



An
Bord
Pleanála

Inspector's Report ABP-305778-19

Development	Change of use from Barber shop to student accommodation
Location	Building at junction of Dunard Road and Blackhorse Avenue, Dublin 7.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3849/19
Applicant(s)	Michael Anglim.
Type of Application	Permission
Planning Authority Decision	REFUSE
Type of Appeal	First Party
Appellant(s)	Michael Anglim
Observer(s)	None
Date of Site Inspection	8 th December 2019
Inspector	Sarah Lynch

1.0 Site Location and Description

- 1.1. The application relates to a vacant single storey commercial building that was previously used as a Barber's shop and is adjacent to a 2 storey commercial building which was used as a shop on the ground floor with residential accommodation at first floor. The adjoining two storey building has recently obtained planning permission for the change of use of the structure to student accommodation providing for 4 no. bedspaces. The site has an overall floor area of 51 sqm and a total area incorporating the previously approved scheme of 693 sqm.
- 1.2. Vehicular access is via Dunard Road, with separate pedestrian access onto Dunard Road and Blackhorse.
- 1.3. The adjacent land to the north accommodates a single-storey detached structure, in use as a community centre. To the east the site abuts a semi-detached residential property. Residential is the prevailing use within the vicinity of the site and the area is characterised by two storey semi-detached dwellings. The Phoenix Park is located directly to the south west of the site.

2.0 Proposed Development

- 2.1. It is proposed to convert the existing single storey Barbers shop into student accommodation to provide for 3 no. bedrooms which will be linked to the permitted development via a roofed link.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to refuse permission for the following reason:

1. Having regard to the provision of student accommodation bedrooms within a detached building which may only access shared facilities via an external glass covered walkway and based on the proximity of the retail unit to the northern and eastern boundaries which consists of a wall of c.2m in height and the proposed development which includes provision of windows to serve bedrooms No. 5 and No. 6 fronting onto these boundaries, it is considered the proposed

development would result in an unsatisfactory standard of residential amenity for future occupants. The proposal would be contrary to Policy QH 31 and Policy CEE19(ii) of the Dublin City Development Plan 2016-2022 as it would not result in a high-quality student accommodation scheme, would set an undesirable precedent for student accommodation within Dublin City and seriously injure the residential amenities of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report is consistent with the decision of the Planning Authority to refuse permission and the reason for same.

3.2.2. Other Technical Reports

- Drainage Division– No objection subject to standard conditions.
- Transportation Division - No objection subject to standard conditions

3.3. Third Party Observations

None.

4.0 Planning History

2569/19 Permission was **REFUSED** for the change of use of vacant shop to provide one professionally managed student self-contained studio for the following reason:

1. The provision of bedrooms within a student accommodation scheme within a detached building which may only access shared facilities, including utility and shared kitchen dining room facilities, via an external courtyard space would result in an unsatisfactory standard of residential amenity for future occupants, and would be contrary to Policy QH 31 of the Dublin City Development Plan 2016-2022 as it would not result in a high-quality, professionally managed and purpose-built third-level student accommodation and would set an undesirable precedent for student

accommodation with Dublin City. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and contrary to the proper planning and sustainable development of the area.

PL.300940 Permission **GRANTED** for the change of use from commercial to student accommodation.

PL29N.246239 Permission **REFUSED** by the Board (31/15/16), upholding the decision of the Planning Authority, for provision of a pizza facility, on grounds of being contrary to the Z1 land use zoning objective '*to protect, provide and improve residential amenities*'.

2044/14: Permission **REFUSED** by the Planning Authority (11/03/14) for incorporation of existing separate butcher's shop into adjoining convenience food-store (Gala), for use mainly for the sale of hot food for consumption off the premises (including sale of fish and chips) ancillary to main shop.

2964/11: Permission **REFUSED** by the Planning Authority (23/08/11) for change of use from butcher's shop to take-away, including provision of new rear door and high-level ventilation wall louvres on side elevations.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objective Z1 '*to protect, provide and improve residential amenities*'.

- **S.5.5.12 Student Accommodation: Policy QH31** To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.
- **S.6.5.5 Employment, Enterprise and Economic Development Sectors:**

Objective CEE19 (i) To promote Dublin as an international education centre/student city, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English language colleges) and high quality, custom-built and professionally managed student housing. **(ii)** To recognise that there is a need for significant extra high-quality, professionally-managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities

- **S.16.10.7 Guidelines for Student Accommodation** (varied by Variation No.3)
- **Appendix 21 Land-Use Definitions: Student Accommodation**

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA (c.4.7km to the east)

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of this first party appeal have been prepared by Douglas Hyde on behalf of the applicant and may be summarised as follows:

- The proposed development will complement the recently approved student accommodation scheme.
- Reference is made to policies contained within the Dublin City Development Plan in relation to student accommodation.
- Bedroom 5 will have the benefit of 3 windows and the daylight factor exceeds the requirements of the BRE.
- The Council's concerns in relation to daylight is therefore misplaced.
- Bedroom 6 will have access to 2 windows and achieves in excess of the requirements for daylight. A roof light can be provided within this room if required.

- The proposed cloister is a well designed solution facilitating the reuse of this vacant shop.
- The concerns in relation to the use of the garden area and the potential for impact on residents of the scheme has not be assessed in detail, the applicant proposes to use a professional management company ensuring the normal use of the walled garden, the planners concerns are therefore misplaced.
- The kitchen/living/dining area benefits from two west facing windows providing a good outlook.
- Communal room is dual aspect with south and west facing windows and provides adequate residential amenity for residents.
- Micro room will be used for storage of service providers equipment.
- A sophisticated alarm system will be installed.
- The site is c. 1,300 metres from entrance to Grangegorman campus.
- The site is well serviced by public transport to a number of third level institutions.
- Proposal will improve viability of the vacant site and surrounding area.
- Site is zoned residential.
- There is adequate screened open space and is located 60-70 metres from Phoenix park.
- No concentration of student accommodation in the area.
- Development is compliant with standards for student accommodation.

6.2. Planning Authority Response

- None

6.3. Observations

None.

7.0 Assessment

The main issues arising in this case may be addressed under the following headings:

7.1 Policy

7.3 Impact on future residential amenities

7.5 Appropriate Assessment

7.1. Policy

- 7.1.1. The proposed development is consistent with Council policy QH31 to support the provision of student accommodation under S.5.5.12 *Student Accommodation*, and objective CEE 19 under s.6.5.5 *Employment, Enterprise and Economic Development Sectors* to promote Dublin as an international education centre/student city and to support and encourage provision of necessary infrastructure such high quality, custom-built and professionally managed student housing. The land use zoning objectives under the Development Plan only explicitly provides that student accommodation is permitted in principle on lands zoned Z15. On other lands, including the subject Z1 lands, student accommodation is neither listed as permitted in principle or open for consideration, however as a residential use it may be considered permitted in principle with the Z1 zone, the objective of which is '*to protect, provide and improve residential amenities*'.
- 7.1.2. The Planning Authority raised no issue with the principle of the use on this site, including with reference to any potential overconcentration of student accommodation within 1km as referred to under the Guidelines under s.16.10.7 of the Plan.
- 7.1.3. I consider the proposed use to be acceptable in principle. Should the Board decide to grant permission, a condition should be attached restricting the use to use as student accommodation and prohibiting a change of use to standard residential use without a prior grant of planning permission as per the provisions of s.16.10.7 of the Plan.

7.2. Impact on future residential amenities.

- 7.2.1. The planning authority's reason for refusal was on grounds of substandard development, with specific reference to the provision of a part covered cloister to link

the proposed bedrooms with the living room and kitchen facilities. Residents would be exposed to the elements whilst moving between the bedrooms and living facilities as this link opens out onto the open space which is intended to serve both the proposed development and the previously permitted scheme within the adjoining building. The Council also raised concerns for the residential amenity afforded to the proposed bedrooms whereby the bedroom doors opened directly onto the open outdoor communal space for the scheme.

- 7.2.2. The applicant in response to these concerns has merely stated that the Council has not adequately articulated their concerns. No justification has been provided as to why a full enclosed corridor can not be provided for residents. The proposed arrangements would therefore require residents to walk outside to gain access to the kitchen and living areas. I do not consider that this arrangement affords an acceptable level of residential amenity to future residents. In addition, I consider that the provision of bedroom doors which open directly onto an outdoor communal area, whereby no improvements are proposed by the applicant, would result in a significantly substandard level of accommodation for future residents and should be therefore refused on this basis.
- 7.2.3. The planning authority has raised concerns in relation to daylight access within the proposed bedrooms. Of particular concern is the location of the windows for bedroom No. 5 and Bedroom No. 6 whereby it is considered there is potential that the bedrooms will not have adequate daylight levels. The existing structure (retail unit) is positioned approximately 0.7m-0.9m from the boundary with neighbouring properties to the north (Dunard Community Centre) and east (No. 6 Blackhorse Downs). The northern boundary consists of a wall with palisade fencing above while the eastern boundary consists of a wall along the private open space to the rear of No. 6 Blackhorse Downs. The submitted (existing) elevation drawings (drawing No. 1027P200 & No. 1027P201) indicate that the existing boundary wall to the north has a maximum height of 2m.
- 7.2.4. The applicant has submitted a report to quantify the daylight levels for student bedrooms 5,6, and 7 within the proposed development which demonstrate daylight levels will exceed the minimum requirement for a bedroom as specified under BS 8206 recommendations.

- 7.2.5. However, based on the distance to the boundary and height of the walls present I consider that access to adequate daylight is questionable. Furthermore, to provide such units whereby the outlook is largely onto a blank wall would result in a significantly substandard form of development and would provide for poor levels of residential amenity for future residents.
- 7.2.6. I therefore consider that the proposed development does not provide for a high quality purpose built third level student accommodation as required under Policy QH31 and Policy CEE19 (ii) of the Dublin City Development Plan 2016-2022 and as such is contrary to the provisions of this plan.
- 7.2.7. Overall the proposed development which provides for bedrooms whereby students will have to walk outside in order to gain access to kitchen, laundry and living facilities and where bedrooms open directly onto the proposed communal open space and the majority of the outlook of these bedrooms faces onto boundary walls would result in a significantly substandard form of accommodation which would be contrary to the provisions of the Development Plan.

Appropriate Assessment

- 7.2.8. Having regard to the small-scale nature of the development proposed within an existing built-up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the following reason:

9.0 Reasons and Considerations

1. The proposed development which seeks to provide student accommodation in which shared facilities can only be accessed via an external glass covered walkway and whereby bedroom doors open directly onto shared communal outdoor space and where the outlook of a number of bedrooms is significantly

restricted would result in a significantly substandard form of accommodation which would seriously injure the residential amenities of future occupants and would be contrary to policy QH 31 and Policy CEE19(ii) of the Dublin City Development Plan 2016-2022 which seek to provide for high-quality student accommodation. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan 2016-2020 and to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

7th December 2019.