



An
Bord
Pleanála

Inspector's Report 29N.246780

Development	Internal and external alterations to existing building resulting in an additional 11 bedrooms of student accommodation and 5 wall mounted internally illuminated signs
Location	Broadstone Hall, 244 Phibsborough Rd, Constitution Hill, Dublin 7.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2383/16.
Applicant(s)	Global Student Accommodation UK Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Global Student Accommodation UK Ltd.
Observer	BLEND Residents Association.
Date of Site Inspection	2 nd November 2016
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at Broadstone Hall, 244 Phibsborough Rd, Constitution Hill, Dublin 7m where the existing building forms a strong element in the streetscape. The site is located at the junction of the Western Way with Phibsborough Road and is bounded by Broadstone Park to the east, The Western Way to the south, Phibsborough Road to the west and low rise housing to the north. Broadstone Park is elevated with reference to Phibsborough Road and the existing building on the site addresses both levels, with the 'ground floor' being level with the street at Phibsborough Road to the west and the 'first floor' being level with the ground to the east.
- 1.2. Broadstone Park is a mature park, which has a very fine stone wall along its eastern edge bounding the Western Way. The park is accessed via steps from the south and at grade from a road called Royal Canal Bank to the north. Running along this road there is a linear strip of open space with a Boxing Club building at its southern end and a children's playground adjoining. The subject site includes a two storey building of traditional appearance at the northern end and a contemporary building at the southern end.
- 1.3. The building the subject of this appeal is a predominantly 4 storey building of contemporary design, with different volumes identified externally by cladding in different colours and materials. The building has a flat roof and a fourth floor setback. The design concept is described in a design statement prepared by Móla Architecture and submitted with the application.
- 1.4. Vehicular access to the building is from the north to an area where there is parking for 7 cars, bicycle parking, waste storage and other utilities. The main access from Phibsborough Road is also at this level together with staff and reception area, shared student facilities and one apartment.
- 1.5. Apartments 1.4 and 2.4 are connected to the main building only via the (basement) ground floor car park and otherwise comprise a separate two storey building of traditional appearance.

- 1.6. The ground floor reception area has recently been altered. Walls in this area have been removed and there is a reception desk this area with is otherwise accessible to visitors/students. The adjacent toilet area has been converted to a staff kitchen with an office adjoining.
- 1.7. A student resource area, also at ground floor level has been divided into a meeting room and lounge.
- 1.8. The caretaker's flat is accessed via a steep stairs from the ground floor, or from the shared outdoor terrace at first floor. There is also a direct access from the eastern ground level along the former roadway.
- 1.9. Adjoining the caretaker's flat to the south is a double volume space which is part of the communal area 'student lounge and laundry, at ground floor. This area has been modified. The laundry has been reduced in size and the student lounge has been divided into compartments: a games compartment, a TV compartment and a general area. Part of this lounge area is currently a double volume space, with a glazed elevation, where the building is cranked. The upper volume is to be used in connection with the conversion of the caretaker's flat, by creating a floor at first floor level. The outdoor area adjoining the student lounge & laundry is narrow and is bounded by a retaining wall, due to the fact that natural ground level is a storey above.
- 1.10. The existing stairs to the caretaker's flat is to be removed and incorporated into the new apartment at first floor with the ground floor portion being converted to a storage area.
- 1.11. The outdoor area at ground level on the eastern side appears to be the end of a road and is secured by large double gates which are chained and padlocked. This area has the appearance of being within the control of the applicant but is not within the red line boundary area.
- 1.12. The first floor terrace is at two levels, joined by a short flight of steps. The lower open area contains a metal walkway type cover above the basement car park.
- 1.13. A display apartment has been developed in the area identified as the seminar room. It contains a bedroom and kitchen / living area together with a shower room and toilet.

1.14. The reading room at fourth floor, proposed for conversion, is adjacent to an open area at roof level which is currently accessed from the reading room.

2.0 Proposed Development

2.1. The proposed development involves:

a) conversion of existing caretaker's / manager's flat at first floor level and infilling of void (22sqm) to provide a new 4 bedroom house type student accommodation unit (82sq m). Associated external alterations to the building involve the removal of a door to the northern flank elevation of the building and the subdivision of an existing balcony to the eastern elevation of the building and the provision of a door leading onto the subdivided balcony to the eastern elevation of the building and the provision of a door leading onto the subdivided balcony plus two new bedroom windows.

b) conversion of existing communal seminar room and kitchen/living area to convert an existing 4 bedroom house type student accommodation unit into a 7 bedroom house type student accommodation unit (90sqm). Associated external alterations to the building comprise the provision of one additional bedroom window to the north western elevation of the building at first floor level.

c) conversion of existing oversized bedroom at second floor level into two separate single bedrooms whereby an existing 5 bedroom house type student accommodation unit is converted into a 6 bedroom house type student accommodation unit. Associated external alterations comprises the provision of one additional bedroom window to the northern elevation of the building at first floor level.

d) conversion of existing oversized bedroom at third floor level into two separate single bedrooms whereby an existing 5 bedroom house type student accommodation unit is converted into a 6 bedroom house type student

accommodation. Associated external alterations comprises the provision of one additional bedroom window to the northern elevation of the building at first floor level.

e) conversion of existing reading room at fourth floor level into two bedrooms to convert an existing 4 bedroom house type student accommodation unit into a 6 bedroom house type student accommodation unit. Associated external alterations to the building involve the widening of existing window on the western elevation and the removal of an existing window to the southern elevation and the provision of a new door to the western elevation of the building off the existing kitchen/dining area onto the existing roof terrace at fourth floor.

The proposed internal conversion and refurbishment works will accommodate an additional 11 student accommodation bedrooms.

Other works include:

The provision of 3 no. ancillary bicycle spaces at ground floor level and,

The provision of 5 no. wall mounted, back lit circular signs not exceeding 1800mm diameter at various locations on the exterior of the building.

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority decided (30/5/2016) to refuse planning permission for the reason:

Having regard to the policy objectives set out in the Dublin City Development Plan 2011 – 2017, in particular Policy QH30 which supports the provision of

high quality, professionally managed student accommodation and which requires compliance with Appendix 23: 'Guidelines for Student Accommodation', and having regard also Section 17.9 which relates to Residential Quality Standards, it is considered that the proposed development would result in substandard development by reason of an inappropriate quantity and range of communal and recreational facilities to serve the amenity of students as future occupants of the scheme. The proposed development would, therefore, seriously injure the residential amenities of the future occupants of the scheme, would be contrary to the provisions of the City Development Plan, and would be contrary to the proper planning and sustainable development of the area.

3.3. Planning and technical reports

3.4. Application lodged 26 Feb 2016 accompanied by:

- Student Accommodation Management Plan by Uninest, a division of Global Student Accommodation Group.
- Civil Engineering Infrastructure Report by Barrett Mahony
- Design Statement by Mólá Architecture.

3.5. The Student Accommodation Management Plan includes details of the management of the building by on-site staff during daytime Monday to Friday and by student wardens, in the evenings and at weekends, who can escalate problems outside their competency.

3.6. The Civil Engineering Infrastructure Report refers to existing infrastructure and the additional loading which will have a negligible effect on capacity

3.7. The Design Statement by Mólá Architecture states that the original design concept consists of a series of volumes each clad in a different material, at different geometries capturing the significant corner presence of the building. The proposed internal changes and associated additional windows, do not negatively impact upon the overall design intent of the original permitted scheme. New windows will derive their language, alignment, scale, specification and size from existing windows. New

interventions will not over-power the original materials and design language. The overall concept of interlocking forms will still remain as the new interventions are within the facade line and do not penetrate beyond the existing building faces. The majority of impact on the external elevations is mainly to the less prominent elevations to the north and east.

Móla Architecture were the architects of the original scheme, they are ex. Murray O'Laoire Architects staff and are proposed to carry out the work on behalf of the owners. They have ensured that the new works do not detract from the design success of the original scheme, so have paid particular attention to the sensitive addition of the proposed new interventions. All standard details, materials, specifications will be based upon the original design. A close familiarity with the building fabric will ensure that the additional provision of bedrooms will discretely sit within the overall volumes. The current under-utilisation of the area due for upgrade will ensure that the building use is maximised in keeping with the dynamic user group.

3.8. Planning Authority Reports

- 3.8.1. Planning report – 20 April 2016 – refers to the Dublin City Council Development Plan 2011-2016,(since reviewed):

Zoning Z1: to protect provide and improve residential amenities.

Relevant provisions include those in relation to student accommodation, standards for residential accommodation, the promotion of Dublin for international students, etc.

Sec 11.4.13

Sec 17.9

RE30

RE32

Re 015

Appendix 23, are referred to.

The management plan – the applicant intends to switch the management to reflect its adopted standards, that the provision of a caretaker's accommodation on-site has become a dated and ineffective management model and is not widely employed any

longer. It is contended that the loss of the unit will not compromise the effective management of the facility. In support of this a student accommodation plan has been submitted which details the management proposed. It states that the residence will be managed by an in-house on-site team comprising a property management and a further full time and part time assistance team supported by an Operations Manager, that members of the management team will be on duty at the residence between the hours of 8.00 am and 5.00 pm Monday to Friday (times may vary depending on need). It is further stated that the out of hours times will be covered by resident student wardens.

The planning authority considers the proposed professional management of the scheme to be generally acceptable.

Elevational changes

(i) removal of a door on the northern elevation at first floor, subdivision of balcony at first floor level, plus 2 no. bedroom windows all on the eastern elevation (ii) provision of an additional window to the north and north-western elevation at first, second and third floor levels to serve new bedrooms; (iii) widening of an existing window on the western elevation and the removal of an existing window on the southern elevation together with the provision of a new door to the western elevation leading onto the roof terrace at fourth floor level. These changes are relatively minor, will not result in any undue overlooking of adjoining properties and will not compromise the existing architectural appearance of the building. These amendments are acceptable.

Signage

5 no externally illuminated signs are proposed on the building: 4 high level signs and 1 sign at the ground floor at the entrance.

A design statement states that the signs will denote the operator of the building and will be 1800mm max diameter with secret fixings, slightly set off the building to facilitate back lighting and colours and graphics are to be in keeping with the environs.

Proposed lettering and colour scheme have not yet been fully developed and the applicant would welcome a condition requiring such details to be approved.

Standards

Provision to meet the needs of disabled students per appendix 23 – the scheme requires 1 out of every 50 bedspaces to serve the needs of those with disabilities; 3 bedrooms are to serve students with disabilities. This provision exceeds the standards in the Plan.

Bicycle parking

Appendix 23 requires that 1 space be provided for every 6 students

The proposal will provide an additional 3 spaces within the ground floor car parking and bicycle parking area.

Conversion of caretaker's flat – no objection – the professional management plan will serve to ensure that the facility is managed properly.

For a 7 bed unit a combined communal living/dining/kitchen of 28 sq m is required; 27 sq m proposed, substantially in compliance.

Room sizes of all bedrooms are between c 11 sq m and c 13 sq m and all have en-suites with shower, toilet and washbasin. The required floor areas for such bedrooms is c 12 sq m per Development Plan. Substantially in compliance.

One of the bedrooms is located adjacent to and overlooking the communal amenity space. Planning authority are concerned re. the privacy and residential amenity of the future occupants of this unit; they should be offered an opportunity to address this issue by way of further information.

Conversion of seminar room at first floor, to form part of a larger 7 bed unit. The new bedrooms measure c 12 sq m and combined living area measures some 27 sq m. The conversion will result in a loss of a communal student facility of 50 sq m. The planning authority is concerned regarding the loss.

Conversion of the reading room at fourth floor, to two study bedrooms. The conversion will result in a loss of a communal student facility of 20 sq m. The planning authority is concerned regarding the loss, in a facility with over 100 students where other communal facilities are being converted and outdoor amenity space, in terms of area, is just within quantitative standards. In addition the conversion would result in students bedrooms directly adjoining communal outdoor amenity space intended for the recreational purposes. Planning authority are concerned that noise and disturbance associated would impact on future residents.

Loss of communal amenities

The Development Plan requires that all student accommodation proposals provide indoor and outdoor communal recreational facilities.

The indoor facilities remaining will comprise a student lounge – 68 sq m and a student resource room 67 sq m. The laundry room provides a useful service but it is not considered a communal recreational space.

Outdoor communal space – terraces at first and fourth floor are retained, equating to 292 sq m. It is stated that the total private outdoor space is 437 sq m, it appears to be closer to 290 sq m. It was noted on site that these outdoor areas have been poorly maintained and despite their attractiveness from a size, location and orientation point of view, they appear underused. Upgrading would be required. What appears to be 282 sq m of outdoor amenity space, together with 135 sq m indoor space would result in the provision of 4.2 sq m per bedspace, 5-8 sq m is required; 5-7 sq m is required in the draft Plan. Proposal is below minimum standards.

3.9. Further information recommended on 3 points

Quantum and quality of recreational facilities – submit a schedule of facilities proposed. There is a discrepancy in the quantity stated.

Existing outdoor space is poorly maintained and underused. Submit landscaping / upgrading proposals.

In the event of the recreational facilities being deemed adequate applicant is advised that the proposed conversion of the one-bedroom flat at first floor level contains a bedroom directly adjacent to the communal outdoor amenity space, and the residential amenity of future occupants is of concern. Applicant to address.

3.10. Further information request issued 25th April 2016

1 - planning authority is concerned regarding quantum and quality of recreational facilities provision, loss of facilities and increased number of bedrooms, requests addressing of matter and a full schedule of indoor and outdoor communal and recreational spaces with accompanying floor areas.

2 - existing outdoor facilities are poorly maintained and underused requests details of any landscaping or upgrading proposals in respect of existing outdoor spaces that would enhance their attractiveness and amenity value, given that it appears to be poorly maintained and underused.

3 – address concerns that the conversion of the flat contains bedrooms adjacent to the communal outdoor amenity space and concerns regarding residential amenity.

3.11. Further information response received 12th May 2016, including:

Responding to item 1 – a schedule of amenity space, existing and proposed, is provided in tabular form. The inspector's report from previous the Board decision is referred to, which states that the outdoor space amounts to 437 sq m. The response states that the internal space is reduced from 204 sq m to 176 sq m, a reduction of only 28 sq m. The combined space of 613 for 102 student equates to 6 sq m per bedspace. There is no prescribed standard in the current Development Plan in relation to student accommodation; in the draft Plan (16.10.7) the requirement is for a combined level of 5-7 sq m per bedspace. The provision of 6 sq m falls within this standard.

Responding to item 2 – that the existing outdoor space is poorly maintained and underused; a landscaping proposal is submitted.

Responding to item 3 – a revised layout is submitted in which the bedrooms are flipped with the living room with the reconfiguration of the layout to 3 bedrooms instead of 4, one a twin room.

3.12. Further Planning report

Re. item 1 - the proposed provision of recreational space is considered insufficient to serve the number of bedspaces proposed. Under the proposal the ratio would be 4.2 sq m per bedspace. It effectively reduces the standard of the existing student population to one which is just within the range of acceptability i.e. 5-7 sq m per bedspace.

Re. item 2 - the proposals to upgrade the existing outdoor space is not sufficient to disregard the loss of good quality indoor spaces.

Re. item 3 – proposals are acceptable.

Refusal recommended – CDP particularly policy QH30 – Appendix 23, Section 17.9, proposals would be substandard by reason of the inappropriate quantity and range of communal and recreational facilities to serve the amenity of students as future occupants of the scheme.

3.12.1. **Other Technical Reports**

TII – the proposal is located in close proximity to a future Luas Line, the proposal should ensure no adverse impact on Luas Cross City construction, future operation and safety. The developer is required to ascertain and fully comply with the requirements of TII to ensure that no aspect of the proposed development unreasonably interferes with or delays the works and operational requirements of TII in respect of the construction and operation of the Luas Cross City line. Prior to commencement of development the developer shall be required to co-ordinate and agree in writing with TII and submit to the planning authority plans and details of all servicing access arrangements to the proposed development.

Engineering Department Drainage Division - conditions

4.0 **Planning History**

128711, DCC 3196/01 refusal of permission for the construction of 3 to 6 storey residential apartment building on a prominent site at a junction in the vicinity of a conservation area and close to protected structures of significant heritage value. This was considered that at this prominent location, by reason of lack of design coherence and excessive extent, the development would be visually obtrusive, seriously injure the amenities of the area, etc.

204918, DCC 3934/03 permission granted for the demolition of existing 1 storey residences at No's 1/1a Royal Canal Bank, the change of use of No's 2/3 Royal Canal Bank from dwellings to 2 no. student house units including new rear extension and construction of a four storey, part five storey development comprising student apartments with associated support and ancillary facilities including manager's

residence, laundry, communal student areas, 9 no off-street car parking spaces, bicycle parking, bin storage and associated landscaping at No 1/1a/2/3 Royal Canal Bank and bounded by Phibsborough Road, Constitution Hill and Western Way, Broadstone, Dublin 7.

237090 DCC 2645/10 permission refused for the installation of a telecommunications base station on the roof of the building.

5.0 Policy Context

5.1. Development Plan

Dublin City Council Development Plan 2016-2022, adopted since the decision was made, is the operative plan. Relevant provisions include

- 5.2. Zoning Z1: to protect provide and improve residential amenities.
- 5.3. **QH31:** To support the provision of high-quality, professionally managed and purpose-built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.
- 5.4. 16.10.1 Residential Quality Standards – Apartments
- 5.5. 16.10.7 Guidelines for Student Accommodation - the City Council supports the provision of high-quality, professionally managed, purpose built third-level student accommodation, either on campus or in accessible locations adjacent to quality public transport corridors and cycle routes, in a manner which respects the residential amenities of the locality. Given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed. Adequate open space of suitable orientation should be provided within developments for the amenity of students, which can include terraces, courtyards and roof gardens, where appropriate. All proposals must provide appropriate indoor and outdoor communal

and recreational facilities for students at a combined level of at least 5-7 sq.m per bedspace.

5.6. **CEE19:** (i) To promote Dublin as an International Education Centre / Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high-quality, custom-built and professionally-managed student housing.

(ii) To recognise that there is a need for significant extra high-quality, professionally managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.

5.7. **Student Accommodation Scheme Guidelines**

Prepared by Office of the Revenue Commissioners Direct Taxes interpretation and International Division, May 2007 (Guidelines on the student accommodation scheme introduced in section 50 of the Finance Act 1999).

The requirements for Student Accommodation include communal facilities and amenities.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Declan Brassil & Company Ltd Chartered Planning Consultants, on behalf of Global Student Accommodation Ltd UK.

Response to reason for refusal.

Further information was supplied in response to request for:

1 a full schedule of indoor and outdoor communal and recreational spaces with accompanying floor areas, and

2 details of any landscaping or upgrading proposals in respect of existing outdoor spaces that would enhance their attractiveness and amenity value, given that it appears to be poorly maintained and underused.

There are two discernible factors in the assessment of ancillary amenity spaces – the quantitative and qualitative aspects.

The quantitative aspects:

The further information clarified the quantum of spaces quoted in the original planning report submitted with the planning application, sec. 5.3, the proposed level of internal and external amenity spaces to be retained on site. The enclosed ground, first and fourth floor plans and associated diagrams show the location and approximate extent of the originally permitted 437 sq m of external amenity space, as approved by An Bord Pleanála. The inspector's report is cited. It is clear that external incidental spaces, in addition to purposely designed roof terraces were considered adequate and appropriate to meet the amenity and recreational needs of students on site. This level of provision is proposed to be retained as approved by An Bord Pleanála.

Response to FI clarifies that the proposed development would result in a reduced internal amenity/communal space from 204 sq m to 176 sq m, a reduction of 28 sq m. However, the combined internal and external amenity spaces would total 613 sq m. This space would be shared among 102 resident students, giving an amenity space ratio of approximately 6 sq m per bed space – $613/102= 6$ sq m.

The DCC Planner's Report 1st June 2016 does not appear to accept the basis of calculation and ABP Inspector's report assessment in terms of the functionality of the existing outside amenity space, particularly at ground level. It also appears that the report did not accept the measured area calculations on the submitted plans and or applied a reduced quantum without explanation. The planning report is cited.

Tables are appended to the submission to demonstrate the difference in interpretation between the project team and DCC planner as to what areas may reasonably constitute or contribute towards amenity space calculations.

Existing		Internal sq m	External sq m	Notes
Ground floor	Student lounge	68		
	Laundry	20		
	Reception	21		
	Student Resource	67		
	Front External Area		61	
	Rear External area		55	
First floor	Seminar Room	0		Not included as amenity area
	Caretaker's suite	0		Not included as amenity area
	Deck area		124	Upper FF deck only – lower area for maintenance access only not amenity
Fourth Floor	Reading Room	28		
	Deck Area		197	
Total		204	437	

The areas in the first column are taken from 204918.

The table provides a comparative summary of the proposed amenity space provision as approved under the parent permission, a summary of relevant areas and inclusions stated in the DCC planner's report. It is apparent that it is accepted that internal laundry and student reception services are services normally associated with any well managed purpose built student accommodation scheme and these areas have been discounted. There are clear unsubstantiated discrepancies to a total of 38 sq m in the calculation of both internal and external amenity spaces between the project team and DCC. The project architect has verified that the areas stated are correct, as measured from scaled CAD drawings.

Roof terraces and first and fourth floor terraces – the calculated area of the first floor terrace has been confined to the upper deck area and does not include for the lower decked areas, as per the calculation of the parent permission. The area of 124 sq m is a conservative and under stated area of useable roof terraced space.

Proposed		Internal sq m	External sq m	Notes
Ground floor	Student lounge	68		
	Laundry	20		
	Reception	21		
	Student Resource	67		
	Front External Area		61	
	Rear External area		55	
First floor	Seminar	0		Not included

	Room			as amenity area
	Caretaker's suite	0		Not included as amenity area
	Deck area		124	Upper FF deck only – lower area for maintenance access only not amenity
Fourth Floor	Reading Room	0		
	Deck Area		197	
Total		176	437	

The existing extent of useable roof terraced area at fourth floor is larger in extent than the area approved by the Board under the parent permission as it includes the area of roof annotated as weather proof water storage tank, resulting in an increased area of useable terraced space from 105 sq m under the parent permission to 197 sq m under the proposed scheme.

A total area of 142 sq m (ground floor) was approved as amenity space under the parent permission. In setting out their calculations they have allowed a reduced usable area of 116 sq m, notwithstanding that the DCC Planner's report position is that none of this area should be included within the space calculations.

The table demonstrates that an amenity space ratio of 5.6 sq m per bedspace is achieved under the proposed scheme. Taking the reduced areas quoted in the planner's report and the report's assertion that the ground floor amenity spaces are not fit for purpose and should be discounted it results in a ratio of c 4.1 sq m per bedspace.

The calculation methodology is incorrect for the following reasons:

The quoted areas of internal spaces and particularly roof terrace areas are unsubstantiated and incorrect. The areas quoted in the application have been confirmed as correct by the project architects.

The project architects stated area of first floor roof terrace is a conservative assumption that only takes account of the main raised level of decking and does not include all accessible and usable space at this level (table 3).

A revised Table 3 has been prepared and is attached as appendix C. An additional column has been added to provide high case / low case scenarios, with the following adjusted areas:

Under both the high and low case scenarios the area of useable roof terrace / decked area at level 1 is increased from 124 to 178, to include the split level lower areas, consistent with the calculation in the parent scheme.

Under the high case scenario it is assumed that only 50% of the stated ground floor outdoor amenity space is fit for purpose, resulting in the provision of c 58 sq m which is consistent with the quantum of external space immediately to the rear of the building as existing.

Under the low case scenario it is assumed that none of the outdoor amenity space at ground level is fit for purpose.

Table 3 demonstrates that under a high case scenario an amenity space ratio of 5.6 sq m per bed space could still be achieved by taking into account the real usable area at first floor level. Similarly the low case scenario would still achieve the minimum recommended level amenity space ratio of 5 sq m per bed space.

This does not take account of the proximity of the site to major recreational public open space facilities at Broadstone Park immediately to the rear of the site.

Broadstone Park is referred to further and a DCC planner's report on 3000/15 is cited (246097).

Broadstone Hall is proximate and accessible to the developing Grangegorman Campus, with 2 entrances proposed from Constitution Hill directly opposite.

The qualitative aspects:

Extensive works of refurbishment are being carried out as exempted development. Details were supplied as an A3 booklet by Mólá Architects: upgrade of the roof, first and fourth floor terraces in materials that are durable, low maintenance that would significantly enhance the appearance and functionality of this space. High quality, low maintenance decking is proposed to cover the first floor roof terrace; planters are proposed.

An assessment of the indoor amenity space was carried out. The quantum and range of facilities that will be retained and refurbished compared to other recently permitted student accommodation. The laundry and reception areas are discounted. The proposed level of retained internal amenity spaces will result in an internal amenity space ratio of c 1.3m per bedspace, comparable to the level of provision in most recent precedent schemes which are listed in table 2.1.

Too great a weight was attached to the removal of two small indoor communal amenity areas.

Refurbishment works and works to upgrade internal communal spaces are listed.

The qualitative improvements will adequately offset the quantitative loss of indoor communal amenity areas and ensure the delivery of a high quality finish, design and range of amenities to students.

6.2. Planning Authority Response

The planning authority has responded to the grounds of appeal referring the Board to the planner's report and requesting the Board to uphold its decision

6.3. Observations

6.4. BLEND resident's association have submitted an observation on the grounds of appeal:

Condition no. 3 of the existing permission requires the caretaker unit to be reserved solely for full-time caretaker to supervise the student residence and should be retained. The change will lead to problems previously dealt with promptly and should be avoided by the retaining of a full -time caretaker.

Regarding the reference to Grangegorman Road Lower and Fitzwilliam Place North (246097), while citing these the applicant disregards the fact that they contains a caretaker's flat.

Proposals reduce room size eliminate all communal facilities and increase the number of beds; this undermines the quality of the accommodation, merely reducing it to sleeping quarters.

Of the 5 externally illuminated signs, 4 are high level signs unnecessary and more about branding the building than serving any necessary purpose and should not be permitted. This building is situated in a residential area and it is reasonable that residents should not have to endure light spill from such signage. Currently there is no difficulty in students finding the residence and it has been fully occupied since built.

Several weeks prior to the 30th May the applicant engaged in major works on site. Removing much of the interior of the caretaker's residence, the subject of a planning complaint.

In the north inner city D 1 & D7, there are currently 3,326 further student accommodation beds either under constrction, with approval and in the appeal process.

- Church St – 217
- Gardiner St Summerhill – 491
- Second phase – 374
- Grangegorman Rd Lr – 132
- Dominic St Up – 130

- Parnell Sq – 12
- Dorset St Up – 463
- Up Mayor St 935
- NE corner of Grangegorman Lr Brunswick St N 571.

DCU recently announced plans for a further 2,000 units on its St Patricks and Mater Dei campuses in the L Drumcondra / Clonliffe Rd area.

They request refusal.

7.0 **Assessment**

The issues which arise in relation to this appeal are the amenities of student residents, the design of the building, each of the proposed internal alterations, visual amenity and appropriate assessment and the following assessment is addressed under these headings.

7.1. **The amenities of student residents**

Outdoor areas.

Of the outdoor areas at ground level, the applicant's calculations include 55 sqm at the rear of the building. This area includes a recessed area adjoining the caretaker's flat which is a usable area; and it also includes an area below ground level adjoining the student lounge / laundry which has some utility as an extension to the student's lounge (e.g. for smoking), but with reduced amenity value, diminished by being below the outdoor ground level.

The outdoor area in the applicant's calculations include 61 sq m at the front of the building. This area is used as a footpath and has no amenity value to the residents being a busy public area not defined by design as a private amenity area or separated from the public domain.

The grounds of appeal states that this total area of 116 sq m is less than the area of 142 sq m which was accepted as ground level open space in the parent permission. No further details are given.

The planning authority does not accept any of the area at ground level as constituting amenity space.

In my opinion the outdoor area at the rear of the building, is of some amenity value because it adjoins the student lounge. However due to the fact that it is below ground level and that some of it adjoins the laundry rather than the student lounge, I consider that its amenity value is limited.

I accept that there is a small area within the site and immediately adjoining the caretaker's flat which provides outdoor amenity space.

There is very little outdoor amenity space at ground level.

The area of the first floor terrace is contested. The applicant states the area to be 124 sq m; and that the planning authority's calculation of 100 sq m is incorrect. They further state that the lower decked area (identified as an area for maintenance only not amenity) has not been included (per the parent permission) and that the area given is understated. I agree that the floor area is understated.

In relation to the fourth floor (roof) terrace, the grounds states that the area at fourth floor is greater than stated in the previous permission; now including an area which was stated as weather proof water storage tank, an increase in the area of useable terrace from 105 sq m to 197 sq m. I am satisfied that the entire area is usable open space.

It has been pointed out that proximity to Broadstone Park is of amenity value to the residents, which I accept.

I consider that the extent of outdoor amenity space is adequate, however very little of it is at ground level. The terrace areas provide important amenity space but these are not all-weather spaces or located where users would have any shelter from the elements. I consider that the provision of adequate indoor amenity space is an important requirement in this case.

Indoor areas.

The indoor facilities in respect of which there is substantial agreement are the student lounge (68 sq m) at ground floor and the student resource room (67 sq m per applicant and 61 sq m per planning authority) also at ground level. The floor area of the student resource room is not being reduced. The student lounge is not being reduced in floor area, in fact from a site inspection it is apparent that the floor area has been increased, by reducing the floor area of the adjoining laundry. However the utility value of the student lounge is being reduced. This room is below the adjoining ground level to the east and in part it is a double volume space lit by tall windows which extend above ground. The proposal to convert the caretaker's flat includes creating additional floor space for the new unit by eliminating the double volume in the student lounge; a proposal which will significantly reduce the amenity value of this densely developed space.

The listing of communal / amenity space by the first party does not include the seminar room, an area of 60sq m at first floor which it is proposed to redevelop. The first party states that this is not an amenity area. The Board should note that a seminar room was among the facilities listed as being required in the provision of student accommodation under the 1999 Finance Act which assisted in the funding of most of these developments. Its alteration to student accommodation should be considered a loss of communal / amenity facilities.

The loss of the reading room (28 sq m) is identified in the various calculations.

Development Plan Standards

The first party states that there is no standard for amenity space for student accommodation in the 2011 – 2016 Plan but that the draft plan includes a requirement for combined outdoor and indoor space of 5-7 sq m per bedspace. The 2016-2022 Plan has been adopted and the requirement for appropriate indoor and outdoor space of at least 5-7 sq m is set out in chapter 16 of the Plan (16.10.7).

In my opinion the quality and utility of the spaces is of equal importance to the quantity.

7.2. Standard of Student Accommodation

This development was permitted on the basis that it was student accommodation which required facilities to be put in place which included caretaker's accommodation-site. I am satisfied that the proposal to utilise on site staff during business hours and resident student wardens with off-site back up during other periods is acceptable and that the need for a resident caretaker and accommodation for that purpose is no longer required and that the proposed management regime is equal to, or better than the former arrangements.

It was a requirement that the student accommodation be provided with, indoor communal and recreational facilities for the amenity of the students. Communal indoor space is an intrinsic part of student accommodation.

The argument is made on behalf of the first party, that the seminar room is not an amenity space, and that the conversion of the reading room can be justified on the basis that the alteration will not reduce the amenity space below the floor set in the Development Plan for combined outdoor and indoor space of 5-7 sq m per bedspace. I do not accept the argument that the amenities of the development can be reduced until such a floor level is reached. Neither do I accept the argument that

the seminar room is not part of the amenities currently provided for student residents.

Design of the Building

The communal and recreational facilities are part of this designed student development. The application documents quote a planner's report on the previous permitted development as referring to the fact that 'the detailed design process has resulted in a beautiful addition to the architectural stock of Dublin, something acknowledged by the fact that the building was shortlisted for the 2007, RIAI Irish Architecture Awards (Best Housing More Than 1 Unit Category).'

The application documents include a design statement which states that MOLA Architecture have ensured that the new works do not detract from the design success of the original scheme, so have paid particular attention to the sensitive addition of the proposed new interventions. Mola's design statement - that the proposed internal changes and associated additional windows, do not negatively impact upon the overall design intent of the original permitted scheme; new windows will derive their language, alignment, scale, specification and size from existing windows; new interventions will not over-power the original materials and design language; the overall concept of interlocking forms will still remain as the new interventions are within the facade line and do not penetrate beyond the existing building faces.

The planning authority considered that the external alterations are relatively minor, will not result in any undue overlooking of adjoining properties and will not compromise the existing architectural appearance of the building; and that the amendments are acceptable.

It appears to me that the focus of consideration in relation to the impact on the existing design has been on ensuring that the interventions in the exterior of the building, largely the placement of additional windows, will not detract from its external appearance. The building is a strong element in the streetscape occupying a prominent site where its contemporary appearance and 'use of materials as clear

sculptural elements'¹ dictate that any alterations to its external appearance must be carefully considered in light of the important contribution it makes to the streetscape.

I accept that these external alterations will not unduly detract from the appearance of the building. However the design success of the original scheme is not based solely on its external appearance. The seminar room, an indoor amenity space which adjoins and provides a visual and functional link with the outdoor amenity area on the first floor terrace, is an important part of the design. In a similar way the reading room on the fourth floor with windows facing north, west and south onto the terrace at this level and also providing access via a door to the terrace, is an important link between the indoor and outdoor amenity areas. The proposal to remove these indoor amenity facilities would seriously damage the design of the development as well as diminishing the amenities provided by the communal and recreational facilities.

7.3. Each of the Proposed Internal Alterations

The internal alterations to provide additional bedroom accommodation can be addressed separately under the headings: caretaker / manager's flat, seminar room, conversion of double bedrooms to single bedrooms and reading room.

Caretaker /manager's flat

This part of the proposed development is described as conversion of existing caretaker's / manager's flat at first floor level and infilling of void (22aqm) to provide a new 4 bedroom house type student accommodation unit (82sq m). Associated external alterations to the building involve the removal of a door to the northern flank of the building and the subdivision of an existing balcony to the eastern elevation of the building and the provision of a door leading onto the subdivided balcony to the eastern elevation of the building and the provision of a door leading onto the subdivided balcony plus two new bedroom windows. The proposal is shown on drawing no 4101 rev PP and can be compared with the existing layout shown on drawing no 4001 rev PP. In addition to the alteration to the caretaker's flat, the conversion also involves utilising the upper space in a double volume students lounge, as shown in drawings 6500 rev PP and in drawing no 4000 rev PP.

As part of the proposal the existing private balcony on the eastern side of the unit would be converted to two private balconies to individual bedrooms.

¹ Cited in application documents which refer to Murray O'Laoire's website

The upper volume of the double volume space of the ground floor lounge area, with a glazed double height elevation to the east would be developed in connection with the conversion of the caretaker's flat, by creating a floor at first floor level. The remaining lounge area has a glazed elevation to a narrow outdoor area, a storey below natural ground level and bounded by a retaining wall. The conversion will considerably reduce the volume of the indoor amenity space and the natural light to the space, and the area will become a basement.

The planning authority considers the proposed professional management of the scheme to be generally acceptable.

The observer's state that Condition no. 3 of the existing permission requires the caretaker unit to be reserved solely for full-time caretaker to supervise the student residence and should be retained; they are concerned that the change will lead to problems previously dealt with promptly and should be avoided by the retaining of a full -time caretaker.

The need for a caretaker's / manager's flat has been addressed in the document titled 'student accommodation management plan'. I accept that a dedicated caretaker / manager's flat is not necessary in light of the alternative management regime proposed. Although it is worth noting that the accommodation could be utilised by student wardens.

On balance, notwithstanding that there will be a reduction in the amenity value of the lounge, having regard to the availability of other communal and recreational facilities, and in light of the opportunity available with the change in management regime to provide additional student bedroom spaces, I consider the conversion including infilling is acceptable.

Communal Seminar Room

This part of the proposed development is described as conversion of existing communal seminar room and kitchen / living area to convert an existing 4 bedroom house type student accommodation unit into a 7 bedroom house type student accommodation unit (90sqm). Associated external alterations to the building comprise the provision of one additional bedroom window to the north western elevation of the building at first floor level.

The proposal is shown on drawing no 4101 rev PP and can be compared with the existing layout shown on drawing no 4001 rev PP. In addition to the provision of two bedrooms in the former kitchen / dining / living area of the apartment, the seminar room is to be subdivided into a bedroom and kitchen / dining / sitting area, the conversion also involves the provision of a lobby. The usable kitchen / dining / sitting area is 26.7 sq m (5.736m c 4.654m) which is 3.8sqm per bedspace and slightly short of the minimum of 4 sq m required.

The planning authority is concerned with the loss of this amenity space. The conversion will result in a loss of a communal student facility of 50 sq m.

In addition to the loss of amenity floorspace the seminar room is an indoor amenity space which adjoins and provides a visual and functional link with the outdoor amenity area on the first floor terrace. This is an important functional relationship and an important part of the building design. I consider that this alteration is unacceptable and should be refused.

Double bedroom conversions to single bedrooms

There are two areas which involve conversions of double or oversized bedrooms to single bedrooms.

These parts of the proposed development are described as:

conversion of existing oversized bedroom at second floor level into two separate single bedrooms whereby an existing 5 bedroom house type student accommodation unit is converted into a 6 bedroom house type student accommodation unit into a 7 bedroom house type student accommodation unit. Associated external alterations comprises the provision of one additional bedroom window to the northern elevation of the building at first floor level.

This proposal is shown on drawing no. 4102 rev PP and can be compared with the existing layout shown on drawing no. 4002 rev PP. In addition to the alteration to a bedroom, the conversion involves a reduction in the kitchen dining area and the provision of a lobby.

and

conversion of existing oversized bedroom at third floor level into two separate single bedrooms whereby an existing 5 bedroom house type student accommodation unit is converted into a 6 bedroom house type student accommodation. Associated external alterations comprises the provision of one additional bedroom window to the northern elevation of the building at first floor level.

This proposal is shown on drawing no. 4103 rev PP and can be compared with the existing layout shown on drawing no. 4003 rev PP. In addition to the alteration to a bedroom, the conversion involves a reduction in the kitchen dining area and the provision of a lobby.

It is likely that there is little demand for shared bedrooms and that the proposed alterations respond to the preference for individual bedrooms. I consider the proposed conversion of oversized bedrooms at second and third floor level to single bedrooms is acceptable.

Reading Room

This part of the proposed development is described as conversion of existing reading room at fourth floor level into two bedrooms to convert an existing 4 bedroom house type student accommodation unit into a 6 bedroom house type student accommodation unit. Associated external alterations to the building involve the widening of existing window on the western elevation and the removal of an existing window to the southern elevation and the provision of a door to the western elevation of the building off the existing kitchen/dining area onto the existing roof terrace at fourth floor. This proposal is shown on drawing no. 4104 rev PP and can be compared with the existing layout shown on drawing no. 4004 rev PP.

The proposed bedrooms shown in the layout submitted are very awkward shapes.

The planning authority is concerned that the conversion will result in a loss of a communal student facility in a development with over 100 students where other communal facilities are being converted and outdoor amenity space, in terms of area, is just within quantitative standards.

The existing reading room (28 sq m) which is a shared facility with large windows and a glazed doorway onto the roof terrace creates a visual link between the outdoor student recreational area and the indoor facility and serves to enhance the experience of both amenities for students. This would be changed to a corridor access. The terrace will be provided with a privacy screen to make the southern end available only to that apartment. The privacy screen and subdivision of outdoor area is shown at a very small scale on drawing no. 4555 submitted in response to the further information request May 2016 which states 'slatted hardwood timber fence & door to be installed to terrace'. This amendment may in part be to address concerns regarding the residential amenity of the proposed adjoining bedrooms. A direct entry from the adjoining kitchen/dining area of the student apartment would be provided and this area would be closed off from the terrace to the north.

There is an important functional relationship between the outdoor student recreational area and the reading room which is an important part of the building design. I consider that this alteration would diminish the communal facilities available and their utility and is therefore unacceptable. I consider that this alteration should be refused.

Proposed signage

Part of the proposed development is the provision of external signage on building elevations. This part of the proposed development is described as the provision of 5 no. wall mounted, externally illuminated signs not exceeding 1800mm diameter.

The observer's state that of the 5 externally illuminated signs, 4 are unnecessary high level signs and more about branding the building than serving any necessary purpose; that this building is situated in a residential area and it is reasonable that residents should not have to endure light spill from such signage; and that currently there is no difficulty in students finding the residence and it has been fully occupied since built. I agree with the view that the signage is unnecessary for identifying the location of the building and is more likely to be an exercise in establishing a brand name and associating it with a landmark building. In my opinion the proposed signage, is unnecessary for locating the building, by reason of its prominent siting and appearance, and by reason of the fact that it is a residential building which does

not need to attract passing customers and that it would detract from the visual appearance of the building and should be refused.

It was noted on the date of inspection that there is existing signage at the location of the main entrance and therefore I consider that further signage at this location is unnecessary.

7.4. Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In accordance with the foregoing assessment I consider that planning permission should be granted for (a) the proposed conversion of existing caretaker's / manager's flat at first floor level, infilling of void (22sqm) to provide a new 4 bedroom house type student accommodation unit (82sq m). (b) the conversion of existing oversized bedrooms at second and third floors to single bedrooms and associated external alterations to the building, in accordance with the conditions listed hereunder and for the following reasons and considerations (1).

8.2. In accordance with the foregoing assessment I consider that planning permission should be refused for the remainder of the development for the following reasons and considerations (2):

9.0 Reasons and Considerations (1)

The Board is satisfied that the caretaker / manager's flat is no longer required for the effective management of the students' residence, that its redevelopment as student accommodation would not unduly reduce the communal and recreational facilities for the amenity of the students and would provide valuable student accommodation; the Board is also satisfied that the conversion of oversized bedrooms at second and

third floor levels into single bedrooms would provide acceptable accommodation; and that the development would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 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 12 day of May 2016, 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 This permission is for the conversion of the caretaker / manager's flat to student accommodation and for the conversion of oversized bedroom at second and third floor levels into single bedrooms.

Reason: In the interest of clarity.

- .3. . The developer is required to ascertain and fully comply with the requirements of TII to ensure that no aspect of the proposed development unreasonably interferes with or delays the works and operational requirements of TII in respect of the construction and operation of the Luas Cross City line. Prior to commencement of development the developer shall agree in writing with TII and submit to the planning authority, plans and details of all servicing access arrangements to the proposed development.

. **Reason:** In the interest of orderly development.

- 4 . Materials and colours to be used in all external alterations shall be agreed in writing with the planning authority prior to commencement of development.

. **Reason:** In the interest of visual amenity.

11.0 Reasons and Considerations (2)

The proposed conversion of communal and recreational facilities provided for the amenity of the students as part of a designed, purpose built student residential development, to individual student apartments would seriously detract from the amenity of residents and from the building design and would accordingly be contrary to the proper planning and sustainable development of the area

Planning Inspector

16 November 2016

Appendices

Appendix 1 Map and Photographs

Appendix 2 Extracts from the Dublin City Council Development Plan 2016 – 2022