e., after the completion of the construction phase should the Board be minded to grant permission.
- 7) *Nuisances during Construction Works:* It is standard for conditions to be imposed on applicants/developers to ensure that nuisances arising during construction works are managed so that a balance is reached during this time between these works and properties in their vicinity that would be sensitive to nuisances arising from such works. On this matter I note that the Planning Authority imposed standard condition restricting the duration of construction works as well as other

conditions that would seek to minimise the level of undue nuisances that would arise during this phase of the development.

The applicant also indicates that they are willing to include as part of any contract for the carrying out of these works that they do not undertake any noisy or intrusive works prior to 9am any day during construction and that early on-site attendance will only accommodate minimal impact and low noise work or would facilitate the later undertaking of significant works.

They also set out a commitment to ensure that every effort would be employed to make intrusive works occur closer to midday and early afternoon to accommodate residents.

I consider that such commitments should be incorporated into the Construction Management Plan by way of condition.

Alongside other standard conditions that deal with matters such as waste, noise levels, vibration levels, dust levels and the like are standard conditions imposed on a development of this nature as part of a grant of permission and are reasonable given the contexts sensitivity to change in their established residential amenities. I do not however consider that this concern is of substantive planning merit to warrant any refusal of permission for the development sought and I note that nuisances arising during the construction phase of such a development would be temporary in their duration. Upon their completion it is unlikely that the operations of the extension proposed in its totality would give rise to any significant nuisances including noise.

7.2.20. On the matter of the site's planning history. Whilst I am of the view that this proposed development appears to be in part informed by the planning history of the site and I am cognisant that at the location of where the eastern extension is proposed that previous extensions have been refused; notwithstanding, I consider that it is appropriate that this application is considered on its merits and in the context of the planning policy provisions and guidance local through to national that are relevant at the time the application is being determined by the Board alongside how the site and its suburban setting has evolved in the intervening years.

7.2.21. In conclusion, I consider that the proposed development accords with the residential zoning objective of the site and with the proper planning and sustainable development of the area.

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 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. I consider that this rating is reasonable given what I observed from the site inspections I have conducted for the preparation of this report and previously for appeal case ABP.306735.20.

7.3.2. During both inspection I observed that 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. My last inspection there was a timber shed chalet structure and large metal container forward of the building line. These are arguably poorly placed in terms of appreciating the Protected Structure from its main view point which is its curving entrance that terminates at its Doric entrance.

7.3.4. Unlike the previous application it is now sought to place the extensions to meet the applicants need for additional bedroom spaces and ancillary spaces within three distinct new built elements. These are positioned to the rear, to the west and to the east of the main building.

7.3.5. These three extensions are contemporary in their architectural style and treatment. They would be highly legible, if permitted by the Board, as being of their time both in

architectural resolution and use of materials. They are located at places where there is a level of mature soft landscaping that embraces eastern, western and southern boundaries of the site. As well as the curving alignment of the driveway which serves the nursing home and is positioned in the eastern boundary towards its southernmost end and the semi-circular driveway which is positioned to immediate the front of the Protected Structure.

- 7.3.6. Minimal intervention is proposed in the manner each of the proposed distinct extensions would attach to and integrate with the internal space of the existing building.
- 7.3.7. In particular, the surviving period layers of architectural merit and rightly requiring minimal through to reversible interventions so that their integrity, authenticity, and legibility are safeguarded into the future. Whilst still allowing for this Protected Structure to maintain it in appropriate functional use.
- 7.3.8. Though later additions to the west and to the rear of the period building layers of merit are a collection of *ad hoc*, poorly integrated as well as visually diminishing to the setting of the Protected Structure, these are not visible from the public domain or from the main view point of the Protected Structure.
- 7.3.9. Arguably, this application provides an opportunity to reverse and improve the non-sympathetic building layers within this Protected Structures curtilage. Even though the areas to the immediate west, east and rear are not highly visible from the public domain the in curtilage setting of this Protected Structure needs sensitive reversible change.
- 7.3.10. Whilst I acknowledge the built form, volume, height, and modulation of the three proposed extensions consist of legible flat roofed single storey (east); two storey (west) and three storeys (rear) of concern for me is the lack of subservience in the height of the three-storey addition.
- 7.3.11. Though I accept that the height of the two-storey addition does not have a height that sits below the eave's height of the later period extension which contains the Wyatt windows. This is visually offset by the main building height being similar to the later 2-storey extension to the east of the main Georgian building layer; the two glazed links that are incorporated into its design, architectural features of its principal façade and the fact that over the later period extension which contains the Wyatt windows there

is a substantial roof structure over and also they are positioned where there are mature trees which provide a level of screening for this extension, if permitted.

- 7.3.12. Whereas the third-floor extension height matches the parapet height of the main Georgian building and has a width that extends across the original rear elevation. In doing so I acknowledge it encompasses additions that were unsympathetic to the appreciation and legibility of the original Georgian Country House.
- 7.3.13. There is unfortunately little of the original rear structure visible or that has not been subject to unsympathetic alterations and additions. The design includes a glazed link in between the two structures which I consider provides an appropriate separation between the new building and the most exposed original rear elevation that remains. The roof structure over contains a parapet, and the above roof plant is set back from the northern elevation and finished in fibreglass roof. The latter given its material finish and built form would not be highly legible from the main view point of this Protected Structure.
- 7.3.14. In relation to the demolition works which are sought under this application and that have given to have a gross floor space of 102.3m² in the documentation accompanying this application.
- 7.3.15. This relates to mainly demolition of later building layers and fabric that are of no architectural merit or other merit that would warrant and support their retention.
- 7.3.16. The works to the Protected Structure are light weight and minimal in their nature, scope and extent.
- 7.3.17. As such they do not give rise to any significant loss of original built fabric and relate to works that do not involve the loss of any significant surviving features and the like of the original structure.
- 7.3.18. I am therefore satisfied that this component of the development gives rise to no significant concern subject to any grant of permission including appropriate worded condition or conditions that requires any intervention to be confined to that indicated in the submitted drawings through to that these works are carried out under appropriately qualified and experienced conservation architect supervision.
- 7.3.19. Such a condition would be standard in relation to any additions and/or alterations to a Protected Structure.

7.3.20. Overall, I consider that the proposed extension in its totality would not diminish the surviving integrity, authenticity, and appreciation of this Protected Structure from when viewed from within its curtilage or from the limited glimpses available of it from Firhouse Road. This is from Firhouse Road substantially aided by the robust boundary treatment and the significant difference in ground levels that result in minimal views being available to the rear of the site and the structures therein.

7.3.21. Based on the above considerations I consider that the proposed development accords with Section 9.1.2 of the Development Plan which deals with the matter of development to or within the setting of a Protected Structure. Moreover, they accord with the Architectural Heritage Protection, Guidelines for Planning Authorities, 2004, in that the proposed development would give rise to limited intervention to the built fabric of merit, limited loss of original built fabric, they would not seriously erode the visual setting and appreciation of the Protected Structure from its main view point through to the extensions are reversible should they no longer be required in future.

7.4. Appropriate Assessment

7.4.1. This application is accompanied by a robust screening report which concluded that despite the substantial 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.

7.4.2. 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.

7.4.3. 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.

7.4.4. I therefore consider that in this case a Stage 2 Appropriate Assessment, is not required.

7.5. Other Matters Arising

7.5.1. Car Parking Spaces: This proposal seeks planning permission for an additional 403m² of floor area to an existing nursing home. According to the information on file this would give rise to an increase in staff from 11 to 15. Under the Development Plan there is a requirement for four additional spaces to be provided to meet the additional demands of this development in terms of on-site car parking. In total 21 car parking spaces are proposed to deal with existing and the proposed development sought under this application. This level of car parking accords with the Development Plan standards.

Notwithstanding, the current arrangement in place serving the nursing home does not include any demarcation of car parking spaces and also the area that is in use for car parking has been decreased by the placement of various obstructions, i.e., the timber chalet, the metal container and the skip.

I did not observe any undue overspilling of car parking outside of the site despite the fact that my site inspection occurred when mass was being held within the home and I did observe that there appeared to be parking associated with and arising from the same.

I note that the Planning Authority's final Transportation and Planning Department's final report considered that the car parking provision to be acceptable subject to condition with this condition requiring the provision of 21 car parking spaces and in a manner that accords with their Development Plan the provision of one mobility space, two vehicle charge ready spaces and that the remaining spaces be ducted to allow for future charging points.

It also sought that a revised site layout plan setting out these safeguards and requirements be subject to agreement by way of condition.

Should the Board be minded to grant permission I advise that the Planning Authority's Transportation and Planning Departments recommended conditions be included. Subject to the inclusion of these conditions I raise no substantive concerns with regards to the quantum of car parking proposed to accommodate residents, visitors through to I am of the view that the proposed development would not give rise to any other substantive traffic inconvenience and/or road safety issue.

- 7.5.2. **Condition No. 2:** Should the Board be minded to grant permission for the development sought under this application I recommend that they include this condition to safeguard the residential amenity of adjoining residential properties to the west.
- 7.5.3. **Bicycle Parking:** The provision of ten secure parking spaces accords with the Development Plan standards.
- 7.5.4. **Pedestrian Route:** The Planning Authority's Transportation Department request that a safe and site land use appropriate pedestrian route be provided from the existing pedestrian entrance onto the public domain through the site to where it would terminate at the reception door. I consider that this is an appropriate provision given that the existing arrangement does not provide a safe or suitable pedestrian link to the public domain which does provide an independent pedestrian gate that opens onto an existing pedestrian footpath. I therefore concur with the Planning Authority that such a provision be imposed by way of condition as part of ensuring a safe, accessible and well-connected linkage for pedestrian movement on site and to the public realm.
- 7.5.5. **Recorded Monument:** The appeal site is identified as being located within the zone of influence of Recorded Monument DU022-103 and therefore as a precaution any grant of permission should include an archaeological monitoring condition as a safeguard.
- 7.5.6. **Bat:** Having had regard to the contents and mitigation measures set out in the Bat Assessment Report provided as part of the documentation submitted by the applicant for the proposed development sought I concur with the Planning Authority that subject to these measures being implemented in full that no adverse impact should arise to any bats that may roost and/or feed on site. I therefore recommend that the Board should it be minded to grant permission include a similar condition to that of the Planning Authority which sets out that the mitigation measures be implemented in full.
- 7.5.7. **Waste:** Having inspected the site I consider it is appropriate that the *ad hoc* waste storage arising from the existing operations of this nursing home is addressed. At present waste storage occurs within the general location of the main building to the east and north. It is appropriate in my view that any grant of permission for require by way of condition appropriate waste management provisions on site and for this to be provided in a manner that does not result in disamenity to the new extensions proposed as well as adjoining properties.

8.0 Conclusion

- 8.1. Based on the above assessment, I conclude that the proposed development in this case has had regard to the architectural sensitivity of the Protected Structure in a confined and restricted site to accommodate change to meet the needs of the nursing home whilst ensuring that the proposed additions and alterations proposed do not compromise the integrity and intrinsic character of the Protected Structure as appreciated within its curtilage. Alongside has had regard to the contextual relationship of this confined site to adjacent residential properties which are sensitive to change. I therefore consider that the proposed extension sought under this application, as revised by the further information and subject to appropriate safeguards would not seriously injure the special character of the Protected Structure and its curtilage and it would provide a high-quality residential environment for occupants of the nursing home and its staff. Moreover, it would not give rise to any adverse visual and/or residential amenities impacts on its setting, and it is a type of development that accords with relevant local through to national planning policy provisions and guidelines.

9.0 Recommendation

- 9.1. I recommend that planning permission is **granted**.

10.0 Reasons and Considerations

Having regard to the provisions of the current South Dublin County Development Plan, 2016-2022, the location of the site in an established residential area and its zoning for residential purposes, the pattern of development in the 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, would not adversely affect the character of the Protected Structure, its integrity, its features of special interest, its architectural character and setting within its curtilage and it would be acceptable in terms of pedestrian and vehicular safety. The proposed development

would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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 on the 5th day of November, 2021, 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The window at the first floor on the western elevation of the two-storey extension to the west of the existing building onsite shall be glazed with obscure glazing.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this Protected Structure as well as to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Prior to the commencement of development, the following shall be submitted to the Planning Authority for written agreement:

- (a) An architectural archaeological impact statement for all works to and having the potential to impact on the surviving built fabric of the Protected Structure, and agreed in writing with, the Planning Authority prior to commencement of development. The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation and presentation works.
- (b) A Schedule of Works and Method Statement shall be provided detailing the proposed works within and to the Protected Structure (RPS No. Ref. No. 285).
- (c) All works shall be carried out in accordance with good conservation practice and principles minimising intervention to and damage or risk to the original built fabric. Those areas affected by new window openings or widening of new openings shall be made good using the appropriate materials and methods.
- (d) A Safety Statement shall be submitted for written agreement of the Council's Architectural Conservation Officer prior to the commencement of development. Once works commence on site the Council's Architectural Conservation Officer shall be contacted with regard to inspecting the safety measures put in place to safeguard and protect the Protected Structure to include external and internal features.
- (e) A schedule of materials and finishes shall be provided for the proposed new extensions prior to commencement of development.

Reason: To ensure that these elements of the historic structure are maintained and protected from unnecessary damage or loss of fabric.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than [1:500] showing –

- (i) A survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal.
- (ii) A continuous tree planting and hedge of species to be agreed planted for the full length of the eastern boundary from the principle (south) elevation to where the boundary terminates at its junction with the rear boundary. Any removal of tree/hedging planting forward of this to facilitate the proposed development shall also be provided for.
- (iii) The species, variety, size, type, number and location of all trees and shrubs. It is advised that tree planting should consist of semi-mature trees.
- (iv) Details and specifications of any hard and permeable surface landscaping works, including pedestrian pathways, enclosed areas, lighting and any soft landscaping.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
- (d) A timescale for implementation including details of phasing, which shall provide for the planting of areas to be completed prior to the side and rear extensions to the nursing home becoming operational.
- (e) Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (f) No development shall take place until a detailed Arboricultural Impact Assessment (AIA) has been submitted and agreed in writing with the Planning Authority.
- (g) All removal of tree works shall accord with the recommendations of the AIA and be carried out by a qualified and experienced tree surgery contractor in accordance

with BS3998 (2010) Tree – Work Recommendation before commencement of any other site operations including the erection of protective barriers and screening.

(h) The mitigation measures contained within the Bat Assessment Report, prepared by Brian Keeley, shall be implemented in full.

Reason: In order to screen the development, to assimilate it into the surrounding rural landscape, in the interest of visual amenity and biodiversity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution .

7. Site development and building works shall be carried out only between the hours of 0800 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Prior to the commencement of development, the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

9. (a) A total of 21 no. car parking spaces shall be provided at the development. These shall include 1 no. mobility impaired space and 2 no. vehicular parking spaces to be electric charging ready. The remaining spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.

(b) Prior to the commencement of development, the applicant shall submit a revised layout showing marked pedestrian route layout details, starting from existing pedestrian gate up to the main reception entrance door.

(c) A total of 10 covered and secure bicycle parking spaces shall be maintained at the development.

(d) Prior to the commencement of development, the applicant shall submit a revised layout showing the location of the bin storage area at the development.

(e) A Mobility Management Plan is to be completed within six months of opening the proposed development. The Mobility Management shall be agreed in writing with the Councils Road Department and the agreed plan, along with the written agreement of the roads department shall be lodged to the file.

(f) Prior to the commencement of development, a Construction Traffic Management Plan shall be agreed in writing with the roads department. The agreed plan, along with the written agreement of the Councils Road Department shall be lodged to the file.

(g) Prior to the commencement of development, a fully developed Construction Demolition and Waste Management Plan shall be agreed in writing with the Councils Road Department. The agreed plan, along with the written agreement of the Councils Road Department shall be lodged to the file.

Revised drawings showing compliance with all of these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate parking provision and traffic safety.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. During the construction and/or demolition phase of the development, Best Practicable Means, shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open Sites and British Standard B.S. 6187 Code of Practice for demolition.

Reason: In the interest of public health and residential amenity.

13. To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no equipment or machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 – Environmental Noise Regulations 2006 shall be operated on the site before 08.00 on weekdays

and 09.00 on Saturdays nor after 19.00 hours on weekdays and 13:00 on Saturdays, not at any time on Sundays, Bank Holidays or Public Holidays. Any construction work outside of these hours could give rise to unacceptable levels of noise pollution and shall only be permitted following a written request to the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimising as far as practicable any unacceptable noise outside of the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999). The applicant/developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing onsite. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes.
- Name and contact details of contractor responsible for managing noise complaints.
- Hours of operation, including any scheduled times for the use of equipment likely to be the source of significant noise.

Reason: In the interests of public health by the prevention of unacceptable levels of noise pollution which would interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Development Plan.

14. Comprehensive details of any amendments to the external lighting system arising from and to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before occupation and operation of the extensions.

Reason: In the interest of public safety and visual amenity.

15. 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.

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.

Advisory Note 1:

The applicant is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that *‘a person shall not be entitled solely by reason of a permission under this section to carry out any development’*.

Patricia-Marie Young
Planning Inspector

30th day of May, 2022.