



An
Bord
Pleanála

Inspector's Report PL29N.248479

Development	Convert 3 no. 2-bed apartments into 3 no. 3-bed apartments together with slight alterations to the roof profile.
Location	94-96 Middle Abbey Street, Dublin 1.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2278/17.
Applicant	John McKone.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party v. Refusal.
Appellant	John McKone.
Observers	None.
Date of Site Inspection	21 st July, 2017.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	5
4.1. Decision	5
4.2. Documentation Lodged	5
4.3. Internal Reports	5
5.0 Planning History	6
6.0 Grounds of Appeal	7
7.0 Appeal Responses	8
8.0 Planning Policy Context	8
9.0 Planning Assessment	9
10.0 Appropriate Assessment	11
11.0 Conclusions and Recommendation	12
12.0 Reasons and Considerations	12

1.0 Introduction

PL29N.248479 relates to a first party appeal against the decision of Dublin City Council to refuse planning permission for the conversion of 3 no. 2-bedroomed apartments into 3 no. 3-bedroomed apartments at an existing building in Middle Abbey Street, in Dublin City Centre. Planning permission was refused for a single reason relating to the overall size of the apartments which were deemed to be substandard and contrary to the standards set out in the development plan.

2.0 Site Location and Description

- 2.1. The appeal site is located within a group of buildings on Middle Abbey Street to the east of the goods and services entrance to Arnotts Department Store and to the west of Independent House, which formally accommodated the Irish Independent Newspaper. Two buildings of similar architectural style and age, flank the subject site on both sides. William's Lane, a narrow arched laneway, which links Middle Abbey Street and Prince's Street North runs along the eastern side of the site.
- 2.2. The subject site accommodates a five-storey building (Nos. 94 – 96 Abbey Street) which dates from the 1920s and incorporates an art deco style design on its front elevation with a four-bay façade and columns of pilasters dividing the bays along the front elevation of the building. The upper portions of the building incorporate a grey granite façade while the ground floor incorporates a brown sandstone finish. The building itself is listed on the Record of Protected Structures in the development plan. An electrical retailer is located at ground floor level and a jewellers is located at first floor level. The remainder of the building is set out in apartments. A total of six apartments are provided, two on each floor (second, third and fourth floors).
appears from the photographs on file that were submitted with the application, that the internal apartments have been the subject of significant alterations over the life-time of the building. A light-well shaft is provided in the central part of the building adjacent to the western boundary of the site. It provides natural light to the to the internal spaces in apartments 2, 4 and 6.

2.3. It is not proposed under the current application to carry out any works on the apartments located on the eastern side of the building adjacent to William's Lane. All the alterations proposed under the current application relate to the three apartments on the western side of the building at the second, third and fourth floors. The floor area of the current residential units within the building are as follows:

- Apartment 1 – 65.3 metres.
- Apartment 2 – 55 square metres.
- Apartment 3 – 65.3 square metres.
- Apartment 4 – 55 square metres.
- Apartment 5 – 65.3 square metres.
- Apartment 6 – 55 square metres.

3.0 Proposed Development

Planning permission is sought to provide an additional bedroom in the Units 2, 4 and 6, increasing the number of bedrooms in the apartments from two bedrooms to three bedrooms. The creation of an additional bedroom is achieved by relocating the existing bathroom area which is located in the north-western corner of the building into an area which is currently used as a light well shaft located centrally within the building and providing natural light within the internal circulation area of each of the apartments on the western side of the building. The light well will be in-filled to accommodate the new bathroom and storage areas and the area previously used as a bathroom is to be converted into an additional bedroom. The same layout is proposed for each of the apartments on the second, third and fourth floor (Apartments 2, 4 and 6). The incorporation of the new bathroom into the existing light well area increases the size of each of the apartments by approximately 5.5 metres.

4.0 Planning Authority's Decision

4.1. Decision

Dublin City Council refused planning permission for the proposed development for a single reason which is set out below.

The proposed development would be seriously substandard with regard to the minimum overall apartment floor area as set out under Section 16.10.1 (residential quality standards – apartments) of the Dublin City Development Plan 2016 – 2022 and the Department of Environment, Community and Local Government (DoECLG 2015) Sustainable Urban Housing Design Standards for Apartments – Guidelines for Planning Authorities and would fail to provide good quality accommodation. Therefore, the proposed development would be seriously injurious to the amenity of potential residents, and by itself and the precedent a decision would make to facilitate similar undesirable developments would be contrary to the proper planning and sustainable development of the area. The decision of Dublin City Council was dated 13th April, 2017.

4.2. Documentation Lodged

The planning application was lodged on 17th February, 2017. A Conservation Method Statement was submitted with the application. It sets out a brief history and description of the building on site. It concludes that the building is a fine example of early mixed use commercial/residential development and its main architectural and historic value lies in the art deco façade which will remain unchanged by the proposal. The proposal seeks to intensify residential use in this inner city location in order to make best use of services and offer a good quality urban environment for living. It is stated that such an approach is supported by policy statements contained in the development plan.

4.3. Internal Reports

A report from the Drainage Division states there is no objection to this development subject to conditions.

A report from Transport Infrastructure Ireland likewise states that there is no objection subject to Dublin City Council ensuring that there is no adverse impact on LUAS operation and safety on Middle Abbey Street.

The planner's report sets out the site location and description, the proposed development, the planning history and the planning policy relating to the site and describes the proposed development.

In terms of assessing the application, the planner's report notes the existing floor area of the apartments which are 55 square metres and this is significantly less than the current development plan standard at 70 square metres. The proposal would increase the floor area to be between 60.5 and 62 square metres. It is noted however that the minimum floor area for a standard three-bedroom apartment in the development plan is a minimum of 90 square metres. While it is acknowledged that these standards may be relaxed in the case of historic buildings, it is considered that the upper floors of the building are utilised to provide an adequate standard of amenity to the occupiers as two-bedroomed units. The infilling of the light well will increase the number of bedspaces in the apartments without increasing the floor areas. It is also noted that the existing apartments do not benefit from any amenity space and therefore it is considered that the proposed development would be seriously injurious to the residential amenity of potential residents. It is therefore recommended that planning permission be refused for the reason set out above in this section of my report.

5.0 Planning History

- 5.1. There are no history files attached to the current file. The planner's report makes reference to Reg. Ref. 5170/06 which relates to a large scale redevelopment of the Arnotts site for a mixed use scheme comprising of retail development, residential development, and a hotel and associated facilities. Dublin City Council granted planning permission for this development on 6th July, 2007.

6.0 Grounds of Appeal

- 6.1. It is stated that the light well contains opaque glass windows that provide very limited amount of natural light and no ventilation to the corridors for the apartments in question. Having been constructed almost 100 years ago, the apartments do not fully comply with current space requirements. However, they provide very good level of residential amenity in the city centre location serving predominantly single people who have jobs in the city centre. The proposed interventions are modest with negligible impact on the historic structure and will improve the amenities of the three apartments while making the protected structure more viable. Amenities are provided in the apartments by creating a larger bathroom and increased storage and washing machine space.
- 6.2. The creation of the additional space will provide a badly needed additional accommodation in Dublin. Notwithstanding such shortfall in relation to the standards for new apartments, the proposed development would contribute towards the provision of more sustainable residential accommodation in the city centre.
- 6.3. While the total space standards achieved in each of these three apartments do not comply with current standards for new apartment development, it should be emphasised that the building is an existing protected structure and like many historic buildings falls short of current standards. Reference is made to Section 16.10 of the development plan which allows more flexibility in terms of achieving minimum standards in relation to historic buildings and living over the shop projects.
- 6.4. It is argued that the beneficial gains far outweigh the minor shortfall in space provision and An Bord Pleanála are requested to overturn the decision of the Planning Authority and grant planning permission for this development. Any intervention that strengthens the amenity of the residential use in this city centre location and providing much needed accommodation on the lower end of the market is a positive gain for the city centre.

7.0 Appeal Responses

The following response was received from Dublin City Council, *‘the reasoning on which the Planning Authority’s decision on this application was based is set out in the planning report which has already been forwarded to the Board. It is not proposed to respond in detail to the grounds of appeal as the comprehensive planning report deals fully with the issues raised and justifies the decision’.*

7.1. Observation

There are no observations or submissions from prescribed bodies were received in relation to the appeal before the Board.

8.0 Planning Policy Context

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z5 which aims to “consolidate and facilitate the development of a central area and to identify, reinforce, strengthen and protect its civic design character and dignity”.
- 8.2. Chapter 16 of the development plan sets out details in relation to development standards. Section 16.10.1 relates to residential quality standards.
- 8.3. In terms of floor areas, it is stated the minimum floor area permissible as per the Sustainable Urban Housing Design Guidelines for New Apartments are as follows:
2-bed – 73 square metres.
3-bed – 90 square metres.
- 8.4. It is stated that it is not in the interest of sustainable and good quality urban developments if these standards are applied in a way that enables development to barely meet the minimum internal standards.
- 8.5. In terms of aspect, natural lighting, ventilation and sunlight penetration; it is stated that daylight animates an interior and makes it attractive and interesting as well as providing light to work or read by. Good daylighting and sunlight contribute to making a building energy efficient and reduces the need for electric lighting.

8.6. The development plan acknowledges that standards for residential accommodation are divided into standards relating to apartments and houses and apply to new build residential schemes. While the minimum standards set out within these sections will be sought in relation to refurbishment schemes, it is to be acknowledged that this may not always be possible, particularly in relation to historic buildings “living over the shop” projects, tight urban infill developments, and in the city regeneration area designated under the living city initiative. In these cases, the standards may be relaxed subject to the provision of good quality accommodation, and where the proposal secures the effective use of underutilised accommodation. In such cases it must be satisfactorily demonstrated that the internal design and its overall layout is closely aligned to the specific needs of the intended occupiers.

8.7. **Sustainable Urban Housing Design Standards for Apartment – Guidelines for Planning Authorities, DoECLG 2015.**

The required minimum floor areas and standards are the same as those set out in the development plan.

Section 3 of the standards state that planning research commissioned by the Department indicated a general need to increase the minimum floor areas particularly with the view to meeting the space and amenity needs of families living in apartments. The guidelines also note that it would not be in the interest of sustainable and good quality urban development if these guidelines were applied in a way that enabled developers to barely meet minimum internal standards especially in larger developments.

9.0 **Planning Assessment**

9.1. I have read the entire contents of the file, visited the site and have had particular regard to the issues raised in the grounds of appeal. I am satisfied that the proposed development will not impact on the integrity and aesthetics of the protected structure as the proposal relates to internal alterations only. The photographs submitted with the application and contained on file, indicate that there is little of historic or architectural value associated with the apartments and the architectural quality of the structure specifically relates to the art deco façade. Therefore, I consider that the

Board can restrict its deliberations in this assessment to the reason for refusal cited by the Planning Authority in its decision, namely the adequacy of the size of the apartments to be provided.

- 9.2. The proposal seeks an intensification of use by incorporating an additional bedroom within three of the six apartments within the building. The grounds of appeal seek to justify this intensification on the grounds that there is a need to provide more sustainable accommodation within the town centre and that the development plan allows a degree of flexibility in attaining minimum apartment standards in the case of established historic buildings and in instances where living over the shop is being implemented.
- 9.3. In determining the application and appeal, the Board should note that the existing apartment sizes are below the minimum standards set out in the latest Departmental Guidelines for Apartment Sizes and the standards set out in the current Dublin City Development Plan. In the case of two-bedroomed apartments, both the guidelines and the development plan require a minimum size of 73 square metres. The proposal in this instance seeks to increase the overall size of the apartment by a mere 5.5 metres and in doing so seeks to incorporate an additional bedroom within the apartment. This results in the provision of a three-bedroom apartment incorporating a gross floor area of a mere 60 square metres. This is shortfall of 30 square metres below the minimum standards set out in the Guidelines and development plan. While the development plan does allow for some flexibility in applying standards in relation to historic buildings, it should be borne in mind that the building accommodates existing apartments which currently fall below the minimum standards. It would be inappropriate in my view to internally subdivide the units in order to create an additional bedroom which would results in an apartment size which falls even further below the minimum standards set out in the Plan and Guidelines.
- 9.4. I think the Board could consider granting planning permission in a situation whereby the overall size of the apartments fell marginally below the minimum standards in the case of a historic building in the city centre. However, the proposal in this instance falls considerably short of the minimum standards and would in this instance result in an apartment size which is a mere two thirds of the minimum standards set out in the development plan and the guidelines.

- 9.5. I do not consider that the applicant has adequately justified that exceptional circumstances exist in this instance which would warrant a grant of planning permission for a three-bedroomed apartment which falls so far below the minimum apartment size.
- 9.6. I would also note that the incorporation of an additional bedroom involves the infilling of an existing light well which provides some level of natural lighting to the circulation areas within the apartments which are subject of the current application. The grounds of appeal indicate that this light well incorporates obscure glazing and for this reason provides limited natural daylight to the apartments in question. In my view it would be relatively straightforward to replace the obscure glazing with normal glazing which would provide additional natural lighting to the internal areas of the site and thus the incorporation of obscure glazing should not be used as justification to infill the light well. It is clear that the development plan seeks where possible to incorporate natural lighting into the interior which provides a better level of amenity for residents and reduces the need for artificial lighting which in turn results in a more energy efficient building. The replacement of the light well with a new bathroom and storage area in order to accommodate an additional bedroom is in my view inappropriate and will diminish further the amenity provided to occupants of the apartments.

10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the 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.

11.0 Conclusions and Recommendation

Arising from my assessment above therefore, I consider that the decision of the Planning Authority should be upheld and planning permission should be refused for the reasons set out below.

12.0 Reasons and Considerations

It is considered that the provision of an additional bedroom in each of the apartments proposed would result in a substandard development in that the gross floor area for a three-bedroomed apartment would fall considerably below the minimum overall apartment floor area as required by Section 16.10.1 of the Dublin City Development Plan 2016 – 2022 and the standards set out in the appendix of the ‘Planning Guidelines issued by the Department of Environment, Community and Local Government entitled Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’. Furthermore, it is considered that the infilling of the existing light well serving the apartments would result in a reduction in natural daylight penetration which would diminish the quality of accommodation provided and would therefore be seriously injurious to the amenity of occupants of the apartments. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

Paul Caprani,
Senior Planning Inspector.

27th July, 2017.