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## Inspector's Report ABP 301466-18

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<b>Development</b>	Retain alterations to a residential use.
<b>Location</b>	12,13 and 14 Georges Street Lower, Dun Laoghaire, County Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/014
<b>Applicant(s)</b>	Robert Furlong
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	Applicant vs refusal
<b>Appellant(s)</b>	Robert Furlong
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> July 2018
<b>Inspector</b>	Hugh Mannion

## 1.0 Site Location and Description

- 1.1. The site comprises 3 retail units at 12, 13 and 14 Georges Street Lower, Dun Laoghaire, County Dublin. The overall application site has a stated area of 0.0339ha, the existing buildings are 370m<sup>2</sup> and the floor area to which the application relates is 100m<sup>2</sup>. The ground floor of number 12 Georges Street Lower is in use as an interior design business, the ground floor of number 13 has a permitted retail use but there is a current application to change that use to constituency office for a local politician and the ground floor of number 14 is use as a furniture salesroom. There is residential use in the first-floor areas of 12, 13 and 14 Georges Street Lower.
- 1.2. The application relates to constructed, but unfinished floor, areas for use as two apartments to the rear of 12/13 Georges Street Lower. The submitted drawings are somewhat unclear but, in short, there are two apartments accessed from the rear yards of 12, 13 and 14 Georges Street Lower. These yards which have been combined may be accessed either from a rear public lane (Convent Lane) at the back of the overall site or through the furniture shop at 14 Georges Street Lower. Both apartments have ground floor living rooms with a mezzanine bedroom space above the living rooms. The interconnecting doors shown on the plans do not exist and there is a bathroom immediately on the right when entering the apartment to the rear of 12 Georges Street Lower but I am unable to confirm if there is one in the apartment to the rear of 13 Georges Street Lower. The 'internal patio' separating the apartments from the commercial/office use in 12 and 13 Georges Street Lower is not accessible from the apartments; it is accessible only from the units in 12 and 13 Georges Street Lower. There is a common yard behind numbers 12, 13 and 14 Georges Street Lower and immediately behind number 14 is an outside concrete staircase which leads to a flat roof area which partially covers the rear roof areas of all three units at 12, 13 and 14. The rear wall of the apartments has two high level windows which light the living rooms within.

## 2.0 Proposed Development

- 2.1. The proposed development comprises;

Amendments to a previous permission under reference D16A/0848 comprising the retention of the separation of a residential use to the rear of 12 and 13 Georges Street Lower by the creation of an internal patio, raising elevation walls and flat roof structure with rear elevation windows and provision of an internal mezzanine level, external stairs at rear yard area and all associated works at 12, 13 and 14 Georges Street Lower, Dun Laoghaire, County Dublin.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Refuse permission for two reasons.

- The proposed development is overbearing and obtrusive and will seriously impact on the private open space/terraces of 11A, 12, 13, 14 Georges Street Lower. The proposed development would seriously injure the amenity and depreciate the value of property in the vicinity.
- The proposed semiprivate open space to serve the development is inadequate and does not meet the development plan requirements at 8.2.3.4(ix) and 8.2.8.4.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

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

##### **3.2.2. Other Technical Reports:**

Surface Water Drainage reported no objection.

Transport Planning reported no objection subject to conditions.

## 4.0 Planning History

- 4.1. Under 06D.246884 (PA reference D16B/0167) permission was refused for two dormer windows to rear flat roof at 12/13 Georges Street Lower, Dun Laoghaire, County Dublin for the reason that:

*The proposed development, by reason of its height, size and bulk, together with its layout adjoining the boundary with number 11a George's Street Lower, would appear visually overbearing and obtrusive when viewed from the first floor patio and windows of the adjoining property, number 11a George's Street Lower. It is considered that the proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

- 4.2. S16A/0848 Permission granted for retail to residential use for a studio apartment at ground level to the rear of 12 and 13 Georges Street Lower, Dun Laoghaire, County Dublin.
- 4.3. D15B/0436: Permission granted for set of double doors and circular window on first floor rear elevation of no. 12.
- 4.4. D15A/0144: Permission granted to remove part of roof at rear of shop unit in no. 12.
- 4.5. D14A/0406: Permission refused for change of use of part of ground floor of existing shop unit from commercial to residential use at no. 12. Refused due to zoning policy.
- 4.6. D14B/0313: Permission granted for 3 no. one-bed apartments at first floor and attic level at nos. 12-14.
- 4.7. D05A/0616: Permission granted to demolish single-storey, rear showroom and store and erect a single-storey flat roof extension comprising showrooms. Office and toilet at no.s 12-14.
- 4.8. D08A/1180: Permission granted for internal alterations and extension to rear at first floor for a two-bedroom apartment unit.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is zoned major town centre with the objective 'to protect, provide for and/or improve major town centre facilities'. in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

### **5.2. Natural Heritage Designations**

See AA screening below.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The development as carried out does not overshadow nor is it overbearing in relation to the private balcony/terrace of 11A Georges Street Lower. In any case this is not private space but an access from the ground floor retail use. The decision of the planning authority to grant permission for that private balcony/terrace has prevented development on the applicant's site.
- The development as built does not overshadow any future terrace associated with 12, 13 or 14 Georges Street Lower.
- The proposed development does not provide a substandard level of residential amenity. The proposed development when completed could provide amenity space in a roof terrace for the residential uses.

### **6.2. Planning Authority Response**

- The appeal does not raise issues which would lead to a change of mind on the planning authority's part.

### 6.3. **Observations**

There are no observations.

### 6.4. **Further Responses**

There are no further submissions.

## 7.0 **Assessment**

### 7.1. **Background**

7.2. There is a long planning history on the application site as detailed above. Under planning reference D16A/0848 permission was granted for a change of use of 55m<sup>2</sup> of permitted retail space to a studio apartment. The present case arises out of the carrying out of unauthorised development which has provided two apartments with mezzanine bedrooms and high-level windows. A later application planning reference D17A/0848 sought to regularise this change was refused but not appealed.

7.3. I consider that there are two issues; (a) the impact on the amenity open space of 11A Georges Street Lower and (b) the standard of the residential accommodation provided in the new units.

### 7.4. **Residential Amenity of Adjoining Property**

7.5. The flat roof within which the mezzanine bedroom space is located is 1.6m higher than the rear back wall of the ground floor rear extension. The terrace of 11A Georges Street Lower is built along the eastern elevation of that building and therefore would get good direct sunlight for part of the day. The applicant points out that a balance should be struck between protecting the amenity of that terrace and the potential for development above ground level at 12 Georges Street Lower. I observed that terrace from on top of the finished raised flat roof and I conclude that the roof, as constructed, does not seriously injure the amenity of that terrace through overshadowing in a manner as to necessitate that permission be refused. Only if the flat roof were used for accessible open space would it give rise to overlooking.

**7.6. Residential Amenity – Proposed Units.**

7.7. The planning authority's second reason for refusal referenced failure to comply with the private open space standards required by the County Development Plan. The applicable standards for new apartments are those set out in the Sustainable Urban Housing: Design Standards for New Apartments (DHPLG March 2018).

7.8. The application is deficient in the following respects;

- The guidelines require the provision of a minimum floor area for a one bed apartment is 45m<sup>2</sup>, with 38m<sup>2</sup> acceptable in limited circumstances. The application does not demonstrate that these standards are met.
- The guidelines require the provision of private open space of 4m<sup>2</sup> for studio apartments and 5m<sup>2</sup> for a one bed unit. The application does not demonstrate the provision of amenity open space for the two ground floor apartments or for the residential units shown on the lodged plans as being on the first floor over the retail/office use at 12, 13 and 14 Georges Street Lower.
- The guidelines require a minimum storage area of 3m<sup>2</sup> for one bed units. The application does not demonstrate such provision.
- The application provides no cycle parking and does not offer a rationale as to why no car parking is required.
- The application makes no provision for refuse management and/or recycling as appropriate.

7.9. I conclude that the proposed residential units are seriously substandard in a manner which would materially contravene the national standards and seriously injure the residential amenity of future residents.

**7.10. Appropriate Assessment Screening**

7.11. Having regard to very modest scale of the proposed development and its location in an 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 permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (Department of Housing, Planning and Local Government March 2018) establishes minimum standards for new apartments including apartment sizes, provision of private open space, internal storage and waste management. The Board is not satisfied on the basis of the material submitted with the application and appeal that the proposed development meets the standards for apartment size, open space provision, internal storage and waste (including recyclables) management. Therefore, the proposed development would materially contravene the national standards, would seriously injure the residential amenity of future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.

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Hugh Mannion

Senior Planning Inspector

17<sup>th</sup> July 2018