



An
Bord
Pleanála

PL06D.247552

Development

Construction of a new fifth and sixth floor penthouse residential apartment development comprising 5 apartment units (2 three-bed, 2 two-bed, and 1 one-bed) with associated terraces/balconies and reconfiguration of the basement car park and all associated site development, engineering, and landscaping works.

Location

Brook House, Block C, Adelphi Centre, Corrig Avenue, Dun Laoghaire, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D16A/0671

Applicant(s)

McGrath Group Properties

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party -v- Decision
Appellant(s)	McGrath Group Properties
Observer(s)	None
Date of Site Inspection	31 st January 2017
Inspector	Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The site is located on the eastern side of Corrig Avenue close to the “T” junction between this Avenue and George’s Street Upper in the town centre of Dun Laoghaire. This site coincides with the footprint of Block C of the Adelphi Centre, which is composed of seven blocks clustered around a plaza that is accessed from George’s Street Upper. It lies at the north western end of this Centre.
- 1.2. The northern portion of Corrig Avenue is composed of predominantly two storey over basement semi-detached or terraced dwelling houses, which are protected structures. Immediately to the south of the site lie 2 two/three storey modern buildings, which are variously used as the district court and the Garda Station. On the opposite (western) side of Corrig Avenue lies the arched entrance to Corrig Court, a small cluster of townhouses to the rear of No. 1 Corrig Avenue, and Anglesea Lane, a mews lane composed, on its southern side, of single storey/two storey buildings in use as live/work units and retail and commercial premises. The two and a half storey traditional building on the opposite corner plot to the site is in use as an estate agent’s.
- 1.3. The site itself is essentially rectangular in shape and it extends over an area of 0.0705 hectares. At present this site accommodates a five storey office block, which is being converted to retail and residential use under permitted application D16A/0095. This block has a roof top height of 38.90m OD (maximum roof plant height 42.18m OD). It abuts Block B to the north east and Block D to the south west.

2.0 Proposed Development

- 2.1. On foot of permitted application D16A/0095 for the demolition/removal of existing plant room at fifth floor/roof level (35 sqm), the construction of a new fifth and sixth floor penthouse residential apartment development (524 sqm) comprising 5 apartment units (2 three-bed, 2 two-bed, and 1 one-bed) with associated terraces/balconies. The former floor would be set back from the edges of the existing building and the latter floor would be set back further along its north western elevation, which would overlook the northern extremity of Corrig Avenue.

2.2. The proposed development would result in a seven storey over basement structure in lieu of the existing essentially five storey over basement structure (1956 less 35 plus 524 equals 2445 sqm). The proposed development would also entail the reconfiguration of the basement car park and the allocation therein of 5 car parking spaces to serve the 5 proposed apartments.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

It is considered that by virtue of the excessive height, scale and bulk of the proposed two storey penthouse extension, that the proposed development would be overbearing, visually obtrusive and unappealing when viewed from Corrig Avenue. The proposed development which is considered over development of the site would seriously injure the visual amenities and depreciate the value of property in the vicinity and would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See reason for refusal.

The view is expressed that the addition of one well-designed single storey penthouse(s) to the roofscape would be more appropriate.

3.2.2. Other Technical Reports

- Surface Water Drainage: No objection: (A green roof proposal is not required as the proposed roof area is less than 300 sqm).
- Transportation: No objection, subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Site

- **D07A/1586:** Demolition of fifth floor lift roof plant at Brook House and construction of a new penthouse and front extension to Corrig Avenue: Permitted.
- **D16A/0095:** Split decision: Change of use of five storey building from offices to apartments (5 one-bed, 13 two-bed, and 1 three-bed), provision of entrance lobby/reception for these apartments, elevational changes, including new windows and doors and balconies, and associated site works, including basement car parking, refuse storage, plant areas, drainage, and landscaping: Permitted. Redevelopment of existing roof to provide 3 three-bed duplex penthouse apartments with private open space and external guarding: Refused for the following reason:

It is considered that the applicant has failed to satisfactorily demonstrate through an urban design study and impact assessment study that the proposed two storey penthouse extension would not have a negative visual impact on the immediate surrounding and the particular character of the area, Corrig Avenue and views from the coastline. It is considered that by virtue of the excessive height, scale and bulk of the proposed two storey penthouse extension, that this element of the proposed development would be overbearing, visually obtrusive and unappealing when viewed from Corrig Avenue and from the coastline. The proposed development which is considered over development of the site would seriously injure the visual amenities and depreciate the value of property in the vicinity and would set an undesirable precedent for similar type development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Block A

- **D05A/0712:** Redevelopment of Block A involving change of use to retail, office, and 8 apartments, and addition of fifth and sixth floors to provide 8 duplexes and elevational alterations to provide balconies: Permitted.

- **D06A/0617:** Amendments to D05A/0712.
- **D07A/0699:** Amendments to D06A/0617: Permitted.
- **D08A/0400:** Minor amendments to D07A/0699: Permitted.

Block B

- **D06A/1350:** Redevelopment of Block B to provide 12 apartments, including fifth and sixth floors, and to provide retail units at ground level. Condition to omit additional floors was appealed (PL06D.224215) and fifth floor was permitted.
- **D14A/0537:** Redevelopment of Block B to provide 18 apartments on the existing upper floors and part of the ground floor and to provide retail units on the remaining part of the ground level: Refused on the grounds that the part residential use of the ground floor would be inappropriate and the sub-standard apartment specifications.
- **D14A/0827:** Change of use ground floor of Block B to shops and upper floors to provide 15 apartments and the addition of 2 penthouses to the roof with private open space and guarding: Permitted.

5.0 Policy Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP), the site is shown as lying within an area that is subject to zoning objective “MTC”, “To protect, provide for and/or improve major town centre facilities.” Residential is permitted in principle within this area. Height is addressed in Appendix 9. In this respect, the site lies within the boundary of the proposed Dun Laoghaire Local Area Plan and it also lies within the 500m wide band of land designated the coastal fringe zone.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by setting out some background information, which is summarised below.

- The subject building is known as Brook House and it comprises Block C of a larger development known as the Adelphi Centre. This Block is of six storey form, the top one of which is a plant room. It is currently vacant and the subject of extant permitted application D16A/0095, which is being implemented.
- Attention is drawn to permitted application D05A/0712, which establishes a precedent for the addition of a two storey penthouse extension to Block G of the Adelphi Centre.
- The current proposal seeks to overcome the reasons for the omission by condition of a similar proposal under permitted application D16A/0095. Thus, the penthouses would have a simplified terraced form and they would exhibit a more horizontal emphasis than those previously proposed. These penthouses would meet all relevant standards and the accompanying car parking provision would be appropriate to the site's town centre location and its proximity to good public transport connections.
- The proposal would not be out of place as other Blocks within the Adelphi Centre are of comparable height, e.g. the seven storey Block G. It would be visible from neither Dun Laoghaire Harbour nor Corrig Avenue. While it would be visible from the junction formed between this Avenue and George's Street Upper, the views in question would be from Dun Laoghaire's main thoroughfare.
- The proposal would accord with the evaluation considerations set out in Table 5.2 of the National Spatial Strategy 2002 – 2020 for housing location in urban areas. The objectives and standards of other national and regional documents of relevance to planning would be, variously, furthered and complied with.

Under the CDP's zoning objective for the site, residential is permissible in principle.

- The proposal would realise densification, reinforce the mixed-use character of the Adelphi Centre, promote the regeneration of the area, and contribute positively to the streetscape in a manner consistent with existing residential amenities.

The applicant cites the following grounds of appeal:

- The proposal would not adversely affect the surrounding streetscape. In this respect, attention is drawn to the height of the proposal, which at 44.90m/seven storeys would be comparable with Block D (44.62m/six storeys) to the south and Block G (45.47m/seven storeys) to the east. Given this context, the proposal would be readily assimilated.
- The current proposal is a revision of the previous one that was omitted by condition. Thus, the design exhibits a greater horizontal emphasis and is of stepped form, thereby reducing its visual impact. The planning authority accepts that the proposal would not harm the character of the coastline and that the specified finishing materials would be visually appropriate.
- Given the aforementioned redesign, the proposal would now be of a lesser height, scale, mass, and bulk than its predecessor. Thus, a gradual increase in the height of buildings along Corrig Avenue towards George's Street Upper would occur. Insofar as it would be seen from the corner of these two Streets, it would not be overbearing and it would be visually appealing.

6.2. Planning Authority Response

The planning authority considers that the above cited grounds do not prompt any change in its approach to the proposal.

7.0 Assessment

I have reviewed the proposal in the light of the CDP, relevant planning history, and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Height,
- (iii) Development standards, and
- (iv) AA.

(i) Land use and density

7.1.1 Under the CDP, the site is shown as lying within Dun Laoghaire town centre in an area that is subject to zoning objective “MTC”, wherein the objective is “To protect, provide for and/or improve major town centre facilities.” Within this area, residential use is deemed to be permitted in principle.

7.1.2 The site coincides with the footprint of Block C of the Adelphi Centre. This Block is one of seven blocks that form a cluster around a plaza and it is sited on the north western side of this plaza. The recent planning history of the Centre indicates that Block C has received permission (D16A/0095) for conversion from offices to apartments and that works in this respect are proceeding. Likewise, the adjoining Block B, to the north east, and Block A beyond this one to the south east, have been converted and extended for residential use, i.e. a sixth storey has been added added to the former Block and sixth and seventh storeys have been added to the latter Block. Thus, there is precedent for not only conversion to residential use but for extension upwards for this use, too.

7.1.3 National and local planning policies encourage the densification of serviced urban sites. The appeal site is just such a site. Under the current proposal, Block C would have an extra 5 apartments added to the permitted 19 apartments. Thus, the density of development would rise by roughly one quarter.

7.1.4 The proposed two additional residential storeys to Block C would be appropriate in land use terms and they would increase the overall density of this Block in line with general national and local planning policies for town centres.

(ii) Height

7.2.1 Under the proposal the height of Block C would increase by two storeys (6m) from five (38.9m OD) to seven storeys (44.9m OD). This Block would overlook

Corrig Avenue. As described under the first heading of my assessment, it would adjoin Block B, which in turn adjoins Block A. These Blocks overlook George's Street Upper and they are of six storey (41.7m OD) and seven storey form (44.6m OD). These three Blocks are the most visible ones from public vantage points on George's Street Upper of the seven comprised in the Adelphi Centre. Of the remaining Blocks, Block D is visible from Corrig Avenue, too. It is of five storeys form (41.6m OD) and it has a prominent plant room on its roof which brings the maximum height of this Block to 44.62m OD. (The other Blocks E, F, and G are largely visible from within the plaza and from Clarinda Court to the south east of the Adelphi Centre. These Blocks are of six, five, and seven storey form and their respective maximum heights are 41.73m, 44.62m, and 45.47m, all OD).

7.2.2 Under Policy UD6 of the CDP, the building height strategy set out in Appendix 9 of this Plan is endorsed. Under this Strategy, LAPs are identified as the means whereby height will be more fully addressed. An LAP is due to be prepared for Dun Laoghaire town centre, although as yet this has not happened. The Strategy also sets out six general principles, the first four of which have a bearing on the current proposal and so are reproduced below:

- *To protect the residential amenities of the County,*
- *To protect the County's built heritage and natural areas of exceptional beauty,*
- *To promote higher densities and allow for increased building heights around public transport nodes and centres of activity, and*
- *To encourage higher densities and also to allow for increased building heights at appropriate locations along public corridors.*

The first of these principles is relevant insofar as Corrig Avenue and Corrig Court off this Avenue are predominately residential streets. The second is relevant as the site lies within the 500m wide band of land that is encapsulated in the CDP's coastal protection zone. The third and fourth are relevant insofar as the site lies within Dun Laoghaire town centre and it is adjacent to George's Street Upper a street that is well served by bus routes and that is c.550m from the town's railway station and 500m from the nearest DART station (Sandycove and Glasthule).

7.2.3 The planning history of the site indicates that the extension upwards of Block C was previously refused permission (D16A/0095) on the basis of its visual impact upon Corrig Avenue and the coastline. The applicant has sought to address this concern by means of an architectural design statement and photomontages, which depict before and after views of Block C from the following public vantage points:

- On Corrig Avenue where it meets the laneway known as Sydenham Mews,
- At the northern extremity of the “T” junction formed between George’s Street Upper and Corrig Avenue,
- At the entrance to the Pavilion car park off Queen’s Road, and
- On the initial portion of the East Pier.

7.2.4.1 The first of these photomontages indicates that the profile of the additional storeys would be largely hid behind the north western end of Block D. During my site visit, I observed that Corrig Avenue rises in a southerly direction and so from points further to the south of the one selected for the photomontage the visual impact would be less than if this Avenue were level.

7.2.4.2 The second of these photomontages indicates that the profile of the additional storeys would be clearly visible and that the resulting visual impact of the extended Block C would be commensurately greater. During my site visit, I observed this Block from Corrig Court and Anglesea Lane, which lie to the west. Again from these side streets an appreciable increase in the visual impact of the Block could be anticipated.

7.2.4.3 The third and fourth photomontages indicate that there are limited lines of sight between the coastline and the site and that within these lines the additional storeys would have a very limited profile within the existing townscape and so they would have a negligible visual impact.

7.2.5 I consider that the proposal would have a significant visual impact upon its immediate vicinity only. From public vantage points on George’s Street Upper, Block C would be seen within the context primarily of Block B and the estate agent’s building opposite. The former building is of six storey form and the latter building is of two and a half storey form. I am concerned that within this context,

two additional storeys would cause Block C, at seven storeys, to appear unduly dominant and overbearing. Likewise, when viewed from the two aforementioned side streets, it would appear unduly dominant and overbearing, too.

7.2.6 I recognise that the applicant has redesigned the proposed additional storeys to ensure that they would be of more horizontal form and so they would have a more stream lined appearance than their predecessors. Nevertheless, I consider that the addition of two storeys, as distinct from one, would be, in terms of local streetscape and visual amenity, the appropriate scale of development for any extension of Block C.

7.2.7 I conclude that the proposal would have a significant visual impact within its immediate context and that it would appear unduly dominant and overbearing within this context. Consequently, a reduction in the scale of the proposal would be in order and so the proposed seventh storey should be omitted.

(iii) Development standards

7.3.1 The proposal would entail the provision of 5 apartments of which 2 would be three-bed, 2 would be two-bed, and 1 would be one-bed. The 2 three-bed apartments would be provided within the proposed sixth storey and the remaining units would be provided in the seventh storey.

7.3.2 The extant permission for Block C (D16A/0095), which is presently being implemented, will give rise to the provision of 19 apartments of which 5 will be one-bed, 13 will be two-bed, and 1 will be three-bed. Thus, in terms of apartment mix, the proposal would improve the previously permitted mix by the addition of, particularly, 2 further three-bed apartments.

7.3.3 The applicant has submitted tables that set out the floorspace and private open space figures of each of the proposed apartments in conjunction with the minimum requirements of the latest Sustainable Urban Housing: Design Standards for New Apartments Guidelines. These Tables show that these apartments would be compliant. They would also be compliant with the minimum room width dimensions set out in Section 5.3.2 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, apart from the width of

the living room in the one-bed apartment which would be 3.03m and thus slightly below the minimum of 3.3m.

7.3.4 All of the proposed apartments would be of triple aspect, apart from the one-bed one which would be of single aspect in a north westerly direction. Under the aforementioned latest Guidelines, this orientation can be acceded to if the apartment is overlooking an amenity. While the apartment would not overlook any amenity in particular, it would enjoy views over Dun Laoghaire town centre and, off to one side, of the harbour and so I do not consider that objection would be warranted in this instance.

7.3.5 The proposal would entail the allocation of 5 spaces in the basement car park, i.e. one for each of the proposed apartments. Thirty spaces within this car park would be allocated for Block B, as a whole, and so each of the permitted apartments would be served by a space each, too, and 6 surplus spaces would arise. The car park would also allocate a space for a motor bike and 50 cycle stands, along with a further 11 at ground floor level.

7.3.6 I conclude that the proposal would accord with all relevant development standards and it would provide a satisfactory standard of amenity to future occupiers.

(iv) AA

7.4.1 The site is not located either in or near to a Natura 2000 site. It is a fully serviced urban site and so I do not consider that the proposal for the same would have any significant effect upon the conservation objectives of any Natura 2000 site.

7.4.2 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of 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

In the light of my assessment, I recommend that the proposal be the subject of a split decision. Thus, (i) the construction of a new fifth floor penthouse residential apartment development comprising 2 three-bed apartments units with associated terraces/balconies and reconfiguration of the basement car park and all associated site development, engineering, and landscaping works should be permitted, and (ii) the construction of a new sixth floor penthouse residential development comprising 2 two-bed and 1 one-bed apartment units should be refused.

9.0 (i) Reasons and Considerations

Having regard to the planning history of the Adelphi Centre and the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the proposal would, subject to conditions, fulfil the zoning objective “MTC” for the site and it would further national and local densification policies and objectives for serviced urban sites. Subject to the omission of the proposed sixth floor, the proposal would be consistent with the County Development Plan’s Building Height Strategy and it would be compatible with the visual amenities of the area. The proposed apartments would add to the number and mix of apartments permitted for Block C and these apartments would afford a satisfactory standard of amenity to future occupiers. They would be adequately served by car parking spaces and cycle stands. No Appropriate Assessment issues would arise.

(ii) Reasons and Considerations

The proposed sixth floor would cause Block C to appear unduly dominant and overbearing from within its immediate streetscape context and so it would be seriously injurious to the visual amenities of the area and, as such, contrary to 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning

authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The sixth floor of the penthouse residential apartment development shall be omitted.
 - (b) All consequential changes of the aforementioned omission.
 - (c) The car parking spaces shall be capable of accommodating future electric charging points for electrically operated vehicles.

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

Reason: In the interests of visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

8. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. The developer shall ensure that each of the proposed apartments is allocated a minimum of one basement car parking space. These spaces shall be clearly marked as attaching to a particular apartment and allocated spaces shall not be sold or let independently. The remainder of the car parking spaces shall be marked as visitors' spaces and they shall not be sold or let independently.

Reason: To ensure that off-street car parking spaces are available at all times for residents and visitors.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the

planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh D. Morrison
Planning Inspector

8th February 2017