



An  
Bord  
Pleanála

## Inspector's Report PL06D.248567.

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<b>Development</b>	Demolition of two no. 2 storey units and construction of 4-storey development comprising 2 no. commercial units and 5 no. apartments.
<b>Location</b>	7/8 Anglesea Buildings, Georges Street Upper, Anglesea Lane, Dun Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0181
<b>Applicant(s)</b>	Vincent Finnegan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Vincent Finnegan
<b>Observer(s)</b>	No observers

**Date of Site Inspection**

09/08/2017

**Inspector**

Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is an infill site located between Georges Street Upper and Anglesea Lane to the rear. It is referred to as no.s 7-8 Anglesea Buildings. The site comprises two single storey commercial units occupied by an estate agent and restaurant fronting Georges Street Upper in Dun Laoghaire Town Centre. The buildings extend to two storeys further to the rear of the site with a pitched roof. The rear of the site which faces onto Anglesea Lane presents as a single storey building with a surface parking area/yard. There is a level difference between the rear and front of the site of approximately 1.5 metres. The site has an area of 0.0354 ha.
- 1.2. Directly to the east of the site fronting Georges Street Upper, is a further single storey commercial/retail unit. Further east, on the corner with Corrig Avenue is an attractive corner building (no. 35) occupied by commercial use. The remainder of the parade of buildings to the west of the site comprises 2 storey red brick buildings with commercial/retail use at ground floor level. Upper floors are predominantly in commercial/storage use. The streetscape in the vicinity of the site has a primarily vertical emphasis with narrow plot widths. The buildings collectively are referred to as the Anglesea Buildings and have a particular architectural style and character.
- 1.3. Anglesea Lane to the rear of the site is a narrow laneway with a width of approximately 4.5 metres. Development predominantly comprises two storey mews buildings with commercial use at ground floor and set back penthouse accommodation.
- 1.4. Georges Street Upper is generally characterised by mixed use commercial and residential development. To the west, it is generally lower in density and scale with buildings primarily of 2 and 3 storeys in height. To the east, there have been some more modern interventions including the Adelphi mixed use scheme which rises to part 5 part 6 storeys in height. Haigh Terrace which is located within an Architectural Conservation Area is located to the north of the appeal site. It accommodates a number of protected structures.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing buildings on the site. It is proposed to construct a four storey building including a set back penthouse level. At ground floor, it is proposed to provide 2 no. commercial/retail units with frontage onto Georges Street Upper. The overall gross floor area is 881 sq. metres.
- 2.2. On the upper floors it is proposed to provide 5 no. apartment units. A first and second floor level, 2 no. apartments are proposed on each floor comprising a 2 bed and 3 bed unit. At penthouse level, it is proposed to provide a large 3 bedroom unit. The 2 bed units have an area of 98.5 sq. metres and the 3 bed units are 107 sq. metres. The penthouse apartment is 275.6 sq. metres.
- 2.3. Access to the proposed apartments will be provided from the rear from Anglesea Lane via an entrance lobby with stair core and lift. 3 no. car parking spaces, 10 no. bicycle spaces and refuse storage are accommodated adjacent to the Anglesea Lane entrance with direct access to each parking space provided via a roller shutter door from the lane.
- 2.4. Communal amenity space is provided by way of a 45 sq. metre internal split level courtyard. The building extends to a height of approximately c. 11 metres fronting Georges Street to parapet level. The penthouse level is set back 3 metres from the Georges Street elevation and the overall height of the building inclusive of the penthouse is c. 13.3 metres. To the rear, fronting Anglesea Lane, the building presents as two storeys with the 3<sup>rd</sup> and 4<sup>th</sup> floor levels set back. The set backs are 1.3 and 3 metres respectively. The height of the building onto Anglesea Lane is c. 6.5 metres to parapet height extending to c. 11.7 metres including the penthouse level.
- 2.5. The proposed materials on the Georges Street Upper façade comprise selected brick. New shop fronts comprising glazing divided by timber panels are proposed. Winter gardens are proposed at first, second and third floor level serving the proposed apartments. The rear façade to Anglesea Lane will comprise self colour render. Balconies are proposed on this elevation to serve the apartments at the upper floors.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse Permission for 2 no. Reasons:

1. *“It is considered that the proposed development to face George’s Street Upper by reason of its height, design, materials and massing would be visually disruptive and discordant on the streetscape, and would be overly prominent when viewed along the streetscape and surroundings, and from the junction of Georges Street Upper and Corrigan Avenue. The proposed development would seriously injure the visual amenities or depreciate the value of property in the vicinity and, if permitted, would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the proposed development, due to its height, length, bulk and massing, including side elevations forming the boundaries onto the adjoining sites on either (northwest and southeast) sides, and facing existing buildings on the opposite (southwest) side of Anglesea Lane, would have serious negative impacts on the amenities of the surrounding properties and receiving environment in terms of overbearing and overshadowing impacts, and when viewed from the surroundings and across the roofscapes. The proposed development would seriously injure the visual amenities or depreciate the value of property in the vicinity and, if permitted, would set an undesirable precedent for similar 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 Report

- Proposed mixed use development is consistent with Council policies and is acceptable in principle.

- Adelphi Centre redevelopment is not a relevant precedent due to significant differences in location, size of site and topography.
- Proposed decorative masonry parapet/balustrade considered inappropriate due to its prominence and fact that it would exceed the decorative architrave parapet levels of the adjacent buildings. Concerns also raised regarding additional new floor level on the immediate streetscape and quality of architectural response particularly with regard to the masonry balustrade, in-set balconies and roof design.
- A reduced scale future development, including changes to the front elevation would be more favourable.
- Apartment layout, commercial units and private and shared open space provision generally considered acceptable. Car parking provision is considered deficient.

### 3.2.2. Other Technical Reports

**Drainage Planning (05/04/2017):** FI requested regarding the provision of a green roof over a minimum of 60% of the total roof area.

### 3.3. Prescribed Bodies

3.3.1 No reports received.

### 3.4. Third Party Observations

3.4.1 No observations received.

## 4.0 Planning History

4.1 No relevant planning history for the subject site. Applications in the vicinity include:

**P.A. Ref. D15A/0563:** Permission granted at no. 1-2 Anglesea Buildings for change of use of part of ground floor and entire first floor to residential use.

**P.A Ref. D14A/0862/ABP Ref. PL.06D244661:** Permission granted for change of use of ground floor from office to coffee shop/café/restaurant use, single storey extension to

rear; minor alterations to shop front, internal layout and signage at 1-2 Anglesea Buildings.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1 The operative development plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. *“The site is zoned MTC: To protect, provide for and/or improve major town centre facilities.”*
- 5.1.2 The site is also located within the Dun Laoghaire Urban Framework Plan (set out in Appendix 12 of the current County Plan). The plan supports commercial activities within the town centre and promotes an increased residential population. It is stated *“underpinning any new development/redevelopment in Dun Laoghaire should be an objective of increasing the residential population of the Town.”* It is also an objective to *“protect, preserve and enhance the unique historic character, ambiance and identity of the adjoining residential streets and communities.”*
- 5.1.3 The plan notes that the qualitative and quantitative standards for residential apartments should comply with the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*. Policy RES4 encourages the densification of built up areas.
- 5.1.4 Section 8.2.3.4 regarding “Living Over the Shop” encourages residential use on the upper floors of commercial properties and notes that in certain circumstances dispensations from normal standards may apply to facilitate such developments.
- 5.1.4 Section 8.2.3.3 notes that apartment developments should be of high quality design and site layout having due regard to the character and amenities of the surroundings.
- 5.1.5 Policy AR8 states: *“It is Council policy to:*

*i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*

5.1.6 Section 3.2 of the Plan encourages the consolidation of Dun Laoghaire Town Centre and the incremental growth of secondary quarters including Georges Street Upper. Under policy RET9 the loss of ground floor retail units is discouraged.

5.1.7 Section 8.2.6.8 provides guidance on shopfronts and signage. It is stated:

*“The design, materials and proportion of the shopfront should be appropriate and respect the scale and fabric of the building and/or street of which they form part”.*

## 5.2. Natural Heritage Designations

5.2.1 None applicable.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The subject development is in accordance with the zoning objective for the site and provides for the appropriate intensification of a town centre site for residential use. It has been designed in accordance with the Sustainable Urban Housing Guidelines and deemed acceptable in principle by the Planning Authority.
- The existing buildings are of no architectural merit and the site is not located within an Architectural Conservation Area nor are there any protected structures in the immediate vicinity.
- The development has been designed to respect the existing character and pattern of development in the vicinity. There will be no loss of amenity nor negative impact on the character of the area. A land use survey has been undertaken which indicates that there are no residential properties in the immediate environs of the application site. No undue overshadowing will occur and potential impacts must be considered in the context of the town centre location and existing concentration of commercial properties in the vicinity.



- The scheme has been designed to reduce the perceived mass of the development. The parapet line is relative to the established parapet of no. 6 Anglesea Buildings. The proposed development will infill the street and re-enforce the building line appropriately. It will result in a positive addition to an established town centre.
- Anglesea Lane has been extensively redeveloped and the mews buildings which are part 2, part 3 storey structures are in office use. The design of the proposed development responds appropriately to this context, particularly in terms of the set backs proposed.
- The proposed treatment of the side elevations is appropriate as it would allow for ease of construction for future development on adjoining sites including no. 6 and no. 9 Anglesea Buildings and No. 35 Georges Street Upper.
- A number of planning ‘precedents’ are cited. The Adelphi Centre is noted as relevant due to its relationship with the streetscape of Georges Street Upper and an example of a redevelopment proposal in the urban core.

## 6.2. Planning Authority Response

- It is still considered that the proposed development and its insertion into the streetscape and surrounding block (including onto the rear lane) in terms of its overall height, bulk and massing and the front and rear elevations design/height including fenestration and balcony level, etc. would be abrupt and disruptive when viewed from the surroundings, and would have negative impacts on the amenities and visual amenities of the adjacent sites and laneway due to its size and height/massing. Consideration was also had to the surrounding sites, the laneway and their layouts, courtyards, orientation and surrounding planning histories and proposed developments/grants of planning permission etc. in relation to the proposal and its location, size and layout.

## 6.3. Observations

6.3.1 No observations received.

## 7.0 Assessment

7.1.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development.
- Visual Impact
- Architectural Design
- Appropriate Assessment.

### 7.1. Principle of Development

7.1.1 The proposed development comprises an infill site within an established terrace of buildings known collectively as the Anglesea Buildings. It is noted that the site is not located within a conservation area nor are any designated protected structures in the terrace. Notwithstanding this, it is considered that the Anglesea Buildings form an attractive grouping of buildings with similar architectural features and character that contribute to the historic Victorian Streetscape prevalent in Dun Laoghaire Town Centre.

7.1.2 The subject site comprises two single storey buildings to the front rising to a part 2 storey and single storey extension to the rear. To the rear is a yard with off street parking. The buildings are evidently a later addition to the block, and in this context are somewhat out of context with the character of the remainder of the terrace.

7.1.3 The buildings on the site are not considered to be of any architectural importance or significance and the redevelopment of this infill site for an appropriate more intense form of development more in keeping with the characteristics of the area is considered appropriate.

7.1.4 The Dun Laoghaire Rathdown County Development Plan 2016-2022 encourages such appropriate intensification and the development in terms of its mix of uses and ground floor retail and commercial units would be in accordance with the zoning objectives and policies of the plan.

7.1.5 The principle of the redevelopment of the subject site for a more intensive form of development is therefore acceptable. However, this must be balanced with the

assurance that such an infill development is appropriate, would assimilate with the character of the adjacent buildings and not give rise to undue overlooking or visual impact. It is in this context that the proposal must be considered.

## **7.2. Visual Impact**

- 7.2.1 The primary reasons for refusal relate to the potential negative visual impact of the development particularly with regard to the scale, mass and height of the development.
- 7.2.2 The proposed development comprises a four storey building with commercial/retail use at ground floor and 5 no. apartments located on the upper floors. The building extends to a height of approximately c. 11 metres fronting Georges Street to parapet level. The penthouse level is set back 3 metres from the Georges Street elevation and the overall height of the building inclusive of the penthouse is c. 13.3 metres. To the rear fronting Anglesea Lane, the building presents as two storeys with the 3<sup>rd</sup> and 4<sup>th</sup> floor levels set back. The set backs are 1.3 and 3 metres respectively. The height of the building onto Anglesea Lane is c. 6.5 metres to parapet height extending to c. 11.7 metres including the penthouse level.
- 7.2.3 Development in the immediate vicinity of the site is primarily two and three storey in nature. The subject development will therefore be an additional one to two storeys over the existing prevailing building heights. Concerns have in particular been raised regarding the potential impact of the development when viewed from the junction of Georges Street and Corrig Avenue and its potential overbearing impact on Anglesea Lane.
- 7.2.4 It is considered that the development will be clearly visible over the existing ridge line of the properties along Corrig Avenue when viewed from the east and south east. This impact will be exacerbated by the fact that the adjacent site at no. 9 Anglesea Terrace does not form part of the development site and remains as a single storey part 2 storey structure. Whilst it is acknowledged that this site may come forward for development in the future, in the interim, the proposed development would have a significant visual impact over the roofscape of the existing buildings and in particular the corner building located at the junction of Corrig Avenue and Georges Street Upper (no. 35). The redevelopment of the site is considered somewhat piecemeal in this regard.

- 7.2.5 The potential impact is clearly demonstrated in the additional architectural 3D impression images submitted by the appellant as part of the appeal response. The incongruous bulk and scale of the top penthouse floor will be clearly visible above the existing roofscape. There are also concerns regarding the materials proposed for the upper penthouse elevations comprising metal style standing seam roofing/façade system and the compatibility of this with the existing site context. It is considered that the design of the penthouse level in particular is visually discordant with the existing architectural character and quality of the adjacent buildings.
- 7.2.6 It is considered that the proposal represents an over development of the site. The height and massing are considered to be overbearing in the context of the existing urban block and it is considered that the development would have a negative impact on the streetscape and would represent an inappropriate form of development for this sensitive infill site.
- 7.2.7 To the rear of the site onto Anglesea Lane, the building has been scaled down to present as a two storey building with the 3<sup>rd</sup> and 4<sup>th</sup> floor set back. Having regard to the very narrow character of the existing laneway and the pattern of development the south of the laneway, it is considered that the development would again be of an inappropriate scale and have negative visual and overbearing impacts. It is considered that a reduced scale of development with design modifications may be appropriate on the subject site. However, the current proposal is considered not in accordance with the proper planning and sustainable development of the area by virtue of its scale, height and massing.

7.2.8 The appellant makes a number of references to other precedents in the vicinity of the site. It is considered that the subject application must be considered in its own context having regard to the particular characteristics of the site, its infill nature and pattern of development in the vicinity. It is not considered that the Adelphi development bears any relevance to the subject site. This site comprises a substantial urban mixed use development of 5 to 6 storeys over a larger urban block. In contrast, the subject development site is an infill site within an established terrace of buildings of a particular architectural style and quality.

### 7.3 **Architectural Design**

7.3.1 The Planner's report raised concerns regarding the architectural quality of the development. It is contended by the appellant that the design of the scheme is considered to be appropriate and will re-enforce the building line appropriately and provide a positive addition to an established town centre.

7.3.2 It is considered that the proposed development does not provide an appropriate design response to the site. The additional set back floor which will be clearly visible over the existing roofscape does not contribute in a positive way to the streetscape and conflicts with the existing character of the area.

7.3.3 Whilst the apartments themselves have been designed in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015) in terms of unit size and private open space, there are some concerns regarding other design aspects of the proposal. It is noted that to the rear of the development three no. car parking spaces are proposed. Whilst a reduced level of parking is considered acceptable having regard to the town centre location of the site, there are concerns regarding the proposed bicycle parking and bin storage area located to the rear of the car parking. The primary access to these facilities appears to be from the entrance that also serves as the entrance lobby to the apartments. In this regard the main pedestrian access to the apartments is shared with the access to the bin store and bicycle parking.

7.3.4 It is considered that this layout would give rise to a significant degree of dis-amenity to future residents. This issue could be addressed by the removal of one of the car parking spaces and a reconfiguration of the ground floor layout. It is not considered

appropriate however, to address this issue by way of condition given the material amendments to the development that would be required.

7.3.5 In terms of communal open space, this is provided by way of an internal courtyard split over two levels with an area of 45 sq. metres. The area is likely to be overshadowed given the extent of development around its perimeter and the level of amenity is likely to be poor. It is acknowledged however, that it is a town centre site and some derogation of standards is acceptable in this regard. It is also noted that all of the proposed apartments are served by generous private open space and are located in close proximity to other areas of publicly accessible amenity space in the town.

#### **7.4 Appropriate Assessment**

7.4.1 Having regard to the nature and scale of the proposed development, an infill mixed use commercial and residential development within an established urban area, and its distance 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 It is recommended that permission be refused permission for the reason set out below.

## **9.0 Reason**

1. Having regard to the prominent location of the site, to the established built form and character of the Georges Street Upper and to the existing buildings adjacent to the site which are considered to be of importance to the streetscape, it is considered that the proposed development, consisting of a four storey building would be incongruous in terms of its design, scale, and height which would be out of character with the streetscape and would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

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**Erika Casey**  
**Planning Inspector**

**14th August 2017**