



An
Bord
Pleanála

Inspector's Report ABP-306912-20

Development	Change of use of the existing ground floor retail unit to residential use.
Location	58 Upper George's Street, Dun Laoghaire, Co. Dublin
Planning Authority	Dun Laoghaire-Rathdown County Council
Planning Authority Reg. Ref.	D19A/0990
Applicant(s)	CCPM Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observers	None
Date of Site Inspection	3 rd June 2020
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. No. 58 Upper George's Street, Dun Laoghaire, Co. Dublin, comprises of two storey, with part three storey, building located on the southern side of this street in the town centre. The stated site area is 0.21 hectares. The ground floor of this unit has the appearance of a retail unit with large windows flanking a nearly central door. A second door is located to the eastern side of the elevation. The front façade is finished in red brick with grey painted timber shopfront. A laneway to the rear/ south of the row of buildings providing service access, is accessed from Clarinda Park West. Refurbishment/ construction works within the subject unit were underway on the day of the site visit.
- 1.2. George's Street Upper is located within the centre of Dun Laoghaire functioning as one of the main retail/ commercial streets. It was evident on the day of the site visit that a number of the ground floor retail units were vacant and appeared to be so for a period of time.

2.0 Proposed Development

- 2.1. The proposed development consists of the conversion of a ground floor retail unit into a one-bedroom apartment. External alterations include revisions to the glazing, provision of internal venetian blinds and painting of the shopfront. This unit to have a stated floor area of 55 sq m.
- 2.2. From the submitted floor plans there are five additional apartments within this building; these do not form part of this application/ appeal.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

Having regard to the 'MTC' zoning objective at this site, Policy RET9 (Non Retail Uses), which seeks to control the provision of non retail uses at ground floor level in the principal shopping streets of Major Town Centres and Policy RET 4 Major Town Centres which seeks to maintain Dun Laoghaire as a primary retail centre, of the

Dun Laoghaire Rathdown County Development Plan, 2016 – 2022 and having regard to Objective No. 11 of Dun Laoghaire Urban Framework Plan (Appendix 12 of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022), which seeks to ensure a balanced development of the Town Centre and to require appropriate uses at ground floor level, it is considered that the proposed change of use of the existing ground floor retail units on George’s Street Upper to residential use, would represent an inappropriate use at ground floor level in a town centre, would be injurious to the vibrancy of the town centre and would be contrary to the zoning objective at this location to protect and improve major town centre facilities. The proposed development would, therefore, be contrary to the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission subject to one reason. Comment was made by the Planning Authority Case Officer that although it is Council Policy to encourage the densification of urban areas, it is important that designated/ existing retail/ commercial areas be protected.

3.2.2. Other Technical Reports

Transportation Planning: No objection subject to conditions.

Drainage Planning – Municipal Services Department: No objection.

3.2.3. Prescribed Bodies Report

None.

3.2.4. Objections/ Observations

None.

4.0 Planning History

P.A. Ref. D19A/0880 refers to a January 2020 decision to grant permission for a 6.7 sq m second floor extension to the rear, and two dormer windows to the roof of the rear of the existing main residential building.

Reference is made to SI 30 2018 and **P.A. Ref. SA/60003** - Change of Use Exempt Regulations - Commercial to 5 residential apartments on this site.

P.A. Ref. D19A/0286 refers to a June 2019 decision to refuse permission for a second floor/ floor extension to the rear of no. 58 Upper George's Street, the subject site, to include removal of an existing chimney and provision of two rooflights to the front. A single reason for refusal was issued as follows:

'Having regard to the design, layout, bulk and massing of the proposed flat roof extensions to the rear, it is considered that the proposed development fails to have due regard to the context of the existing roofscape. It is considered that the proposed development would be visually prominent and would significantly alter the character of the existing structure. It is therefore considered that the proposed development would be contrary to Policy UD1: Urban Design Principles and objectives set out within the Dún Laoghaire Urban Framework Plan, Appendix 12, in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. In this regard, it is considered that the proposed development would set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development for the area'.

P.A. Ref. D19A/0048 refers to a March 2019 decision to refuse permission for the removal and making-good of the existing chimney in the main roof and new dormer window construction to the front and rear of no. 58 Upper George's Street. A single reason for refusal was issued as follows:

'Having regard to the design, size and quantum of the proposed dormer structures, it is considered that the proposed development fails to have due regard to the context of the existing roofscape and original decorative parapet feature which adds architectural interest along the street. It is considered that the proposed development would be visually prominent and would significantly alter the visual amenity and character of the existing streetscape and would therefore be contrary to Policies AR5:

Buildings of Heritage Interest, UD1: Urban Design Principles and objectives set out within the Dún Laoghaire Urban Framework Plan, Appendix 12, in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. In this regard, it is considered that the proposed development would set an undesirable precedent for future development and would be contrary to the proper planning and sustainable development for the area’.

P.A. Ref. D15A/0389 refers to an August 2015 decision to grant permission to demolish 137 sq m of the existing ground floor retail unit (part of) and 148 sq m of the first and second floor offices (part of), retaining the front facade and for the proposed erection of extensions and alterations consisting of 106 sq m ground floor retail extension and 40.5 sq m first floor apartment extension, together with change of use of 70 sq m first floor office use to residential use and associated site works.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned MTC ‘To protect, provide for and-or improve town centre facilities’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective in addition to retail/ commercial uses.
- 5.1.2. The subject is located within an area designated for the preparation of a Local Area Plan and also an Urban Framework Plan. I note that the street / terrace of retail units, is located outside of a large Architectural Conservation Area (ACA).
- 5.1.3. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.4. Under 2.1.3.4 ‘Policy RES4: Existing Housing Stock and Densification’ it is policy to:

- Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.

Under 2.1.3.7 ‘Policy RES7: Overall Housing Mix’ ‘It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy’.

- 5.1.5. Chapter 3 refers to ‘Enterprise and Employment Strategy’. I note Section 3.2.2.4 - Policy RET4: Major Town Centres – ‘It is Council policy to maintain the two Major Town Centres - Dún Laoghaire and Dundrum as the primary retail centres in the County. This will be reflected in the nature and scale of retail and services permitted in these centres and by the range of complementary leisure, entertainment and cultural facilities located there’.

The following is also noted:

‘ There is recognition that, in retailing terms, Dun Laoghaire cannot, and should not, attempt to compete with or mimic Dundrum. Given the elongated linear nature of the Major Town Centre in Dun Laoghaire, which extends from Cumberland Street to the People’s Park, it is considered appropriate to consolidate the Town Centre Quarter’.

‘The Council will also encourage the incremental growth of secondary character ‘Quarters’ in the Town Centre as follows:

- Park End Quarter – George’s Street Upper, east of the Town Centre Quarter’.

‘The normal range of Major Town Centre uses and functions will still be acceptable in the secondary Quarters and the emphasis will be to encourage and promote retail uses and activities appropriate to the quarter’.

‘For the Park End Quarter this may include specialist clothing / footwear brands, boutiques / leisure fashion, specialist home stores / crafts, antiques, specialist food and restaurants’.

Further details are provided in Appendix 12 – Dun Laoghaire Urban Framework Plan.

5.1.6. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.

5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 - ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
 - National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
 - National Policy 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’.
 - National Policy 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 Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Retail Planning Guidelines for Planning Authorities – Department of Environment, Community and Local Government (April, 2012).

5.3. **Natural Heritage Designations**

None.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of studio - dsq to appeal the decision of Dun Laoghaire-Rathdown County Council to refuse permission.

The following issues have been raised in the appeal:

- The MTC zoning objective allows for residential development and references are made to supporting objectives in the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.
- Vacancy rates are high on this section of Upper George's Street – stated to be at 22.5%.
- This unit has been vacant for over 10 units and the retail element, in excess of 15 years.
- The proposed development will bring activity into this vacant unit and measures will be taken to ensure that the shopfront is retained to appear as a retail unit.
- There were no objections to this development and examples of similar changes of use have been provided.

6.2. **Planning Authority Response**

The submitted details do not change the opinion of the Planning Authority.

6.3. **Observations**

None

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Impact on Residential Amenity
- Design and Impact on the Character of the Area
- Other issues
- Appropriate Assessment Screening

7.2. **Impact on Residential Amenity**

7.2.1. The subject site is zoned 'MTC' and residential development is acceptable in principle. I note that most of this building is to be converted to residential use in accordance with SI 30 of 2018 – Exemptions that allow for the conversion of retail/commercial units into residential units.

7.2.2. Room sizes and the overall floor area of this apartment is acceptable and is in accordance with the apartment guidelines. Adequate storage can be provided within the proposed floor plan. No private amenity space is proposed; however I note the town centre location, the reuse of an existing building and the proximity of the site to 'The People's Park', approximately 60 m away. In addition, the seafront and Dun Laoghaire harbour is within walking distance, again providing for accessible amenity.

7.3. **Design and Impact on the Character of the Area**

7.3.1. From the submitted elevations, it is proposed that most of the shopfront will be retained. I note from the site visit that extensive works have been undertaken to the front façade including repairs and painting of the shopfront and repointing of brickwork. The development includes revisions to the glazing such that they will be partially fitted with frosted glass around the edges and internal venetian blocks set back from the glazing will retain the character of the shopfront. Reference is made in the appeal to the provision of window dressing/ display in the shopfront.

- 7.3.2. Whilst the design and proposed use of this building appear to be acceptable, I would agree with the Planning Authority that the loss of ground floor is unacceptable and to permit this development would result in the erosion of the character of Upper George's Street and in turn, the centre of Dun Laoghaire. Dun Laoghaire is listed as a Level 2 Centre within the Greater Dublin Retail Hierarchy. I therefore consider that it is important that existing retail provision be retained. I accept that vacancies levels may be high here and I also accept that reuse of vacant buildings is desirable, I do not accept that this should be at the expense of the established character of the area.
- 7.3.3. This section of Upper George's Street is clearly defined by retail/ commercial uses at ground floor level and a mix of uses on upper floors. I am not aware of the current uses of the upper levels of buildings in the immediate area, but there is likely to be an opportunity for their conversion into residential use, similar to what the applicant is proposing, under SI30 of 2018. Ground floor levels should be retained for retail/ commercial use. The loss of retail floorspace in ground floor units could set a precedent for similar development and in turn the character of the street would be lost.
- 7.3.4. I would also be concerned that an increase in residential units may reduce the desirability for new retail provision on Upper George's Street. I do not accept that the conversion of this unit would strengthen the retail character of this street and I consider it appropriate to recommend that permission be refused. The 'MTC' zoning is specific to a limited number of locations in the county and the proposed development does not provide for/ and improve town centre facilities. The loss of retail on this section of street would reduce the potential for vibrancy within this town centre.

7.4. Other Issues

- 7.4.1. No car parking is proposed to serve this development, however I note that the Dun Laoghaire-Rathdown County Council Transportation Planning Section have reported no objection and the site is located in a town centre that is very well served by public transport in the form of DART/ Commuter Train services and a multitude of bus routes within walking distance. I would have no objection to the non-provision of car parking for a one bedroom apartment in the centre of Dun Laoghaire.

7.5. Appropriate Assessment Screening

- 7.5.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the development for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. Having regard to the MTC zoning objective of the current Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, which seeks ‘To protect, provide for and-or improve town centre facilities’, Policy RET 9 (Non Retail Uses), which seeks to control the provision of non-retail uses at ground floor level in the principal shopping streets of Major Town Centres, and Policy RET 4 Major Town Centres which seeks to maintain Dun Laoghaire as a primary retail centre, and having regard to the pattern of development in the vicinity, it is considered that the proposed change of use of an existing retail unit on Upper George’s Street to residential use, would represent an inappropriate use at ground floor level in a designated town centre, would be injurious to the vibrancy of the town centre and would be contrary to the zoning objective at this location to protect and improve major town centre facilities. The proposed development would, therefore, conflict with the zoning objective and stated policies of the development plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of the change of use of a ground floor retail unit to residential use, would be out of character with the existing pattern of development on Upper George’s Street which consists of ground floor retail properties and would set a precedent for further inappropriate development in the vicinity of the site. The proposed development would, therefore, seriously injure the

established character and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area

Paul O'Brien
Planning Inspector
22nd June 2020