



An
Bord
Pleanála

Inspector's Report

ABP-309067-20

Development	Alterations to buildings to provide a Town House Hotel at first floor level of an existing two storey building.
Location	184, 186, 188, Whitehall Road West, Perrystown, Dublin 12
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0254
Applicant(s)	The Laurels Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Recorder's Residents Association.
Observer(s)	Mary McGetrick, Delores Waldron, Simone Hannigan Prof. Thomas Barlett, Geraldine O'Byrne Matt & Mary Maher and Julie O'Neill

Date of Site Inspection

15th of April 2021

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The Laurels Public House (184, 186 and 188 and adjoining bookmakers is a two storey commercial development which forms part of a Neighbourhood Precinct that serves the local residential area.
- 1.2. There is parking to the front and to the side of the building. There is access to the yard area from two roads.

2.0 Proposed Development

- 2.1. The proposed development relates to the upper floor of the public house and bookmakers, which is currently used as a restaurant. It is proposed to change the use of a restaurant to a hotel with 9No. bedrooms. In detail the development can be described as follows:

- Alterations to existing buildings to provide a hotel at first floor level of existing two storey building;
- The development shall include 9No. ensuite bedrooms with 5No. double rooms and 4 person family rooms;
- Ancillary accommodation includes a reception area, tea station, linen storage, laundry and lift, with a new entrance staircase to the front
- New window to side elevation
- Sky light in the ceiling at ground floor
- Wheelchair toilet proposed

3.0 Planning Authority Decision

3.1. Decision

On the 9th of December 2020, South Dublin Co. Co. by Manger's Order decided to grant planning permission for the proposed development subject to 10No. conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The new floor area is 572sq.m., demolition is 445sq.m. with a net increase of 127sq.m. and a rearrangement of the beer gardens. The main visual impact would be from the two storey flat roof extension on the front elevation, the design is contemporary and acceptable. A pitched roof to the rear would lower the height of the existing building.
- The floor area of the hotel is currently a restaurant, therefore no increase in impacts is anticipated. Conditions of hours of operation associated with the beer garden need to be imposed. No loss of sunlight is attributed to the proposed development. The new entrance stairwell is beside a dental practice. The proposed development will not be greater than two storey and would be a significant distance (24m) from the rear elevation to the closest dwelling which is a bungalow.
- Parking is acceptable
- Issues relating to water and drainage can be conditioned.

3.2.2. **Other Technical Reports**

Roads Department: No objections subject to conditions.

Environmental Health Officer: No objections subject to conditions

Water Services: Additional information

3.3. **Prescribed Bodies**

Irish Water: Additional Information requested.

3.4. **Third Party Observations**

There were third party objections to the proposed development on the following grounds:-

- Overlooking
- Invasion of privacy
- Noise pollution
- Lighting

- Not in keeping with residential area
- Store room location

4.0 Planning History

4.1 **SD05A/0168**

Change of use of first floor to restaurant use with the new kitchen and new ground floor entrance to stairwell. Permission granted.

4.2 **SD03A/0426**

Change of use at ground floor from retail to a Betting Office and a rear extension. Permission granted.

5.0 Policy Context

5.1. **Development Plan**

South Dublin County Development Plan

The site is subject to **LC** *To protect, improve and for the future development of Local centres'* .

A small portion of the site covering hard standing to the south of the site which includes carparking and access is zoned RES – to protect and/or improve residential amenity.

Section 4.5.0 Policy relating to Tourism and Leisure (Objective 1 of ET5) *To support the development of tourism infrastructure, attractions, activities and facilities at appropriate locations subject to sensitive design and environmental safeguards.*

Objective 5 of ET5 is *To direct tourist facilities into established centres in particular town as and village centres, where they can contribute to the wider economic vitality of urban centres.*

Section 5.10 relates to **Urban Centres**

UC1 Objective 1: *To direct retail, commercial, leisure, entertainment, civic, community and cultural uses into town, villages, district and local centres and to*

achieve a critical mass of development and mix of uses that is appropriate to each level in the urban hierarchy.

5.2. Natural Heritage Designations

The site is not located within any Natura 2000 sites.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development it is considered that 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

6.2. Local Centre

The Recorder' Residents Association has made a submission, and mapped uses where the planning application is. The Appeal states the area is not a 'Local Centre' A Local Centre is Ashleaf, Orwell, Rathfarnham or Nutgrove Shopping Centres each with generous parking and accessibility to public transports.

The row of commercial properties has now a multitude of commercial uses. On the opposite side of the road there are 4No. bungalows, three of which are in family ownership since 1940s, and the impact caused by the development on these homes is enormous.

The Planning Report did not take into consideration their concerns.

6.2.2 Scale and Height of Proposed Building

There will be a major impact negative impacts on residential houses at this location, as there will be a loss of privacy. There will be considerable overlooking from 1st

floor level, and this will be intrusive to the back bedrooms and gardens of the bungalows.

6.2.3 Beer Garden

Within the existing beer garden areas there is considerable noise from football matches or similar gatherings. On occasion there have been music events. The crowds overspill into the locality causing a disturbance. The noise situation with the beer gardens will exacerbate under the current proposals, as residents will need smoking areas, and the first floor garden will be particularly noisy.

6.2.4 Entrance Lobby

Having the entrance to the back of the building has heightened the risk of greater noise at all times day and night particularly to the beer garden. There are a lot of loud conversations on the doorsteps and it can be intrusive to those in nearby bedrooms trying to sleep.

6.2.5 Location of Store Room

There is noise from the filling of mini skips with bottles, and after hours clean up noise with extra business on the premises this will escalate.

6.2.6 Light Pollution

The lighting of the development will have a negative and intrusive outcome for the residents on Whitehall Road and The Cova. This will further erode their privacy.

6.2.7 Parking Issues

The plan states there will be 20No. spaces. There is a high demand for staff parking across the entire row. The location is extremely busy as it is a conduit to M50. There are 5No. spaces which exist and serve the chemist, the doctor, post office and centra. There are no new spaces proposed. How can the applicant provide additional parking when there is none available. Would this require demolition to provide additional parking. It is wholly incorrect to state the area is well served by public transport.

6.3. Applicant Response

Manahan Planner's has made a submission on behalf of the applicant in response to the third-party appeal. The concerns expressed by the third-party appeals are similar to those objections considered by the local planning authority.

It is summarised as follows:-

- The subject site is clearly a local centre. The appellants refer to Nutgrove Shopping centre where district centres have a different format to a shopping centre in terms of layout and carparking. The terrace of shopping where the site is located has been designated in the county plan as a local centre.
- Whitehall Park and Whitehall Close may be the subject of the rental market, however this issue is not relevant to the appeal.
- The ownership of and impact on the three bungalows opposite the development and the medical centre etc is not of relevance to the three homes.
- The upper floor of the premises is already an established use as a restaurant which would have a greater impact on the area in terms of the flows of traffic to the facility, and people coming and going in terms of noise. The current proposal will have a lesser impact.
- The fact the reporting officer on the planning application file did not agree with certain aspects of their objections does not imply their concerns were not taken into consideration.
- The subject site is not zoned residential but Local Centre.
- There will be no overlooking or shadowing injury to the amenities of the adjoining properties. There are evergreen trees screening the rear garden areas, and there are no new windows proposed. The future beer garden can only be viewed by residents of the hotel, in addition, the beer garden is pre-existing and not the subject of the appeal.
- The proposed entrance to the hotel is located in an appropriate place at the end of the terrace. The future residents are unlikely to have conversations on the doorstep of the entrance to the hotel, but will enter and leave the hotel in

movement and generate a lot of noise as stated on appeal, and such movements are not expected to occur late at night.

- The servicing of the hotel will be primarily laundry and the mini skips to the rear are associated with the existing public house.
- Its disappointing to hear that most of the locals who use the centre travel by car to it.

6.4. Planning Authority Response

The appeal issues were addressed in the Planner's Report.

6.5. Observations

There were a number of observations on appeal which raised the same concerns and will be summarised collectively to avoid undue repetition.

The Observers are as follows:

- (i) Mary McGetrick
- (ii) Doloras Waldron
- (iii) Simone Hannigan
- (iv) Prof. Thomas and Rebecca Bartlett
- (v) Tracy and Barry Holmes
- (vi) Geraldine O'Byrne
- (vii) Matt and Mary Maher
- (viii) Julie O'Neill
- (ix) Sen. Mary Seery Kearney
- (x) Cllr. Yvonne Collins

The submissions state:

- The commercial overdevelopment could set a precedence for similar overdevelopment in a residential area.

- The increased size of the beer garden will increase the level of noise. The new entrances are close to residential properties and has the potential for noise late at night with patrons leaving the beer garden. All patrons should go through the pub on Whitehall Road.
- Loss of privacy from the 10No. windows on the south-east face, and there is potential for noise and light pollution at night.
- Adverse impact on properties will affect the value of properties on Whitehall Road.
- There is no new parking proposed, and there will be fewer spaces available. The new entrance beside the bookie will obliterate one car parking space.
- There will be existing parking spaces lost to the proposal, which is unfair to the locals, the elderly and disabled.
- There are no amenities in the area for tourists, and the public transport links to the city centre are very poor.
- There are two beer gardens associated with the proposal.

7.0 **Assessment**

7.1. The following are the relevant issues to be assessed under this third party appeal:-

- Compliance with Development Plan Zoning and Policy
- Design and Layout
- Impact on Immediate Area
- Parking
- Appropriate Assessment

7.2 **Compliance with Development Plan Zoning and Policy**

In the current South Dublin County Development Plan, the subject site is zoned **Local Centre**, whereby the objective is to protect, improve the future development of Local Centres. The subject site is a public house and restaurant along a commercial

neighbourhood precinct which includes shops and services. There is a large mature residential urban hinterland which the centre serves. The shops are located along a row of two storey terraces with parking to the front of the block. It's a common commercial feature throughout Dublin, with larger shopping centres with a large supermarket anchor serving a wider catchment. These local centres form the lower thresholds of the retail hierarchy.

- 7.3 The existing front elevation will remain practically unaltered. It currently hosts a wine shop, a public house and a betting office on the ground floor, with a restaurant on the first floor. Under the current planning application, it is proposed to change the restaurant use on the first floor to hotel accommodation. The hotel accommodation on the first floor will include 9No. bedrooms, a laundry room, reception area and toilets. The beer garden on the ground floor is to be reconfigured, not relocated. The bulk of the works consist of internal alterations.
- 7.4 The proposed change of use is in keeping with the zoning objective for the area. The change of use from restaurant to hotel will be compatible with the public house use on the ground floor area other adjoining landuses, including residential use.
- 7.5 In terms of other relevant objectives in the current development plan the proposed development complies with Section 4.5.0 relating to **Tourism and Leisure** (Objective 1 of ET5) :- *To support the development of tourism infrastructure, attractions, activities and facilities at appropriate locations subject to sensitive design and environmental safeguards and (Objective 5 of ET5) - To direct tourist facilities into established centres in particular town and village centres, where they can contribute to the wider economic vitality of urban centres.*

Section 5.10 relates to **Urban Centres**

- 7.6 Furthermore, as stated earlier, a Local Centre forms part of the urban and retailing hierarchy in the development plan. It states under UC1 Objective 1 that the planning authority aim to *'direct retail, commercial, leisure, entertainment, civic, community and cultural uses into town, villages, district and local centres and to achieve a critical mass of development and mix of uses that is appropriate to each level in the urban hierarchy.*
- 7.6 On balance the proposed change of use is in keeping with current planning policy and objectives in the development plan.

7.7 Design and Layout

The bulk of the changes occur internally at first floor level with 4No. bedrooms along the front elevation at first floor level and 4No. bedrooms southern side elevation adjoining the carparking area, and the beer garden area at ground floor. There are a number of new windows been inserted at first floor level along the side elevation and an entrance to the hotel accommodation from the ground floor side elevation, independent of the public house entrance. This new entrance leads to the check-in desk on the first floor.

7.8 This will enable patrons of the hotel to access the hotel and their rooms without passing through the public house. The design of the entrance lobby to the hotel is modest and contemporary. It is proportionate to the front and side elevation of the building and will not detract or visually overpower the architectural rhythm of the streetscape and the local centre.

7.9 Impact on Immediate Area

The Board should note the Local Centre is positioned on Whitehall Road West. There are residential properties to the east and south with dwellings on the opposite side of the road. There is considerable separation distance between the side elevation of the Local Centre and the rear building lines of the existing dwellings to the south (the 4No. bungalows). I note the appellants have given a map of the evolution of the Local Centre in terms of its commercial activities. This point is not relevant because the existing uses on the subject site are authorised and established, and a hotel use is in keeping with the established uses on the site.

7.10 In terms of overlooking, there will be no material changes in the context of the existing building. I stood on the metal balcony at first floor level on the side elevation (southern) of the existing building where there will be four bedrooms and associated windows, there were no clear views into neighbouring gardens or the rear of dwellings from this aspect due to a number of factors:(a) the mature and dense landscaping, (b) the separation distance and (c) the structure/ buildings in between inhibiting views. Please note Photo Plates 13-16 of the photographs taken during my inspection at first floor level facing south. The third parties should accept this is a built-up area, and direct and indirect overlooking occurs especially from two storey units into single storey curtilages. However, the subject site presents a number of

physical constraints as stated above that prevent an undue or material loss of privacy to the neighbouring properties.

- 7.11 In terms of the proposed alterations to the beer garden, there is an existing beer garden at the same location. It is not in the interests of the applicant to enable noise and nuisance at the premises in the event a hotel will be located on the first floor. The existing and future re-configured beer garden is the subject of licence controls and strict hours of operation.
- 7.12 The appellants contend the change of use will create greater negative impacts to their residential amenities in terms of noise, nuisance, parking etc. It is noted a small portion of the site to the south (carparking/ hard surface area) is zoned Residential in the development plan, however the bulk of the site and the building footprint is governed by the Local centre zoning objective. The subject site is to the north of existing dwellings and curtilages, therefore no overshadowing arises.
- 7.13 The small first floor garden area for the hotel residents is contained within the property and does not adjoin any residential properties, therefore there is not material impact to existing properties from the new small internal garden area. In terms of the beer garden, it is existing at ground floor level and not the subject of this planning application. The existing beer garden will be enhanced and reconfigured to accommodate the new entrance and stairwell to the proposed hotel, however this does not imply material changes to the existing impacts of the established use. The planning authority imposed a planning condition restricting the hours of operation of the beer garden and the use of the hotel garden, which I consider the Board should impose also.
- 7.14 The concerns expressed regarding the noise after-hours and miniskip filling already exist and there is no basis to conclude the hotel use will generate extra noise. In my own opinion, there will be less turn over of patrons in the hotel compared to the existing restaurant on the first floor, and therefore the overall impacts on the area will be reduced. The concerns expressed by the third party on appeal are anecdotal and not substantiated by any technical data. Having regard to the change of use proposed and the submitted documentation on the planning file, I consider there will be relatively low impact if any on the existing residential amenities because of the proposed development.

7.15 **Carparking**

The demand for carparking spaces will be reduced from a restaurant which includes a high volume of staff, to a small hotel with 9No. bedrooms and a reception area. The Roads Department had no objection to the proposed development. There are 5No. on site carparking spaces provided to the side of the Local Centre, which is below the development plan car-parking standards. However one has to take into consideration this is a mixed use Local Centre which operates mainly during the day, and the hotel accommodation will require carparking during the night. Furthermore, not all patrons will arrive by car to the proposed development as this is an urban location with public transport linkages.

7.16 **Appropriate Assessment**

Having regard to the nature and scale of the development proposed, being a change of use and an alterations to an existing building in an urban area, and to the nature of the receiving environment, 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. I recommend the planning authority's decision to grant planning permission for the proposed development be upheld by the Board.

9.0 **Reasons and Considerations**

Having regard to the local centre zoning of the site within an urban location, the established use and planning history of the site, the relevant policies and objectives of the South Dublin County Development Plan 2016-2020 and the documentation submitted on file, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) No patrons are permitted to use the external seating area on the ground floor after 2200 hours Sunday to Thursday and after 2300hrs Friday to Saturday.</p> <p>(b) The first floor garden area shall be used by the hotel residents only.</p> <p>Reason: In the interests of orderly development and protecting residential amenity.</p>
3.	<p>Within the seated outdoor area on the ground floor (beer garden area) no live or amplified music shall be permitted.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:</p>

	<p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of properties in the vicinity.</p>
6.	<p>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</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Caryn Coogan
Planning Inspector

7th of May 2021