



An
Bord
Pleanála

Inspector's Report ABP-300320-17.

Development	Demolish 2 no. vacant buildings, extensions and alterations and change of use from commercial to residential with provision of 3 no. apartments.
Location	71, Georges Street Lower, (Lynch Lane to the rear, Dun Laoghaire, Co. Dublin.
Planning Authority	Dún-Laoghaire Rathdown Co. Council.
Planning Authority Reg. Ref.	D17A/0775.
Applicant	Xue Li Li.
Type of Application	Permission.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant	Xue Li Li
Observers	None
Date of Site Inspection	6/3/18
Inspector	Siobhan Carroll

1.0 Site Location and Description

- 1.1. The subject site is located at no. 71. Georges Street Lower, Dun Laoghaire. Georges Street Lower is generally characterised by mixed use retail and commercial development. The height of surrounding buildings is primarily two storey.
- 1.2. The site comprises a two-storey building containing a commercial unit occupied by hairdressers/beauty salon fronting Georges Street Lower in Dun Laoghaire Town Centre.
- 1.3. At first floor there is an office space which is currently vacant. The building features a two-storey rear return. The rear of the site which faces onto Lynch's Lane is accessible via a set of metal gates. This area of the site is overgrown with vegetation. The site has an area of 0.027ha.
- 1.4. Lynch's Lane is a narrow laneway with a width of approximately 7.5 metres. It extends for circa 55m between Patrick Street and Convent Road. The lane provides access to commercial, office and residential buildings located to the rear of Georges Street Lower.
- 1.5. The adjoining site to the north no. 70. Georges Street Lower contains a tarmacked rear yard. The site adjoining that at no. 69 Georges Street Lower contains a two-storey residential building which directly addresses Lynch's Lane. The adjoining site to the south at no. 72. contains a single storey pitched roof building to the rear of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - 1) Demolition of 2 Demolition of 2 No. vacant out buildings (on the site) to the rear,
 - 2) Works will comprise (a) Partial demolition and alterations to the existing first floor return and removal of the existing roofs. (b) A new extension to the rear and side (at first floor) of the existing return with a new second floor extension

and associated roof terrace, (c) Change of use from commercial to residential at first floor level to accommodate a 1 No. 3 bedroom apartment.

- 3) A new two storey building to the rear of the site, fronting on to Lynch Lane to accommodate 2 No. 1 bedroom apartments.
- 4) Access to the 3 No. proposed apartments from Lynch's Lane.
- 5) All ancillary works including central terrace/garden area.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for one reason.

1. It is considered that the proposed two storey apartment building to the rear of the site by virtue of its overall scale, bulk, length and proximity to the adjoining site boundaries, would be inappropriate within this setting, would appear overbearing on the directly adjoining sites and would detract from the visual amenities of the laneway. It is also considered that the proposed development would impact negatively on the future development potential of the directly adjoining sites, in particular to the northwest, at No. 70 George's Street Lower. The proposed development would, therefore, seriously injure the visual amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed mix of commercial and residential use on site was considered appropriate. In relation to the proposed apartment building, it was concluded that the proposed north-west side blank gable wall would appear overbearing and visually dominant from viewed from the adjoining site and also along Lynch Lane. It was also considered that it would impact upon the development potential of both adjoining sites particularly no. 70. It was noted

that adequate visibility splays were not provided at the access onto Lynch Lane and that the scheme did not provide bicycle parking.

3.2.2. Other Technical Reports

Water Services Drainage Planning – Further information regarding in relation to alternative surface water drainage proposals so that the surface water generated on site can be disposed of within the boundaries of the site.

Transportation Planning – Further information required regarding the provision of a refuge area out of the public carriageway at Lynch's Lane for residents and visitors entering and existing the proposed apartments. The provision of adequate visibility splays along the public carriageway at Lynch's Lane for residents and visitors entering and existing the proposed apartments is also sought. Details of 3 no. long stay cycle parking spaces are required.

3.3. **Prescribed Bodies**

Irish Water – No objections

3.4. **Third Party Observations**

The Planning Authority did not receive any submissions/observations in relation to the application.

4.0 **Planning History**

Reg. Ref. D06A/1069 – Permission granted for a new shop front and signage to replace existing.

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 area of 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.
- 5.1.5. 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.

5.2. Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Hughes Planning and Development Consultants on behalf of the applicant Xue Li Li.

- The proposed development is in accordance with the 'MTC' Major Town Centre, zoning objective. It is consistent with policy RES4 of the Development Plan which seeks to densify existing built up areas.
- Section 8.2.3.4 (ix) of the Development Plan refers to 'Living over the shop'. The proposed development provides for this.
- The floor areas of the 2 no. apartments to the rear of the site exceed the minimum apartment floor area. This is noted in the Planning Officer's report. Therefore, it is considered that the scheme will be of a high standard of accommodation.
- Section 8.2.8.4 (ii) of the Development Plan generally requires a separation distance of 22m between directly opposing first floor windows. A separation distance of 11.3m between Apartment B and Apartment C. The proposed development would provide for efficient use of residential zoned, serviced land in Dun Laoghaire Town Centre. Therefore, the reduced separation distance is considered appropriate. The Planning Officer also agreed the separation distance between Apartment B and Apartment C was acceptable.
- Regarding private open space provision, a 6sq m balcony is proposed to serve Apartment A which is a one bedroom unit. Apartment B is a one bedroom unit. It would be served by a 6sq m balcony and a 8.5sq m courtyard providing a total area of 14.5sq m. A 32sq m terrace and a 22sq m courtyard are proposed to serve Apartment C which is a 3 bedroom unit.
- 6 sq m is the minimum area private open space required for a one bedroom unit. 10sq m is the minimum area private open space required for a three bedroom unit. Therefore, the proposed development provides well in excess of the required private open space.

- No car parking spaces are proposed as part of the scheme. The site is situated in the town centre which has good public transport service including DART. It was stated in the Planner's Report that they are agreeable to consider the proposed development as town centre development which does not require the provision of off-street parking.
- The proposed shopfront will comply with Section 8.26.8 of the Development Plan.
- The Planning Officer in assessing the application had regard to Section 3.21(b) of the Dun Laoghaire Urban Framework Plan which refers the town centre location Marine Road to Bloomfield Shopping Centre. It states "residential activity at first floor level, accessed off the street or from the recently upgraded laneways, will be supported and encouraged to increase the residential population of the Town, bring life and vitality to the area and help create demand for local services."
- This section of the Framework Plan clearly encourages residential development at first floor level to increase the population of the town.
- The proposed development is compliant with the various quantitative and qualitative standards of the Planning Authority which encourage suitably designed dwellings.
- In relation to the issue of overlooking, the apartments have been designed to ensure that adequate natural light is provided to all floor levels. It is considered that satisfactory separation distances have been provided given the established setting of the site and the orientation of neighbouring dwellings.
- The standards for daylight and sunlight access to building from BS 8206-2 :2008 'Lighting for Buildings – Part 2' was used in the course of designing the scheme. It is concluded that the proposed development does not unacceptably affect the amenities of neighbouring properties including daylight and sunlight.

- The proposed extension above the retail unit would not be visible from George's Street Lower. Accordingly, there will be no impact on the streetscape or character of the area.
- Regarding the rear of the site it is considered that the proposed development will not have an undue visual impact on the surrounding area. It is noted that extensive development has taken place to the rear of the adjacent buildings.
- The National Planning Framework: Ireland 2040 and the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 are cited in the appeal. The policy focus to consolidate development in existing built up areas is noted.
- The scheme was designed having regard to the 'Urban Design Manual – a Best Practice Guide 2009'.
- In conclusion, the proposed development is considered compliant with the various policies and objectives for a town centre site as set out in the Dun Laoghaire Urban Framework Plan. The proposed development also complies with quantitative standards for residential development set out in the Development Plan. The proposed development is in accordance with the proper planning and sustainable development of the area. It is requested that permission be granted for the proposal.

6.2. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they have no further comments regarding the proposed development and subject appeal.

6.3. Observations

- No observations received.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and in the observations submitted. I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on amenity.
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The subject site is zoned as 'MTC' under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The stated zoning objective is *'to protect, provide for and/or improve major town centre facilities.'* Under this land use zoning objective both the current use commercial and the proposed use residential are identified as permissible uses.
- 7.1.2. Section 8.2.3.4(ix) of the Development Plan refers to "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.
- 7.1.3. 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."
- 7.1.4. Section 3.2 of the Framework Plan encourages the consolidation of Dun Laoghaire Town Centre and the incremental growth of quarters including the area from Marine Road to Bloomfield's Shopping Centre. Specifically, in relation to George's Street Lower it is policy to promote residential activity at first floor level, accessed off the street or from the recently upgraded laneways to encourage the increase of the residential population of the town and bring life and vitality to the area.

7.1.5. Accordingly, I consider that the principle of the development of the site for residential use is therefore acceptable. However, such an infill development will be assessed to ensure it is appropriate to the site context, that it respects the existing character of the area and that it not give rise to undue impact upon existing amenities.

7.2. Design and impact on amenity

- 7.2.1. It is proposed to construct 3 no. apartments. The first floor of the existing building is an office space not presently in use. There are two storage rooms at first floor to the rear of the building. It is proposed to demolish a shed and section of the building currently used for storage. It is proposed to develop apartment C above and behind the existing commercial unit. The office space would be converted to residential use. The living room and kitchen is proposed to that location. A bedroom and en-suite is proposed at first floor with two bedrooms and en-suites proposed at second floor.
- 7.2.2. The second floor element would be set back 7.5m from the front building line and therefore, the proposed new development would not be visible from George's Street Lower.
- 7.2.3. A separate two-storey apartment building is proposed to the rear of the site. It would be setback 9.5m from apartment C. Apartment A and B are two-bedroom units. The living rooms and kitchens to are proposed to the first floor with the bedroom and en-suite at ground floor. The proposed apartment building would extend for 20m along the northern and southern site boundaries. The building on the adjoining site to the south at no. 72 extends back for 42m from George's Street Lower. The remaining courtyard area of that site has a depth of 9.5m.
- 7.2.4. The adjoining building to the north at no. 70 extends back from 22m from George's Street Lower. The courtyard extends back for circa 21 m. The site to the north no. 69 George's Street Lower contains two-storey buildings which cover the majority of the site.
- 7.2.5. The Planning Authority refused permission on the basis that the scale of the proposed two storey apartment building to the rear of the site would be inappropriate within the setting and appear overbearing on adjoining sites. The Planning Authority also considered that it would impact on the future development potential of the directly adjoining sites.

- 7.2.6. In relation to those matters I would note that adjoining and neighbouring sites contains two-storey buildings which extend for significant portion of the site including at the adjoining site to the south no. 72 George's Street Lower and at no. 69 George's Street Lower which is situated to the north. The directly adjoining site to north no. 70 contains buildings which cover approximately half of the site, with the section adjoining Lynch's Lane containing a courtyard of approximately 20m in depth. This site has potential for future residential development. I note that the proposed apartment building containing apartments A and B has a height of 6.5 and that it extends for 19.5m along the boundary with no. 70 George's Street Lower. As stated above the adjoining site to that no. 69 contains two-storey residential development. The site of no. 70 George's Street Lower is circa 3m wider than the appeal site and I consider that given the wider nature of the site there would be scope for future residential development if the proposed development was permitted and the scheme was developed.
- 7.2.7. In relation to the issue of overbearing, having regard to the town centre location and the pattern of development in the vicinity, I consider that the proposed scheme would not result in any significant level of overbearing.
- 7.2.8. In terms of open space, the proposed development provides for a 6 square metres balcony for apartment A and a 6 square metres balcony and a 8.5sq m courtyard is proposed to serve apartment B. Both these apartments are one bedroom units and a minimum of 6sq m is required under Table 8.2.5 of the Development Plan. Apartment C is a three bedroom unit. Two separate private open space areas are proposed for apartment C a 8.5sq m courtyard and a 32sq m terrace. The requirement for private open space for a three bedroom apartment as set out in Table 8.2.5 is 10 square metres. Accordingly, I am satisfied with the provision made for private open space in the scheme.
- 7.2.9. No on-site car parking has been proposed. Having regard to the excellent public transport options serving the area and the town centre location, I am satisfied that car parking could be omitted at this location as there is flexibility in Section 8.2.4.5 of the Plan in such locations. The report of the Transport Planning Section noted that 3 no. bicycle spaces would be required. Should the Board decide to grant permission, I consider that a condition can be attached to address the matter.

7.2.10. The reason for refusal issued by the planning authority stated that the proposed development would detract from the visual amenities of the laneway. Having inspected the site and assessed the proposed design I consider that the proposed contemporary design would be visually acceptable. There is a mix of building design along Lynch's Lane, I am satisfied that the development would not be unacceptable or out of character with the prevailing context of single and two-storey development along the laneway.

7.3. Appropriate Assessment

7.3.1. Having regard to the nature and scale of the proposed development, an infill 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 granted permission for the reason set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, and the policies set out in the current Dún Laoghaire-Rathdown County Development Plan to encourage the development of residential housing at appropriate densities within existing established areas that are well served by public transportation and community facilities, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, revised plans and drawings indicating the following:
 - (a) 3 no. bicycle parking spaces.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

3. 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 and to ensure a proper standard of development.

4. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, between 08.00 to 14.00 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 amenities of adjoining residential occupiers.

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 noise management measures and off-site disposal of construction and demolition waste.

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

6. 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.

Siobhan Carroll
Planning Inspector

6th April 2018