



An  
Bord  
Pleanála

## Inspector's Report ABP-303052-18

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<b>Development</b>	Permission for modifications to development permitted under D18A/0340 comprising of the addition of one floor to the development which will result in a 5 storey building with 7 residential units and office space at ground floor level.
<b>Location</b>	12-13 Cumberland Street, Dun Laoghaire, Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/0852
<b>Applicant(s)</b>	Greythorn Properties Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Greythorn Properties Ltd.
<b>Observer(s)</b>	No observers
<b>Date of Site Inspection</b>	28 <sup>th</sup> January 2019
<b>Inspector</b>	Erika Casey

## 1.0 Site Location and Description

- 1.1. The subject site is located on the northern side of Cumberland Street in Dun Laoghaire town centre. The site has an area of 0.0243 hectares and currently accommodates a three storey office building with rooftop rotunda with a stated area of 736 sq. metres. The existing building is currently vacant and there is a recent permission for its change of use to a mixed use commercial and residential development.
- 1.2. To the immediate east of the site, is the 'Brendalla' factory complex which accommodates a showroom and factory building. Permission was granted in 2018 for the comprehensive redevelopment of this site (see planning history section below). Further to the east, is a terrace of two storey buildings, the majority of which are in commercial and office use. To the west, is a large four storey office building with a contemporary design. To the rear, the site adjoins the West Pier Business campus.
- 1.3. The southern side of the street primarily comprises a terrace of two storey red brick dwellings. There is a large surface car park and two storey further education building directly opposite the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises modifications to the development permitted under D18A/0340 and consists of the addition of one extra floor to the development as permitted resulting in a five storey building. The overall height will increase from c.13.7 metres to a maximum height of c.16.6 metres.
- 2.2. The additional floor will provide 2 additional apartment units increasing the overall provision to 7 units including 6 no. 2 bedroom units and 1 no. three bedroom unit. Associated balconies and terraces are proposed at fourth floor level to the front and rear elevations. The additional fourth floor will be set back from the front elevation by c. 1.27 metres to create a terrace. A balcony is provided to the rear to serve the three bed unit at this level.

- 2.3 The proposed amendments also provide for a minor reduction in the extent of office space permitted at ground floor level from 148.8 sq. metres to 135.2 sq. metres. Cycle parking provision will be increased from 6 to 8 spaces.

### 3.0 Planning Authority Decision

#### 3.1. Decision

##### 3.1.1 To Refuse Permission for 1 no. reason:

*“It is considered that the proposed modification to the development permitted under Reg. Ref. D18A/0340, in particular the proposed increase in height and addition of a fourth floor element by reason of its height, bulk and projection above both adjoining sites to the east and west, would appear visually incongruous with the streetscape as viewed from Cumberland Street and in particular would significantly detract from the streetscape at this prominent western ‘gateway’ to Dun Laoghaire town centre. The proposed development would, therefore, be seriously injurious to the visual amenities of the area and would be contrary to the proper planning and sustainable development of this area.”*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Report (26.10.2018)

- The proposed modifications will increase the height of the building some 2 metres above the overall height of the adjoining building at no. 14-15. There is a concern with respect to the increase height of the proposed development relative to the adjoining building at no.s 14-15 and the negative impact that this will have on the visual amenity of the streetscape. No.s 14-15 is considered to be a bookend height at this location with the adjoining development at a lower height along the streetscape creating a visual balance along Cumberland Street on the approach to Dun Laoghaire Town Centre. It is considered that the overall height would appear visually incongruous with the streetscape.
- The proposed height and transition between the proposed modification and the adjoining site to the east ‘Brendella’ is a concern in terms of visual impact.

- The proposed development modification would seriously detract from the quality and visual appearance of the permitted scheme.
- All of the proposed apartments are in line with the minimum standards set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- It is considered that the development will not unduly impact on the amenity of properties in the vicinity in terms of overshadowing or overlooking, nor would it have an overbearing impact to properties to the east and west.
- Having regard to the location of the site within the major town centre, the availability of on street parking and public transport options. The lack of parking to serve the proposed office and residential development would be acceptable in this instance.

### 3.2.2. Other Technical Reports

**Drainage Planning (29.09.2018):** No objection subject to conditions.

**Transportation Planning (03.10.2018):** No objection subject to conditions.

### 3.3. Prescribed Bodies

- No submissions received.

### 3.4. Third Party Observations

- No third party observations.

## 4.0 Planning History

4.1 Relevant planning history includes the following:

### **Planning Authority Reference D18A/0340**

4.2 Permission granted in July 2018 for the change of use of an existing office building to provide apartments at first, second and third floor levels, comprising c. 148.8 sq. m. office space at ground floor level, 2 no. 2 bed apartments at first floor level, 2 no. 2 bed apartments at second floor level and 1 no. 3 bedroom apartment at third floor

level. Permission also granted for the demolition of the existing rotunda at 3<sup>rd</sup> floor level, alterations to the south elevation to Cumberland Street, the provision of new bin store and bicycle store at ground floor level within the building and the provision of balconies and terraces to serve the development.

### **In the vicinity**

#### **Planning Authority Reference D18A/0188**

##### **9, 10 and 11 Cumberland Street (former Brendella Factory)**

- 4.3 Permission granted in July 2018 for the demolition of the existing buildings on the site and construction of a new 3 storey over ground mixed development with an overall floor area of 1,758 sq. metres. The development provides for 307 sq. m. of commercial floorspace and 14 no. apartments.

#### **Planning Authority Reference D14A/0824**

##### **9, 10 and 11 Cumberland Street (former Brendella Factory)**

- 4.4 Permission refused in February 2015 for a mixed use commercial and residential development accommodating 19 residential units. Reasons for refusal related to scale and visual impact, overdevelopment, overshadowing, insufficient mix and inadequate landscape proposals.

## **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.”* The following objectives are of relevance:

*Objective 6: Encourage development of buildings of the highest architectural quality and appropriate to context.*

*Objective 8: Improve and enhance existing visual amenity and streetscape within the Framework Plan.*

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.

## 5.2. Other Policy

### **National Planning Framework**

5.2.1 **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. **Objective 35** seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG 2018).**

5.2.2 These guidelines provide recommended minimum standards for floor areas for different types of apartments; storage spaces; sizes of apartment balconies/patios and room dimensions for certain rooms.

### **Urban Development and Building Heights Guidelines for Planning Authorities December 2018**

5.2.4 States that it is Government policy that building heights must be generally increased in locations with good public transport accessibility, particularly town/city cores.

## 5.3. Natural Heritage Designations

5.3.1 The nearest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA located c. 0.3km to the north of the site.

## 5.4 EIAR Screening

5.4.1 Having regard to nature of the development comprising amendments to a previously approved residential/commercial development and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The assertion by the Planning Authority that the proposed development is visually discordant and obtrusive is unsupported and it is considered that the Planning Authority has not taken a balanced or consistent view.
- The proposed additional floor is supported by the NPF, the County Development Plan, Dun Laoghaire Urban Framework Plan and the Urban Development and Building Height Guidelines for Planning Authorities.
- Additional CGI's submitted to demonstrate the appropriateness of the development within the streetscape and which indicate the benign visual impact of the additional floor level.
- Note that it has been acknowledged by the Planning Authority that the development will result in no overshadowing, overlooking or overbearing impacts.
- Consider the proposal is an improvement from the existing building and streetscape and will enhance and regenerate this area of Dun Laoghaire. The scale and sensitive design of the development is appropriate in the streetscape.

### 6.2. Planning Authority Response

- It is considered that the proposal to increase the overall height of the existing building to 16.56 metres and additional fourth floor, by reason of its height, bulk and projection above both adjoining sites to the east and west would appear

visually incongruous with the streetscape. Request the decision of the Planning Authority is upheld.

### 6.3. **Observations**

- No observations.

## 7.0 **Assessment**

### 7.1. **Introduction**

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 and EIA Screening also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development and Height.
- Appropriate Assessment.
- EIA Screening.

### 7.2 **Principle of Development and Height**

7.2. The proposed development comprises modifications to the development permitted under D18A/0340 and consists of the addition of one extra floor to the development as permitted resulting in a five storey building and 2 additional apartments. The overall height will increase from c.13.7 metres to a maximum height of c.16.6 metres. The parent permission relates to an existing vacant office building located in the town centre, and the modifications provide for its change of use to a mixed use scheme with commercial/office space at ground floor and 5 no. apartments located above.

7.3. The principle of the change of use is fully endorsed by the Planning Authority. I am satisfied that the development would provide an appropriate intensification of additional residential floorspace in the town centre area and would also regenerate an existing dated building, significantly improving its overall visual appearance in the streetscape.

7.4. The principle of increased intensification of such vacant and underutilised buildings is clearly endorsed at both a national and local level. Under the current County Plan



the site is zoned Major Town Centre. There are a suite of policies and objectives in both the County Plan and the Dun Laoghaire Framework Plan which promote the densification and consolidation of established town centres.

- 7.5 At a national level, the National Planning Framework under National Policy Objective 34 specifically promotes increased residential density through a range of measures including re-use of existing buildings and increased building heights. The recently published Urban Development and Building Heights Guidelines for Planning Authorities December 2018 details that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns. It is stated:

*“A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.”*

- 7.6 Having regard to the foregoing, I am satisfied that the principle of an additional floor at this location is acceptable and in accordance with the proper planning and sustainable development of the area. The key issue, therefore, to consider is the visual impact of this increased height and its impact on the existing streetscape of Cumberland Street.

- 7.7 Cumberland Street is located on the western side of Dun Laoghaire Town centre. It is described in the Planning Authority Planner’s report as a ‘gateway’ location. In reality however, it comprises an eclectic mix of buildings of varying architectural styles, character and heights. The street has a somewhat degraded appearance, with many underutilised buildings. There are no protected structures in the vicinity of the site. Cumberland Street is not located in an architectural conservation area and is not considered to be particularly sensitive from an architectural heritage or conservation perspective.

- 7.8 There is a large vacant factory premises known as ‘Brendella’ located to the immediate east of the site. Permission has recently been granted for the comprehensive redevelopment of this site for a 4 storey commercial and residential development, which if developed, will substantially improve the appearance of the

street. To the west of the site, is the only building of note on this part of the street and comprises a large contemporary commercial/office building constructed with a high quality stone and glazed elevation to Cumberland Street.

- 7.9 As noted above, the existing building which it is proposed to convert to residential use currently comprises a vacant office building. The development will significantly enhance the visual appearance of the building. The proposed additional floor will provide for an additional 2 apartment units. The overall height will increase marginally by 3 metres. It is noted however, that the fourth floor will be set back c. 1.27m from the front façade which will reduce its prominence on the streetscape.
- 7.10 Particular concerns have been raised by the Planning Authority regarding the juxtaposition of the additional height compared to the adjacent office building to the west at 14-15 to Cumberland Street. It is detailed that it is considered that this building provides a bookend to the streetscape and that there should be a transition of building scale eastwards having regard to the prevailing character and context to create a 'visual balance'.
- 7.11 In reality, as evident from the contextual elevation, the proposed additional floor will result in a marginal increase in height compared to the building to the west. The proposed additional floor will result in the proposed building being just 1.59 metres above the parapet height of this existing building. Having regard to the fact that the upper floor will be set back, I consider that this marginal increase in height will be largely imperceptible. This is clearly evident in the photomontages submitted with the applicant's Appeal. In this regard, I am satisfied that the development will have no significant adverse impact on the streetscape and will not appear incongruous. I do not concur with the view of the Planning Authority that uniform building heights are necessary to create visual balance in the streetscape
- 7.12 Concerns have also been raised regarding the relationship between the proposal and the development permitted at the 'Brendella' site. It is noted by the Planning Authority that there are concerns regarding the additional height relative to this permitted scheme. This relationship is indicted in the second photomontage submitted with the appeal. Whilst the additional floor will be visible above the parapet of the permitted scheme on the 'Brendella' site, I am satisfied that this will

not appear visually obtrusive and is indeed typical of many urban town and city centre streetscapes and roofscapes.

7.13 I am also satisfied that the proposed additional floor will have no impact on the amenities of adjacent properties by reason of overlooking or overshadowing. To the rear, there is a significant separation distance between the proposed development and the West Pier Business campus of over 27 metres. Given the predominantly commercial character of development in the immediate vicinity and the marginal increase in height, no adverse impacts are likely to arise.

7.14 In conclusion, I consider that the proposed development will provide for an appropriate intensification of an underutilised town centre site for residential accommodation. The additional floor in my view has been sympathetically designed and assimilates appropriately with the existing context. I am satisfied that the development will have no material significant adverse visual impacts and will not appear visually incongruous.

### **Appropriate Assessment**

7.2.1 Having regard to the nature and scale of the proposed development, amendments to a previously approved residential/commercial development within an established urban area, and the 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 subject to conditions for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the current Dun Laoghaire Rathdown County Development Plan 2016-2022 including the Major Town Centre zoning of the site, the objectives of the National Planning Framework and the Urban Development and Building Height Guidelines for Planning Authorities 2018 which promote increased

building height in town centre locations and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area. The proposed development would be in accordance 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. The applicant shall comply with all conditions of the previous parent permission granted under Reg. Ref. D18A/0340.

**Reason:** In the interest of clarity.

3. 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.

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

**29th January 2019**