



An
Bord
Pleanála

Inspector's Report

ABP-317105-23

Development	Change of use from medical practice to single family residence. (Protected Structure)
Location	21 Summerhill Road, Dun Laoghaire, Co. Dublin, A96 A4P1
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D23A/0124
Applicants	Kieran Geraghty and others.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellants	Kieran Geraghty and others.
Observers	Three observations (see section 6.3).
Date of Site Inspection	2 August 2023.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the building and plot located at 21 Summerhill Road, Dun Laoghaire, County Dublin. The existing building was originally in use as a dwellinghouse but has been in use as a medical practice since 1979. Rising to two storeys above ground with a basement/garden level, the existing building is a Protected Structure (PS) (RPS 1071) characterised by a full height three bay window with original stonework and detailing. Although categorised as an end of terrace property, the building was not originally conceived as part of the terrace to which it adjoins.
- 1.2. The existing building is set well back from the public highway and vehicular access is from the driveway to Summerhill Court, which abuts the site to the east. To the north the site is bounded by the car parking area for Summerhill Court, to the west by the adjoining terrace which appears to be in residential use and to the south by Summerhill Road and Eden Park opposite. There is limited open space within the rear of the appeal site although there is substantial open space to the front of the property, which is currently largely hardstanding, providing car parking for the existing Doctors Surgery.

2.0 Proposed Development

- 2.1. Planning permission is sought to change the use of the building from a medical practice to residential for use as a single family dwelling. No external alterations are being proposed. Internal alterations are limited to the removal of stud partitions which are not part of the original fabric of the building.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the decision to refuse planning permission was issued by Dun Laoghaire Rathdown County Council (DLRCC) on 18 April 2023. The reason for refusal was given as follows:

1. The proposed development, by reason of its proposed change of use from medical centre to residential, would contravene Special local Objective No. 10 on the site, which seeks to retain, improve, encourage the provision of sustainable neighbourhood infrastructure facilities', as the development would result in the loss of a sustainable neighbourhood infrastructure facility on the site. The development therefore does not accord with policy Objective PHP2 as the change of use would fail to protect the existing sustainable neighbourhood infrastructure on the site. The proposed development would, therefore, if permitted, be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2022 – 2028, and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planner's Report sets out the rationale for the decision to refuse planning permission for the change of use. The report notes that the development would generally be in accordance with the zoning objectives of the site but that the change of use would result in the loss of and would fail to protect existing, sustainable neighbourhood infrastructure.
- 3.2.2. The report considers the development to otherwise be acceptable, including in terms of amenity, residential quality, conservation, access/parking/transport, and drainage. The report also notes an issue raised by an observer on the planning application in relation to inaccuracies on the red line plan.
- 3.2.3. **Other Technical Reports**
- 3.2.4. **Conservation Officer (29.03.2023):** No objections although note that a detailed planning application will be required in the future for any works that are proposed and that the current application relates solely to the change of use.
- 3.2.5. **Drainage Planning (29.03.2023):** No objection.

3.3. Prescribed Bodies

- 3.3.1. None.

3.4. Third Party Observations

3.4.1. Two observations were received in response to the planning application. The main points raised are summarised below:

- The development would be in line with the Zoning objectives of the CDP and would be consistent with the proper planning and development of the area.
- The existing clinic will be moving to Dun Laoghaire Shopping Centre where it will provide a more accessible and updated service.
- The new clinic will be more accessible to a wider catchment.
- No 21 Summerhill Road is an anomaly as it is the only non-residential use on the eastern side of Summerhill Road between St Joseph's Church and the Peoples Park.
- The red line drawing is inaccurate as the applicant does not own the access roadway, although they do have a right of way which is indicated correctly on the plan.
- No conditional right of way is indicated for access to the rear of 21 Summerhill Road.
- Request that the applicant submitted documents to show full title to the land and roadway from the public access roadway at Summerhill Road.

4.0 Planning History

4.1.1. There is no planning history of immediate relevance to the proposed change of use other than the original permission that secured use of the building as a medical practice in 1979 (reference 1008/79).

5.0 Policy Context

5.1. Development Plan

Dún Laoghaire-Rathdown County Development Plan 2022-2028

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective ‘A’, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.
- 5.1.2. Chapter 2: Core Strategy, sets out the settlement and growth strategy for the County. The relevant section of this chapter is:
- 2.4.3: Sustainable Neighbourhood Infrastructure
- 5.1.3. Chapter 3: Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County. The relevant policy objectives of this chapter are:
- CA4: Climate Change Action Plan
 - CA6: Retrofit and Reuse of Buildings
- 5.1.4. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter are:
- 4.2.1: Sustainable Communities and Neighbourhood Infrastructure
 - PHP2: Sustainable Neighbourhood Infrastructure
 - PHP3: Planning for Sustainable Communities
- 5.1.5. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter are:
- T19: Car Parking Standards
- 5.1.6. Chapter 11: Heritage and Conservation, recognises that the conservation and enhancement of, and access to, the County’s heritage has the potential to contribute

to individual well-being, shared community identities and social cohesion and the liveability of our towns and villages. The relevant sections of this chapter are:

- 11.4: Heritage and Conservation
- 11.4.1: Record of Protected Structures
- HER7: Record of Protected Structures
- HER8: Works to a Protected Structure

5.1.7. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter are:

- 12.3: Neighbourhood, People, Homes and Place.
- 12.3.2: Sustainable Neighbourhood Infrastructure
- 12.3.1: Quality Design
- 12.3.7: Additional Accommodation in Existing Built Up Areas
- 12.4.5.1: Car Parking Standards
- 12.4.6: Cycle Parking
- 12.8.3: Open Space Quantity for Residential Development
- 12.11: Heritage
- 12.11.2: Architectural Heritage – Protected Structures
- 12.11.2.1: Works to a Protected Structure
- 12.11.2.3: Development within the Grounds of a Protected Structure

5.2. **Natural Heritage Designations**

5.2.1. None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. An appeal has been lodged by Armstrong Planning Ltd., for and on behalf of Kieran Geraghty et al. of 21 Summerhill Road, Dun Laoghaire, County Dublin, against the

decision of DLRCC to refuse planning permission for the proposed change of use. The grounds of appeal are as follows:

- The layout, condition and accessibility of the building is considered inappropriate for the purposes of a modern medical facility and these issues are difficult to address due to the building being a Protected Structure.
- There are no ramps or lifts available to assist with access at the external and internal stairs and this is of significant concern given the nature of the site as a medical practice and the need to cater to the elderly and people with disabilities.
- The building does not meet modern ventilation requirements for medical facilities and as such windows need to remain open which is costly and unsustainable due to heating requirements.
- The practice will move to modern facilities in Dun Laoghaire Shopping Centre just 750 metres to the north west.
- The new facilities are the culmination of years of negotiation with the HSE to deliver a new primary care centre collocated with modern GP facilities.
- Waiting rooms and back office areas are cramped and overcrowded, whilst the consulting rooms, occupying the principal rooms in the building, are overly large.
- Due to the shortcomings of the building, the medical practice is struggling to cater to the needs of its patients.
- The existing floorspace is 345sqm whilst the new practice will be 795sqm.
- Policy Objective PHP2 states that sustainable neighbourhood infrastructure should be protected, as appropriate. In this case, due to the shortcomings of the existing building, it is not appropriate to protect the SNI.
- The relocation to new facilities will deliver new, improved SNI for the wider area that is accessible and inclusive.
- The proposed change of use will allow the building to revert back to its original use.
- Attracting a new commercial tenant will be challenging due to the condition of the building and the cost in bringing it back up to current building standards.

- Architectural protection Heritage Guidelines state that the best way to prolong the life of a Protected Structure is to keep it in active use, ideally its original use.
- The policy on healthcare facilities in the CDP states that parking areas shall not dominate the front of the curtilage and the current arrangement is therefore contrary to this.

6.2. **Planning Authority Response**

6.2.1. The Planning Authority do not consider that the appeal raises any new issues and direct the Board to the Planner's Report.

6.3. **Observations**

6.3.1. An observation has been received from Alfred and Amelia Jones of Summerhill Court, Dun Laoghaire, County Dublin. The observation raises the following points:

- The access roadway from Summerhill Road to Summerhill Court has been shown as being in the control of the applicant, this is incorrect. The applicant cannot carry out works that affect this land and as such it is requested that the Board refuse permission.
- The site map submitted does show a right of way to 21 Summerhill Road and this is correct, but no conditional right of way is indicated for access to the rear of No. 21 Summerhill Road.

6.3.2. An observation has been received from Jennifer Drury-Byrne of 22 Summerhill Road, Dun Laoghaire, County Dublin, raising the following points:

- All surrounding properties are residential and as such it is not understood why planning permission was refused to change No. 21 into a single residential property.
- The HSE have advised the current medical practice that the building is not suitable for use as a medical facility.
- The building does not have access for wheelchair users, nor does it have adequate parking.

- The property requires substantial renovation to protect the structure, and this will only happen through residential ownership.

6.3.3. The third observation received is from additional Dr's that work at 21 Summerhill Road in support of the proposed development for the reasons set out in the grounds of appeal.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Acceptability of the Change of Use
- Other Matters
- Appropriate Assessment

7.2. **Change of Use**

7.2.1. The primary concern in the Council's decision to refuse permission is that the change of use would result in the loss of Sustainable Neighbourhood Infrastructure. The retention and/or improvement of existing facilities and services will be required insofar as possible in accordance with Policy Objective PHP2 of the CDP. The grounds of appeal state that the existing building is no longer appropriate in terms of its use as a medical practice due to accessibility and ventilation issues as well as additional efficiency issues regarding layout. The grounds of appeal state that these issues are difficult to overcome, given the existing building's status as a Protected Structure.

7.2.2. The applicant has stated that due to the access issues and other shortcomings of the building, the medical practice is struggling to cater to the needs of patients. Central to the appeal is the fact that the medical practice is moving from the existing premises, regardless of the outcome of the appeal. The medical practice will be taking up new premises within the Dun Laoghaire Shopping Centre within a new HSE backed Primary Care Centre (3,298sqm of space) with improved accessibility and modern GP facilities. The new medical practice premises would measure 795sqm which is a significant uplift on the current medical practice which measures 345sqm. The new

premises will allow the medical practice to collocate with other GP's and medical services. The provision of clustered services is encouraged in the CDP, which also indicates that neighbourhood infrastructure should anticipate future development and emerging demographics as well as the need to serve a wider catchment and improve access and integration with the local neighbourhood and wider community.

7.2.3. Given that the existing medical practice will be moving to larger premises, allowing for a significant improvement on service provision and potential uplift in service provision, I am satisfied that the change of use would not necessarily result in the loss of Sustainable Neighbourhood Infrastructure, but would instead entail a relocation and expansion of an existing facility.

7.2.4. A core issue for the applicant is the accessibility of the existing building. There are no ramps or lifts available to assist with access at the external and internal stairs and this is problematic given the nature of the site as a medical practice and the need to cater to the elderly and people with disabilities. From my site inspection, it is clear that the ability to provide access lifts or ramps externally would be further compromised by the large lightwell serving the basement floor. I accept that the ability to provide ramps and lifts would be difficult given the status of the building as a Protected Structure and the lack of a portico could make the provision of a platform lift difficult. Whilst these issues are not insurmountable, they are likely to be a factor for prospective tenants and would make the building unattractive for facilities that involve visits by members of the public or that serve the needs of the local and wider community.

7.2.5. Given the original use of the building as a dwellinghouse, the accessibility issues for continued use as a premises visited by members of the public and the fact that the existing medical practice will relocate and expand, I am satisfied that the development would not result in the loss of Sustainable Neighbourhood Infrastructure and that the change of use to residential would be acceptable.

7.3. **Other Matters**

7.3.1. No external alterations are proposed, however, I recommend that a condition be applied regarding landscaping, in order to secure a satisfactory amenity space for the new residential occupiers as well as a reduction in car parking in line with the residential standards of the CDP.

- 7.3.2. An observation has been made that the red line plan is incorrect on the basis that the access roadway from Summerhill Road to Summerhill Court has been shown as being in the control of the applicant when this is not the case. Details of ownership of the driveway have been provided by the owners of The Studio, Summerhill Court (the observers). The observation states that the applicant cannot carry out works that affect this land and request that the Board refuse permission. The observation notes that the red line plan does show a right of way to 21 Summerhill Road and that this is correct (shaded yellow on the red line plan).
- 7.3.3. Firstly, I would note that the application relates solely to the change of use of the existing building and does not include any external works or development to any of the land contained within the red line. It should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development. An updated red line plan could be requested by way of further information, should the Board be minded to grant permission. Alternatively, an advisory note to the effect of Section 34 (13) of the Act could be added to any permission issued.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the planning permission be granted for the proposed development, based on the reasons and considerations set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions

set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of amenity.

10.0 Conditions

1.	<p>Details of a hard and soft landscaping scheme for the front plot, using appropriate indigenous species, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the approved residential use. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 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.</p> <p>Reason: In order to provide a satisfactory private amenity space to serve the residential use, to bring parking into the approved standards of the CDP and in the interest of visual amenity.</p>
2.	<p>A minimum of two bicycle parking spaces and a maximum of two car parking spaces shall be provided within the site. The location and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the approved use.</p> <p>Reason: To ensure adequate off-street parking provision is available to serve the proposed development.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Terence McLellan
Senior Planning Inspector

5th September 2023