



An
Bord
Pleanála

Inspector's Report

Development

2 no. dormer type windows to the rear flat roof of existing retail unit, 12 & 13 George Street Lower, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D16B/0167

Applicant

Robert Furlong

Type of Application

Permission

Planning Authority Decision

Refuse

Appellant

Robert Furlong

Type of Appeal

1st Party v. Refusal

Observer(s)

None

Inspector

Colin McBride

Date of Site Inspection

27th September 2016

1.0 Site Location and Description

1.1 The appeal site, which has a stated area of 0.0234 hectares, is located at no.s 12 and 13 George's Street Lower in Dun Laoghaire Town centre. The site is occupied by two shop units at ground floor level and residential use at first floor level. There is a significant single-storey portion of the existing buildings on site that extends to the rear with a flat roof. An existing laneway runs to the south of the site, Convent Lane, and has access from George's Street Lower further to the east of the site and York Road to the west of the site. The building immediately to west is a two-storey building with a coffee shop at ground floor level and residential use at first floor. The residential use at first floor consists of an apartment that extends to the rear (11a). To the east is also a two-storey building with a shop unit at ground floor and residential at first floor level.

2.0 Proposed Development

2.1 Permission is sought for the construction of 2 no. dormer type windows in the rear flat roof of an existing retail unit. The dormer windows are to provide light to the single-storey portion of a retail showroom. The windows have ridge height of 2.757m above the ridge height of existing flat roof and are to have zinc external finish.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Permission refused based on one reason...

1. The proposed development,, due to its height, size and bulk, together with its layout adjoining the side boundary with no. 11a George's Street Lower, and the orientation of the site and proposed dormer structures to the southeast of no. 11a George's Street Lower, would appear visually overbearing and obtrusive when viewed from the first floor patio area of the adjoining property No. 11a George's Street Lower and would have a serious overshadowing impacts on the principal dedicated private open space and external access stairs of that residential property. It is considered that proposed development would have serious negative impacts on the amenities of the adjoining property, and would result in a substandard level of residential amenity for the occupants of the adjoining dwelling. It is considered that the proposed development would therefore, seriously injure the amenities and depreciate

the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1

(a) Drainage Planning (21/04/16): No objection.

(b) Planning report (13/06/16): The proposal was considered to have an adverse impact on the residential amenities of no. 11a (first floor apartment) to the south west of the site. Refusal was recommended based on the reason outlined above.

4.0 Planning History

4.1 D15B/0436: Permission granted for set of double doors and circular window on first floor rear elevation of no. 12.

4.2 D15A/0144: Permission granted to remove part of roof at rear of shop unit in no. 12.

4.3 D14A/0406: Permission refused for change of use of part of ground floor of existing shop unit from commercial to residential use at no. 12. Refused due to zoning policy.

4.4 D14B/0313: Permission granted for 3 no. one-bed apartments at first floor and attic level at nos. 12-14.

4.5 D05A/0616: Permission granted to demolish single-storey, rear showroom and store and erect a single-storey flat roof extension comprising showrooms. Office and toilet at no.s 12-14.

4.6 D08A/1180: Permission granted for internal alterations and extension to rear at first floor for a two bedroom apartment unit.

5.0 Development Plan

5.1 The relevant plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022.

The site is zoned Objective 'MTC' with a stated objective 'to protect, provide for and/or improve major town centre facilities'.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 A first party appeal has been lodged by Patrycja Rogala Architect on behalf of Robert Furlong. The grounds of appeal are as follows...

- The appellant has submitted an overshadowing study that demonstrates that proposed development would have no serious overshadowing impact on the private open space associated with no. 11a George's Street Lower.
- The appellant disagrees that the area adjoining the proposed development is the main private open space area serving the apartment and notes that such is located at the south west end of the building and the proposal has no impact on such.
- The proposal would not impact upon the main amenity space (balcony on southern elevation). The dormer window closest to no. 11 is to be stepped back with the proposal being satisfactory in the context of its overall impact.
- Regard has been had to visual amenities with the windows stepped back from the rear elevation and use of high quality materials.

7.0 Planning Authority Response

7.1 Response by Dun Laoghaire Rathdown County Council.

- It is noted that the proposed development would have a negative impact upon no. 11a and that the area in question is marked as a terrace area in the drawings permitted under ref no. D08/1180.

8.0 Assessment

8.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy
Visual amenity/adjoining amenity
Other Issues

8.2 Principle of the proposed development/Development Plan Policy:

8.2.1 The proposal is for alterations to existing retail units to provide dormer roof lights to provide more light to a retail showroom. As noted above the appeal site is located in an area zoned 'MTC' with a stated objective 'to protect, provide for and/or improve major town centre facilities'. The proposal entails no change in use and is an alteration to an existing permitted use. I would consider that the principle of the proposed development to be acceptable and the main issues to be the impact on the visual amenities of the area and the amenities of adjoining properties.

8.3 Visual amenity/adjoining amenity:

8.3.1 In regards to overall impact on visual amenity, the proposed development is located on a flat roof of a single-storey section to the rear of two-storey structures fronting onto George's Street Lower. The location of the proposed roof lights is not a prominent location or significantly visible in the surrounding area. The design and scale of the roof lights themselves are relatively modest in the context of adjoining structures and would not have an adverse impact in the context of wider visual amenity of the area.

8.3.2 The main issue relates to the relationship between the proposed structures and the adjoining residential development to the west, namely a first floor apartment (no. 11a). The access stairs and entrance to this apartment is located immediately west of the roof lights in the form of cut out section. This section also includes full height windows serving the apartment. Permission was refused with it considered that the proposal would have an adverse impact on this area serving the apartment that was deemed to be the main outdoor amenity space. The appellants argue that impact on this area is not significant and that it is not the primary amenity space with the balcony area to the south fulfilling such function.

8.3.3 Notwithstanding the views of both the Planning Authority and the appellants, the cut out section of no. 11a adjacent the proposed roof lights is important in regards to the residential amenity of the existing apartment. Regardless of whether it is the primary amenity space or not (and such is not clear), it is an area that contributes to the residential amenity of the existing property and also it is an area that is there to facilitate the provision of a significant level of glazing serving the apartment. I would consider that the overall design, scale and location of the windows relative to this area to have a significant impact. I would consider that there is a somewhat awkward relationship between the proposed roof lights and adjoining space serving the apartment with no real regard for the amenities of the existing property. Although the appellant has submitted a shadow analysis, I would consider that the proposed roof lights would have a significantly overbearing impact in regards to the existing apartment and in particular relative to the cut out section, which does constitute an amenity space and from the existing windows serving the

apartment. I would consider such a poor relationship between the proposal and the existing residential development is unnecessary as it should not be difficult to provide for roof lights to give additional light to the retail space without having such a negative impact.

8.4 Other Issues:

8.4.1 Having regard to the nature and scale of the proposed development and its 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.

9.0 Recommendation

9.1 I recommend a refusal based on the following reason.

10.0 Reasons and Considerations

10.1 The proposed development, by virtue of its height, size and bulk, together with its layout adjoining the boundary with no. 11a George's Street Lower, would appear visually overbearing and obtrusive when viewed from the first floor patio and windows served by such, of the adjoining property No. 11a George's Street Lower. It is considered that proposed development would have serious negative impacts on the amenities of the adjoining property, and would result in a substandard level of residential amenity for the occupants of the adjoining dwelling. It is considered that the proposed development would therefore, seriously injure the amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

Colin McBride
28th September 2016