



An
Bord
Pleanála

Inspector's Report

ABP-305457-19

Development	Change of use of 1 no. 3 storey dwelling into short term letting use.
Location	59, Ringsend Road, Ringsend, Dublin 4.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3381/19
Applicant(s)	John Burke
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Burke
Observer(s)	None
Date of Site Inspection	19 th December 2019
Inspector	Irené McCormack

1.0 Site Location and Description

1.1. The appeal site is located on the south side of Dublin city and the surrounding area is residential in character with adjacent office use. Dublin Bus depot is located opposite the site. The premises forms part of a terrace of 3-storey houses located along the south side of Ringsend Road and opposite a Dublin Bus Depot. The premises has a small rear yard that backs onto a terrace of single storey houses at Hastings Street.

2.0 Proposed Development

2.1. The development consists of :

- Planning permission for the change of use of 1 no. 3 storey dwelling into short term letting use.

2.1.1. The existing dwelling is 106sqm mid terrace dwelling consisting of three double bedrooms at first and second floor levels.

3.0 Planning Authority Decision

3.1. Decision

Decision

By order dated, 22nd August 2019 the planning authority decided to refuse permission on the basis of the following reason:

The proposed development, by itself and by the precedent for which a grant of permission would set, would be contrary to the stated provisions of the Core Strategy of the City Development Plan 2016-2022, which recognises residential units as a scarce resource and which need to be managed in a sustainable manner so that the housing needs of the city are met. The proposed development, resulting in the loss a unit for residential use, would also be contrary to the core principles of the Dublin Housing Strategy 2016-2022 which requires that the planning and building of housing and residential space in the city contributes to sustainable and balanced development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The planning officer notes that proposal, if permitted, would result in the loss of a residential unit in City Centre which is of concern having regard to the existing housing shortage currently experienced within Dublin City. It is stated that the area is a rent pressure zone, where there is high demand for long term residential rental properties and it is considered that the proposal is contrary to the Core Strategy of the Dublin City Development Plan 2016-2022 which recognises that serviced residential lands are a scarce resource, which need to be managed in a sustainable manner so that the housing needs of the city are met. It is also noted that the proposed development, would result in an unwanted precedent for similar type development in the area which may then result in further loss of homes in the area.

3.2.2. Other Technical Reports

Drainage Division – No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

PL.29S.246276 /DCC Reg. Ref. 4269/15 - Split decision issued in 2016.

GRANT permission for retention of alterations to existing window to rear at top floor level, comprising of two inward opening doors with armored plate glass guard on the outside and alteration to dormer roof.

REFUSE permission for the retention of decking, trellis and planting to roof of single storey extension.

DCC Reg. Ref.3016/12: Permission granted for the construction of a dormer windows to the front and rear elevations at no.59 Ringsend Road.

DCC E0642/15: Enforcement on the site with regard to the dormer windows.

DCC Reg. Ref.: 1574/79: Permission granted for a 2-storey extension to the rear of no.57 Ringsend Road.

5.0 Policy Context

5.1. Development Plan

Zoning objective: The site is located within an area zoned with the objective Z2 in the Dublin City Development Plan 2011-2017 which seeks “To protect and/or improve the amenities of residential conservation areas.”

Section 16.10 Standards for Residential Accommodation

The provision and protection of residential amenities is a primary concern of Dublin City Council. This will be achieved through the relevant objectives of the Dublin City Development Plan. As outlined in the ‘Quality Housing’ chapter, it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities through the creation of attractive mixed-use sustainable neighbourhoods. It is critical that new residential development is sufficiently flexible to allow for changing circumstances (e.g. aging, disability, growing family) and sufficiently spacious with all the necessary facilities to provide a level of residential amenity attractive to families with children on a long term basis.

QH3 (i) To secure the implementation of the Dublin City Council Housing Strategy` in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city.

QH5 To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

National Guidance and Legislative Framework (Short Term Letting)

Action 18 of the Strategy for the Rental Sector, (December 2016) provided for establishment of a Working Group to advise the Oireachtas Committee and Minister for Housing Planning and Local Government on Short term lettings. A legislative

framework providing for regularisation of short term letting was announced by the Minister in October, 2018. The “rent pressure zones” (RPZs) were announced as being subject to additional requirements for planning permission for short term letting include the administrative area of Dublin City Council.

Section 38 of The Residential Tenancies (Amendment) Act, 2019, No 14 of 2019 provides for designation of RPZs and it is supplemented by the amendment to the Planning and Development Act, 2000, as amended by way of insertion of section 3A. It includes a description of “Short Term Lettings” and provision is made for the making of Regulations by the Minister for the purposes of section 3A. thereof.

The Planning and Development Act, 2000 (Exempted Development) (No 2) Regulations, 2019.(SI No 235 of 2019.) were brought into effect on 1st July, 2019. Within designated RPZs, planning permission is required for “short term letting” which is precluded from exempt development. However, short term letting within the owner/occupier’s principle place of residence in RPZs is exempt development and excluded from a requirement for planning permission subject to certain limitations and conditions.

- 5.1.1. Circular Letter No. PL 4 /2019: (Department of Housing, Planning and Local Government.) provides for an advisory note of the legislative reforms on regulation of short term letting.

5.2. **Natural Heritage Designations**

There are two designed sites within 1.6Km of the site.

- South Dublin Bay SAC (site code 00210) is located 1.5km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 1.6km northeast of the site.

5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that a short-term letting use is an appropriate use for this dwelling.
- It is set out that there were no objection or submission lodged in relation to the change of use.
- The development will accommodate multinational companies in close proximity to the site who require short term lets for their employees.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal relates to permission to change the use of 1 no. 3 storey dwelling into short term letting use. No works are proposed as part of the planning application.

7.2.2. The site is located on lands that are zoned Z2 in the Dublin City Development Plan 2016-20226 with the objective "To protect and/or improve the amenities of residential conservation areas." Residential use is consistent with the zoning objectives for the area. I note that the general area reflects a mix of uses such as office, retail, commercial and residential.

- 7.2.3. The planning authority recommended refusal on the basis that the development would, would be contrary to the stated provisions of the Core Strategy of the Dublin City Development Plan 2016-2022, which recognises residential units as a scarce resource and which need to be managed in a sustainable manner so that the housing needs of the city are met. The planning authority consider the development to be contrary to the core principles of the Dublin Housing Strategy 2016-2022 which requires that the planning and building of housing and residential space in the city contributes to sustainable and balanced development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 7.2.4. The planning assessment notes that the development would result in the loss of a residential unit in City Centre which is of concern having regard to the existing housing shortage currently experienced within Dublin City. I note that the area is a rent pressure zone, where there is high demand for long term residential rental properties.
- 7.2.5. The appellant argues that the site is located in close proximity to multinational companies seeking short term accommodation for employees and the use for short-term letting is an appropriate use for this dwelling. It is argued that there were no objections or submissions lodged in relation to the change of use.
- 7.2.6. As outlined in Chapter 5 'Quality Housing' of the Dublin City Development Plan 2016-2022, it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities and to expediate housing supply in the city. This is reinforced in Section 2.2.3 Settlement Strategy of the Plan which sets out strong policy emphasis on the need to gain maximum benefit from existing assets..."
- 7.2.7. Appendix 2 of the development plan contains the Dublin Housing Strategy for the period of the developemt plan 2016-2022. Section 2.2 Principles and Key Objectives of Dublin's Housing Strategy seeks to advance polices that provide for the delivery of quality dwellings at higher densities to help create and help maintain a consolidated urban form that fosters the development of compact city neighbourhoods. In turn compact neighbourhoods help ensure a critical mass that contributes to the viability of local residential infrastructure particularly as it relates to local social, economic, amenity, cultural and transport infrastructures. The provision of short-term letting at

this location would be contrary to the creation of city neighbourhoods having regard to the transient nature of the shorty term letting use.

- 7.2.8. Furthermore, it should be borne in mind that national policy and the amended legislative framework clearly indicate a presumption of prioritisation for the achievement of reversal of the decline in supply of rental properties in use as permanent residential accommodation, within the identified RPZs among the range of very creditable and worthy competing interests contributing to sustainable economic viability and vitality within the central city.
- 7.2.9. It is a key objective of the National Planning Framework to secure compact and sustainable urban development. National Policy Objective 11 states that “in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”. It is the policy of Dublin City Council as set out in Chapter 4 ‘Shape and Structure of the City’ to promote a compact and sustainable city. In this regard, I am not satisfied that the principle of changing the use of the existing three bedroom dwelling at this central, accessible location in a “rent pressure zone” is justified having regard to the current acknowledged crisis.
- 7.2.10. Furthermore, the site is located in an area accessible to the city centre and an extensive range of hotel accommodation including budget hotel accommodation and hostel accommodation within a short distance which is significantly increasing in supply and which is supplemented by guest house and bed and breakfast accommodation within the wider environs of the city centre.
- 7.2.11. The proposed change of use is incompatible with the lack of available permanent residential accommodation, a reversal of which is essential, having regard to the development plan polices as reflected in the City’s Housing and Core Strategies. These policies seek to secure national policy and legislation in meeting the housing needs of the City, to ensure a speedy effective and sustainable ‘step up’ in future housing supply, to reverse the scale of unmet housing needs and, to ensure delivery of the development plan policy objectives for encouragement of permanent residential communities in mixed use sustainable neighbourhoods within a socially

inclusive city, which includes the centre of the city. The proposed change of use is incompatible with and contrary to these strategic policies within the Dublin City Development Plan and the bringing about of effective reversal of the decline in permanent housing supply within the 'Rent Pressure Zones'. The proposed removal of the three-bedroom family home from the limited availability of long-term rental properties is incompatible with national policy as reflected within the relevant amended legislative framework.

7.3. Appropriate Assessment

Having regard to the nature and scale of the proposed development within a serviced urban area and separation 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 the conservation objectives of any European site.

8.0 Recommendation

8.1. I recommend that planning permission for the proposed development should be refused for the reasons and considerations, as set out below.

9.0 Reasons and Considerations

The proposed development, by itself and by the precedent for which a grant of permission would set, would be contrary to the stated provisions of the Core Strategy of the Dublin City Development Plan 2016-2022, which recognises residential units as a scarce resource and which need to be managed in a sustainable manner so that the housing needs of the city are met. The proposed development, resulting in the loss of a unit for residential use, would also be contrary to the core principles of the Dublin Housing Strategy 2016-2022 which requires that the planning and building of housing and residential space in the city contributes to sustainable and balanced development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Irené McCormack
Planning Inspector

19th December 2019