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Observation on a Planning Application

Statement of observation in relation to the planning application by Luxcare Limited to South Dublin County Council for a 3-4 storey nursing home building to consist of 111 bedrooms (with ensuites) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services at Lands to the south of Taylor's Lane, Ballyboden, Dublin 16, within the curtilage of Newbrook House.

Planning register reference: **SD21A/0232**.

The observation is made on behalf of local residents John Kelly, Sabine Hoffmeister and Salvatore Esposito, Alison Irving and James Kennedy who live opposite the site of the proposed development on Taylors Lane.

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1 Introduction

This observation is on a planning application to South Dublin County Council by Luxcare Limited to South Dublin County Council for a 3-4 storey nursing home building to consist of 111 bedrooms (with ensuite) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services at Lands to the south of Taylor's Lane, Ballyboden, Dublin 16, within the curtilage of Newbrook House.

The planning application has ref. no. **SD21A/0232** and was received on **28th August 2021**.

The observation is made on behalf of

- John Kelly, Glendoher House, Taylor's Lane, Rathfarnham, Dublin, D16
- Sabine Hoffmeister and Salvatore Esposito, Massabielle, Taylor's Lane, Rathfarnham, Dublin, D16
- Alison Irving and James Kennedy, Mountain View, Taylor's Lane, Rathfarnham, Dublin, D16

The detailed observations are set out in sections 4-10 of this submission. Section 11 provides a summary of the issues raised.

2 Proposed Development

The proposed development comprises a proposal to use and extend an existing protected structure (Newbrook House) to become a nursing home facility. In addition, the provision of five townhouses is proposed plus a new second vehicular access point. The site is 0.63 hectares. The proposed development is for a two to three storeys high 111 bedroom nursing home. Two vehicular access points from Taylors Lane are proposed. The proposed nursing home is proposed to be built around the protected structure Newbrook House. A total of 25 car parking spaces are proposed, incl. 18 spaces for the nursing home and 7 spaces for the 5 townhouses that form part of the proposed development.

3 Development Plan Policy

The site is in an area zoned objective RES: 'To protect and/or improve residential amenity'¹ Nursing Homes are a permitted use under this zoning objective.² Newbrook House is a Protected Structure.³

¹ *South Dublin County Council Development Plan 2016-2022, Map 10.*

4 Curtilage of the Protected Structure

Newbrook House is a Protected Structure under the provisions of the County Development Plan. A designation of a protected structure extends to the building plus its curtilage. While the applicants have submitted a 'Conservation Report', this report concentrates on the house itself with little attention given to the curtilage attached to the house. The proposed development according to the public notice description, is within the curtilage of Newbrook House.

The original paper mill and mill race are within the curtilage of the Protected Structure. According to the conservation report: ..."*Newbrook Mill was extensively damaged in a fire in 1942 and was demolished later.*"⁴ However, my clients are of the opinion that remnants of the paper mill continue to exist within the site boundary as does the Mill race. The applicants should be asked by request for additional information to address this issue in more detail.

Although the report does not address the curtilage as such, it is suggested that this would have included the formal garden to the north and parkland to the south. The parkland to the south is lost through housing development taking place while the formal garden to the north is overgrown. According to the report ..."*the historic fabric is therefore confined to the house.*"⁵ However, it remains a question whether the curtilage could be restored particularly to the north of the existing house. This question is not addressed and there appear to be no drawings available of the former layout of the gardens.

5 Impact on the Protected Structure

While it is accepted that the proposed development integrates the protected structure into the overall development and gives it a new use, the proposed development by reason of its form, height and building line, would have a detrimental impact on the setting of the house as a protected structure. In this regard it is relevant to note that the building line of the proposed nursing home is close to the road and would prevent any views of the protected structure from an eastern direction. From a western direction, the protected structure front façade would be dwarfed against the modern nursing home building. This is most clearly visible from the north elevation drawing which shows the detrimental impact of the new building on the protected structure in terms of height and building line.

6 Ballyboden Village Plan

It is acknowledged that the site of the proposed development was recognised in the Ballyboden Village Plan as an opportunity site for development. However, important principles in the village Plan are related to the building height of new development:

² *South Dublin County Council Development Plan 2016-2022*, p. 189.

³ *South Dublin County Council Development Plan 2016-2022*, p. 254.

⁴ *Conservation Report*, Holmes Miller, July 2021.

⁵ *Conservation Report*, Holmes Miller, July 2021.

...”Features such as the height and elevations of buildings, textures of pavements, street furniture and public art can contribute to the village character of Taylor’s Lane and offset the impacts of the road realignment and increased width of carriageway.”⁶

It is considered that the proposal to erect a building with a parapet level of 9.5 metres over ground level⁷ at a distance of 3 metres from the footpath edge at its eastern end⁸ does not contribute to the village character of Taylor’s Lane as envisaged in the Village Plan.

Furthermore, while the Village Plan clearly accepts development in close proximity to the Protected Structure, it restricted the height of the wing closest to the house to two storeys height.⁹

7 Proposed Car Park and Landscaping

Instead of an area of open space in front of the house, as envisaged in the Village Plan,¹⁰ the proposed development would introduce a hard surfaced car park for 18 cars extending to the full width of Newbrook House. The parked cars would detract from the protected structure in visual terms while the proximity of the car park to the house combined with the hard surface landscaping surrounding the house would also appear to be detrimental to the integrity of the protected structure and its setting.

The proposed development is for a nursing home of 111 bedrooms. The car parking standard under the Development Plan is one space per 4 residents.¹¹ Based on single occupancy this would result in the need for 28 car parking spaces. While it is acknowledged that this is a maximum standard, it is considered that the proposed 18 spaces falls short of the development plan parking requirement for nursing homes bearing in mind that some of the bedrooms will have double occupancy.

The proposed development may lead to overspill car parking on the surrounding road network. Having regard to the bicycle lanes, the road junction directly opposite the site and the vehicular entrance to a dwellinghouse at the corner of the junction, such overspill car parking could lead to traffic hazard and blockage of vehicular entrances to dwelling houses.

8 Impact on Residential Amenity by Potential Overshadowing

My clients have rear gardens that are north facing and rely on sunlight penetration through the house. As the proposed development may cast shadow on their front gardens and also possibly the rear gardens, the proximity of the proposed building combined with the proximity of the building line to the road, may result in serious

⁶ *Ballyboden Village Plan*, South Dublin County Council, July 2006, p. 14.

⁷ Drawing ‘Proposed West Elevation’.

⁸ Drawing ‘Proposed Site Plan’.

⁹ *Ballyboden Village Plan*, South Dublin County Council, July 2006, p. 22.

¹⁰ *Ballyboden Village Plan*, South Dublin County Council, July 2006, p. 22.

¹¹ *South Dublin County Council Development Plan 2016-2022*, p. 216.

injury to their residential amenity as a result of loss of sunlight. Having regard to the relative height of the proposed development compared to existing buildings in the vicinity it is considered that the applicants should be asked to submit a daylight and sunlight impact assessment report as additional information.

9 Impact on Residential Amenity by Overlooking

The distance between the proposed bedrooms of the nursing home and the bedroom windows of the houses directly opposite, appears to be below the normal minimum distance of 22 metres separation between bedroom windows. Given the number of bedrooms (18 over two floors) plus two dayrooms, and the intensity of use of the bedrooms, it is considered that the proposed development would seriously injure residential amenity of the dwellinghouses directly opposite the site by reason of overlooking and intervisibility between windows.

10 Other Issues

My clients are of the general view that development of the site is appropriate but that the building line is too close to the edge of the road. A reduction in the height at the north elevation combined with a set back of the building, would significantly address their concerns. Apart from the concerns arising from impacts on residential amenity as a result of overshadowing and overlooking, the proximity of the building line to the road would also result in poor visual amenity of the streetscape, lost opportunities to provide tree planting along the road and detrimental impacts on noise levels arising from road traffic.

11 Overall Conclusions

- **The proposed development fails to adequately describe the curtilage of the protected structure incl. any surviving elements of the paper mill.**
- **The proposed development by reason of its form, height and building line, would have a detrimental impact on the setting of the house as a protected structure.**
- **The proposed development would be detrimental to the visual quality and public realm of Taylor's Lane as the core of Ballyboden village, by reason of excessive height and proximity to the public footpath.**
- **While the Village Plan clearly accepts development in close proximity to the Protected Structure, it restricted the height of the wing closes to the house to two storeys height.**

- **Car parking provision of 18 spaces is inadequate for the proposed nursing home while its design would detract from Newbrook House as a Protected Structure.**
- **The proposed development may result in serious injury to residential amenity as a result of overshadowing.**
- **The proposed development would result in serious injury to residential amenity as a result of overlooking of bedroom windows.**

The Planning Authority is requested to consider the matters that are raised in this submission in deciding whether the proposed development is in accordance with the proper planning and sustainable development of the area. Please direct all correspondence to the undersigned.

Yours sincerely,

Hendrik W van der Kamp.

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department**

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdblincoco.ie

**Hendrix W van der Kamp
1, Woodstown Court
Knocklyon
Dublin 16**



Date: 23-Sep-2021

Dear Sir/Madam,

Register Ref: SD21A/0232
Development: 3-4 storey nursing home building to consist of 111 bedrooms (with ensembles) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services.
Location: Lands to the south of Taylor's Lane, Ballyboden within the cutilage of Newbrook House
Applicant: Luxcare Limited
Application Type: Permission
Date Rec'd: 20-Aug-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named “**Notify me of changes**” and click on “**Subscribe**”. You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department’s public counter and with the exception of those of a personal nature, are also published on the Council’s website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for Senior Planner