



An
Bord
Pleanála

Inspector's Report ABP 310526-21

Development	Change of use and extension of existing 4 storey structure from public house and restaurant to mixed use development comprising retail and residential and associated works.
Location	McLoughlin's Bar, 73 Georges Street Upper, Dun Laoghaire, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0252
Applicant	Auke van der Werff
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellant	Auke van der Werff
Observers	Clare & John Brandon
Date of Site Inspection	30/10/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.016 hectares, is located on the corner of George's Street Upper and Stoneview Place in Dun Laoghaire town centre. It is a three storey over lower ground floor building in use as a public house and restaurant with an observation deck at 2nd floor level. It presents as two storey to George's Street Upper.

The building is served by a rear yard backing onto Stoneview Place to the north-east. Stoneview Place is a cul-de-sac largely comprising of single storey dwellings with on-street parking on one side. George's Street is characterised by a mix of commercial properties of varying heights and architectural designs.

2.0 Proposed Development

Outline permission is sought for:

Change of use of existing four storey building from use as a restaurant and public house to mixed use development comprising:-

- (1) Retail unit at ground and lower ground level
- (2) 5 no. dwelling units in the following arrangement
 - 1 no. studio apartment at ground floor
 - 2 no. 2 bed apartments at 1st and 2nd floor levels
 - 2 no. 2 bed duplex units from lower ground floor to second floor level

The development will entail extensions at 1st and 2nd floor levels of 9sq.m. and 89 sq.m. respectively. External alterations including alterations to the roof profile are also proposed.

3.0 Planning Authority Decision

3.1. Decision

Refuse outline permission for the above described development for 1 reason which can be summarised as follows:

Having regard to the scale of the existing development on the site and the relationship with the Stoneview Place streetscape it is considered that the proposal by reason of its overall height, bulk, and scale along its northern elevation would be unduly prominent and would be visually injurious to the streetscape and the visual amenities of the area. The proposal would not comply with section 8.3.2 of the County Development Plan relating to Transitional Zonal Areas. In addition, having regard to the site's location within the Haigh Terrace ACA, the proposal would be contrary to policy AR12 of the Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report in the Record of Executive Business Chief Executive's Orders can be summarised as follows:

- The principle of the development is acceptable.
- Some of the properties on Stoneview Place are zoned MTC with the 'A' land use zoning objective applicable to the remainder. Therefore, it is considered that Section 8.3.2 of the County Development Plan relating to Transitional Zonal Areas is relevant. Having regard to the increase in the bulk and scale relative to Stoneview Place the proposal does not comply with the said provisions.
- Given the scale and layout of the units proposed, particularly units 1 and 2 which are single aspect and, having regard to their depth and type/scale of windows, there are concerns with respect to the level of natural light that will be provided.
- Concern regarding floor to ceiling height of the lower floor of unit 1.

- The applicant has failed to demonstrate compliance with the Design Standards Guidelines for New Apartments.
- Given the relationship of the site with the residential dwellings to the rear (north) of the site there are concerns with respect to the 1st and 2nd floor extensions. The increase in bulk and its overall scale would be overbearing. It would be visually prominent in the streetscape and would injure the visual amenities of the area.
- It would have a negative impact on the Haigh Park ACA.
- In view of the plans and particulars and the public notices the rationale for an outline permission application is unclear.

A refusal of outline permission for 1 reason recommended

3.2.2. Other Technical Reports

Drainage Section has no objection.

Transportation Planning considers a derogation in parking provision to be acceptable. Cycle parking has not been clearly demonstrated. A Construction Management Plan to be submitted. Further information required.

Environmental Health Officer recommends further information.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to:

- Adverse impact on amenities of adjoining residential property
- Parking
- Suitability of design and impact on ACA
- Amenities of prospective occupants
- Adequacy of documentation

- Site services

4.0 Planning History

Permissions granted under refs. D01A/0264 and D00A/0155 allowed for alterations to the subject site including roofbox enclosure.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire Rathdown County Development Plan, 2016

The site is within an area zoned MTC the objective for which is to protect, provide for and/or improve major town centre facilities. In such a zone retail and residential are permitted in principle.

The majority of Stoneview Terrace is within an area zoned A, the objective for which is to protect and/or improve residential amenity.

Section 8.3.2 - Transitional Zonal Areas

The maps of the County Development Plan show the boundaries between zones. While the zoning objectives and development management standards indicate the different uses and densities, etc. permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting 'residential areas' or abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of these residential properties.

The site is within an Architectural Conservation Area.

Policy AR12 - Architectural Conservation Areas

It is Council policy to:

- i. Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- ii. Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.
- iii. Seek a high quality, sensitive design for any new development(s) that are complimentary and/ or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- iv. Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- v. Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

5.2. **Natural Heritage Designations**

None in the vicinity.

5.3. **Environmental Impact Assessment**

Having regard to the nature and extent of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an 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 submission by studio/dsq on behalf of the applicant, which is accompanied by supporting plans and details including photomontages, can be summarised as follows:

6.1.1. Visual Impact

- An alternative design is proposed in the appeal (option B) where part of the extension is omitted. This would have a minor impact on unit 3 which can be maintained as a 2 bed unit.
- The bulk of the existing timber sheeted structure at the roof level is to be removed which has decreased the overall bulk at this level.
- Taking into account the small increase in height at the eaves level it is considered that the proposal is not a negative change but a reasonable change in the building's bulk.

6.1.2. Other Issues

- Other secondary matters such as bin stores and bicycle spaces can be detailed and accommodated within a full permission application should outline permission be granted.
- There is 3.0 metre ceiling height (minimum) in the ground floor units. The lower ground floor of unit 1, which has bedroom accommodation, can be designed to achieve 2.7 metre heights.

6.2. Planning Authority Response

None

6.3. Observations

The observation by Clare & John Brandon can be summarised as follows:

- The proposal constitutes overdevelopment of the site and would materially affect the Haigh Terrace to Park Road ACA.
- It would be overbearing on Stoneview Place.
- There is inadequate parking along Stoneview Place.
- Vehicular movements are restricted on Stoneview Place which gives rise to safety issues.
- Residential amenities will be adversely impacted with overlooking and loss of privacy.
- The apartments would not provide for adequate standards for prospective occupants.

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of Development
- Suitability of Design
- Other Issues

7.1. Principle of Development

In seeking outline permission an adjudication on the acceptability or otherwise of the principle of the proposed development is essentially being sought consequent to which, should such outline permission be granted, an application for permission would be required to be submitted. I submit that the plans and details accompanying the application are considered to be to a level commensurate with what would be submitted with an application for permission and, whilst useful, can have an undue influence on what is the substance of the assessment, namely the acceptability or otherwise of the principle of the development.

The site is within an area zoned MTC the objective for which is to protect, provide for and/or improve major town centre facilities. In such a zone retail and residential are permitted in principle. I note that the majority of Stoneview Place which the site backs onto is zoned A, the objective for which is to protect and or improve residential amenity.

The existing building which is 3 storeys over lower ground floor level is in commercial use. I consider that the proposed change of use to a mix of retail and residential would be acceptable in principle.

7.2. Suitability of Design

As noted, the existing building on the site is 3 storey over lower ground floor level. It presents as two storey to George's Street Upper. This will not be altered. Changes to the front façade will be required to comply with the development plan provisions for such works with the necessary level of detail to be provided at permission stage should outline permission be granted.

The substantive issue pertains to the interface of the development with Stoneview Place. I submit that the existing building design with an observation deck at 2nd floor level and the large arched window at 1st floor level are dominant when viewed from the terrace. The proposed development as presented at this outline stage which will entail extensions at 1st and 2nd floor levels, details of which were further amended at this appeal stage, demonstrates that the building can be extended to an extent which would not materially alter the bulk and massing of the building. In my opinion such a proposal represents an opportunity to improve the interface between the building and the terrace of dwellings. I note the alternative design proposal submitted with the 1st party appeal and the photomontages of same provided. Whilst the setback of the extension at 1st floor level is acceptable the retention of the arched window 1st floor level would not represent a positive alteration. I submit that the extent of the extension at 1st and 2nd floor levels and the external finishes can be further refined at permission application stage. The side elevation onto Stoneview Place is generally acceptable and, again, can be further refined at permission application stage.

I consider that the development of the site in a manner comparable to that delineated on the submitted plans, subject to further refinement, would provide for an opportunity for a more sympathetic design than currently exists allowing for a better

compliance the development plan requirements for transitional zonal areas as set out in Section 8.3.2 than heretofore exists, whilst ensuring that it would not have an adverse impact on the Architectural Conservation Area of which it forms part.

7.2.1. Impact on Amenities of Adjoining Property

As noted above I consider that the proposal, subject to refinement, represents an opportunity to improve the interface with the adjoining properties. The observation deck and arched window in the northern elevation already provide for a level of overlooking of Stoneview Place and I do not consider that windows serving residential units at 2nd floor level would bring about a material adverse impact. The proposed window openings and balconies to the side elevation are onto the public realm with the cul-de-sac lane in between the site and the properties to the east.

7.2.2. Other Issues

The development which shall be subject of the permission consequent to an outline permission will be required to comply with the requirements as set out in the Design Standards for New Apartments and will be required to address the issues of daylighting and sunlighting.

In view of the central location of the site in close proximity to high frequency bus and dart services and the national and local policies seeking to encourage a modal shift towards more sustainable forms of transport, the absence of parking provision is acceptable. From the details on file there are ongoing issues in terms of parking and vehicular manoeuvres on Stoneview Place which is not wide enough to allow for turning vehicles. A residential parking permit system operates on the lane. It is considered that the proposed development, of itself, would not exacerbate the prevailing situation. Issues of illegal parking and dangerous vehicular movements would be more appropriately raised with the relevant authorities.

Appropriate Assessment - Screening

Having regard to the nature and scale of the proposed development within Dun Laoghaire town centre 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

Having regard to the foregoing I recommend that outline permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the MTC zoning provisions for the site in the current Dun Laoghaire Rathdown County Development Plan the objective for which is to protect, provide for and/or improve major town centre facilities, it is considered that subject to conditions set out below, the principle of the proposed development is acceptable, would accord with the zoning objectives for the area, would not adversely impact on the residential and visual amenities of property in the vicinity, would not detract from the character and special interest of the Architectural Conservation Area of which it forms part and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. This outline permission relates solely to the principle of the development on this site and it shall not be construed as giving consent to the plans and particulars lodged with the applicant, as amended by the further plans and particulars received by An Bord Pleanála on the 14th day of June, 2021.

Reason: In the interest of clarity.

2. Plans and particular to be lodged for permission consequent on this grant of outline permission shall include:
 - i. design proposals which have regard to the design and character of the building environment in the vicinity.

- ii. any extension at 1st and 2nd floor levels shall not exceed the extent of the extensions shown on drawing no. PL.009 received by An Bord Pleanala on the 14th day of June, 2021,
- iii. the arch window at 1st floor level in the north-eastern (rear) elevation shall be removed.
- iv. a schedule of accommodation showing compliance with the requirements set out in Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage

Pauline Fitzpatrick
Senior Planning Inspector

November, 2021