



An  
Bord  
Pleanála

## Inspector's Report ABP300650

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<b>Development</b>	4 apartments over existing retail units, alterations to shop front and layout of retail unit, alterations to office unit accessed off Convent Lane, part change of use of first floor from office to residential.
<b>Location</b>	57/58 Georges Street Lower, Dun Laoghaire, County Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D17A/0907
<b>Applicant(s)</b>	Michael Tunney
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	Applicant vs refusal
<b>Appellant(s)</b>	Michael Tunney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> April 2108
<b>Inspector</b>	Hugh Mannion

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## 1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.0402ha and is located at 57/58 Georges Street Lower, Dun Laoghaire, County Dublin. The site comprises two retail units and their first floors; number 58 is a jewellers shop while number 57 is an outdoor clothing store. This is probably the less commercially successful end of the Georges Street Lower/ Georges Street Upper axis through Dun Laoghaire. Number 56 is vacant and there are several charity shops, politicians' constituency offices and other lower order retail uses in the area.
- 1.2. Convent Lane runs to the rear of this section of Georges Street Lower. This lane is characterised by backland development to the rear of the buildings facing onto Georges Street Lower; there are some gated open yards but generally there are one and two storey buildings opening onto the Lane. There is one three story building with a ground floor retail use and two apartments above. However, on the southern side of the lane at its junction with Convent Road there is a three storey apartment block with retail at ground floor, further along there is the Bloomfield shopping centre and thereafter at the end of Convent Lane is a cinema.

## 2.0 Proposed Development

- 2.1. The proposed development comprises (a) the construction of 4 two bed dual aspect duplex apartments at first floor and second floor levels above existing retail units with balconies/private open space at first and second floor levels and shared access podium courtyard at first floor level, (b) alterations to layout and shop front of the existing retail unit to the rear at Convent Lane and to the existing office suite at first floor level accessed off Georges Street Lower, (c) new shared pedestrian and bicycle entrance of Convent Lane (d) part change of use at first floor from office to residential and associated works at 57/58 Georges Street Lower, Dun Laoghaire, County Dublin.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority refused permission because;

- A three storey block adjoining three site boundaries would be a visually discordant and disruptive feature when viewed from Convent Lane, would be overbearing when viewed from the street and the proposed courtyard and would seriously injure the amenity and depreciate the vale of property in the vicinity.
- The proposed development does not provide car parking and would contravene the parking standards set out in section 8.2.4.5 in the Development Plan.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planner's report recommended refusal as reflected in the manager's order.

#### 3.2.2. Other Technical Reports:

**Transport Planning** recommended refusal of permission on the basis of inadequate parking provision having regard to the Development Plan standards.

**Drainage Division** reported no objection

### 3.3. Objections

3.4. There were no objections at application stage.

## 4.0 Planning History

There is no relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

The site is zoned “MTC- major town centre” in the Dun Laoghaire County Rathdown County Development Plan with the objective ‘to protect, provide for and/or improve major town centre facilities’. Residential, office and retail uses are permitted in principle in such zones.

### 5.2. Natural Heritage Designations

See AA screening below.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The proposed development is within the main commercial core/retail area of Dun Laoghaire.
- Convent Lane is generally underdeveloped with one/two storey relatively unattractive buildings which do not contribute positively to the streetscape.
- The proposed development complies with the County Development Plan to encourage infill accommodation in town centres, support ‘living over the shop’ proposal, ensure a wide variety of housing types.
- Convent Lane is identified in the Dun Laoghaire Urban Framework Plan as an area of ‘opportunity/potential development to be explored’.
- The application was accompanied by a design statement. The proposed development will improve streetscape/visual amenity in a poor urban design context.
- Convent Lane is single carriageway but with two footpaths. The proposed building is stepped back at upper floor levels. The proposal will not be overbearing.
- It is unreasonable to insist on off-street parking in this town centre location.

## 6.2. **Planning Authority Response**

- The planning authority commented that the grounds of appeal raised no additional issues.

## 6.3. **Observations**

- There are no observations.

## 6.4. **Further Responses**

- There are no further submissions.

## 7.0 **Assessment**

### 7.1. **Urban Design.**

7.2. The first reason for refusal states that a three storey block would be a visually discordant and disruptive feature when viewed from Convent Lane, would be overbearing when viewed from Georges Street Lower.

7.3. The rear of 57 Georges Street Lower onto Convent Lane is occupied by a two storey building in use as a charity shop. The rear of 58 Georges Street Lower appears to have been in retail use but is now unoccupied. The rear of the proposed development will present as three storeys onto Convent Lane. There will be four ground level doors; two doors serving one for each shop unit, a door to a hall/stair to the four apartments and a fourth door serving an enclosed bin/storage area. The façade onto Convent Lane is three storeys. Convent Lane has two distinct characters. On the northern side the lane is characterised by the back lands of the business premises that face onto Georges Street Lower. These vary from undeveloped yards with gated access to the lane, to single and two storey structures, and one 3 storey unit at 47 Georges Street Lower which has two apartments on the upper floors and commercial use at street level.

7.4. The character of the south side of Convent Lane is different. Most of the street frontage is occupied by Bloomfield Shopping Centre. This is a large shopping centre

with Tesco as the anchor tenant. There is on-site car parking accessed off Library Road to the north. This building has retail uses at street level and has a partially blank first storey façade which is punctuated with windows closer to the application site. Closing off the vista at the northern end of Convent Lane and attached to the shopping centre is an IMC cinema. Both the shopping centre and the cinema present as three storeys to Convent Lane. Finally, at the south-eastern end of Convent Lane at the junction with Convent Road there is a red brick three storey block with retail at ground floor and residential at first and second floors.

- 7.5. Having regard to this variety of building heights and types on Convent Lane I conclude that a three storey element of the proposed development as it addresses Convent Lane would not be out of character with its context.
- 7.6. The other aspect of the proposed development will be viewed from Georges Street Lower. On the corner of Marine Road and Georges Street Lower is the Dun Laoghaire Shopping Centre which is 5 storeys, on the corner of Patrick Street and Georges Street Lower is a three storey retail building and there are other such examples in the immediate area. The parapet of 58/57 Georges Street Lower replicates that of the adjoining site at 59 Georges Street Lower and is slightly above that of 56 Georges Street Lower. With the amendments proposed this will change but not in a manner which will be out of character with the pattern of varied parapet levels/roof heights currently pertaining on Georges Street Lower and in the wider area. Furthermore, the width of Georges Street Lower limits the visibility of roofs behind parapets and views of the new third storey, which is set back about 12m from the front wall, will be commensurately limited from Georges Street Lower. I consider that the lodged drawing 'proposed site sections' sheet number PL-003 accurately illustrates this point.
- 7.7. Having regard to the foregoing I conclude that the proposed development will not negatively impact on the visual amenity of the area.
- 7.8. **Office/Retail Use**
- 7.9. Office use is a permitted use in major town centre zoning in the development plan. I conclude that the use in this instance which will use an existing door onto Georges Street Lower will contribute to the viability and vitality of the street.

- 7.10. Retail use is permitted in principle in the major town centre zoning and is an established use in the premises. I conclude that the overall viability of the buildings and uses will be augmented by the overall proposed development.
- 7.11. **Car Parking.**
- 7.12. The planning authority's second refusal reason referenced the lack of car parking provision which contravened the County Development Plan through not meeting the car parking provision standards set out in the table 8.2.3 of the plan. Applying the development plan standards, the four apartments would require 1.5 spaces each for a total of 6 car spaces.
- 7.13. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities address car parking provision and recommend (section 7.6) that parking requirements should be set at realistic levels having particular regard to proximity to public transport services. The Sustainable Urban Housing Design Standards for New Apartments (March 2018) makes the point (paragraph 4.19) that car parking should be minimised or eliminated in city/town centres and close to public transport facilities.
- 7.14. The application site is within easy walking distance to the DART service and several bus routes, it is close to employment and educational opportunities as well as public services and facilities. It may be noted that the application includes 8 bike stands accessible to the street without having to bring bikes upstairs to apartments.
- 7.15. I conclude based on the foregoing that car parking may be omitted from the proposed development without injury to amenity of the proposed development or adjoining development.
- 7.16. **Residential Amenity.**
- 7.17. The new apartment guidelines require that two bed units have minimum floor areas of 73m<sup>2</sup>; all four proposed apartments exceed this minimum. The apartments are single aspect but in the site context this is acceptable. Two bed units should have 9m<sup>2</sup> of private amenity space; all proposed units exceed this minimum. The guidelines require five square meters of storage be provided for two-bedroom units and the drawings indicate that storage falls short of this by about 1.5m<sup>2</sup> in each case. Notwithstanding this provision in the drawings I consider that in addition to the



designated storage areas in each apartment set out in the drawings there are wardrobes and kitchen units which are additional to the approximately 3.5m<sup>2</sup> storage space provided in each apartment. These facilities along with the bike parking and refuse management internally accessible from the apartments provide adequate storage that meets the national standards.

7.18. I conclude, therefore, that in all material respects the proposed development meets the national standards and will provide adequate amenity for future residents of the units.

7.19. Having regard to the pattern of development in the area I conclude that the proposed development will not seriously injure the amenity of residential property in the vicinity.

7.20. **Appropriate Assessment.**

7.21. Having regard to very modest scale of the proposed development and its location in a urban area where public piped services are available 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. Having regard to the foregoing I recommend a grant of planning permission for the reasons and considerations and subject to the conditions set out below.

## 9.0 Reasons and Considerations

9.1. The proposed development is located in an area zoned for major town centre uses in the Dun Laoghaire County Rathdown County Development Plan 2016 to 2022 where the objective is to protect, provide for and/or improve major town centre facilities and where residential, office and retail uses are permitted. It is considered that the proposed development, subject to compliance with the conditions set out below, would not injure the residential or visual amenity of the area, would not give rise to traffic hazard or congestion and would accord with the zoning objective for the area

set out in the county development plan and with 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

3. Details of the materials, colours and textures of all the external finishes to the proposed development 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. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

. **Reason:** To protect the visual amenities of the area.

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5. . No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. 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.

7. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of

the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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. Hugh Mannion  
Senior Planning Inspector

26<sup>th</sup> June 2018