



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310647-21

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<b>Development</b>	Conversion of ground floor single storey Store and erection of first floor extension above converted Store to provide two Bedroom single dwelling unit.
<b>Location</b>	115 George's Street Lower, Dun Laoghaire, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D21B/0173
<b>Applicant(s)</b>	Zi Hui Wang
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Zi Hui Wang
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> August 2021
<b>Inspector</b>	Mary Crowley

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	4
3.4. Third Party Observations .....	4
4.0 Planning History.....	4
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
5.3. EIA Screening .....	5
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	6
6.3. Observations .....	7
6.4. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	9
9.0 Reasons and Considerations.....	9

## 1.0 Site Location and Description

1.1. The appeal site with a stated area of 197.5 ha is located on the northern side of Georges Street Lower, opposite the junction of Georges Street Lower and Library Road. The site comprises a double storey building fronting Georges Street Lower with a café / restaurant at ground floor level and a one-bedroom apartment at first floor level. A single storey structure which is utilised for storage is located within the rear portion of the site. There is a laneway on the eastern side of the building fronting Georges Street Lower which provides access to the rear of the site and also the premises to the rear of No 114 Georges Street Lower. Access to the appeal site is through this side laneway, which is owned by the appellant but there is a right of way over it in favour of the commercial property and yard / car park to the rear at 114A Georges Street Lower. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

## 2.0 Proposed Development

2.1. Permission is sought for the conversion of ground floor single storey store and erection of first floor extension above converted store to provide new two bedroom single dwelling unit; provision of patio with bin storage at ground floor level; patio with upstand rooflight at first floor level; 2 no. rooflights to bathroom and first floor landing; and associated site development works at site to rear and accessed from side laneway.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Dun Laoghaire Rathdown County Council issued a notification of decision to refuse permission for the following reason:

- 1) *By reasons of its overall size and its siting at the entrance to the proposed dwelling and directly north of the existing commercial premises, the proposed open space arrangement would likely be in shadow for significant parts of the day and result in a substandard level of amenity for its future occupants. In this regard, the proposed*

*development is considered to be contrary to Section 8.2.8.4 (Private Open Space – Quantity) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, be seriously injurious to the residential amenities of the area and would depreciate the value of the adjoining properties in the area and, if permitted, would set an undesirable precedent for similar development 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 **Case Planner** recommended that permission be refused for a single reason relating to open space. the notification of decision to refuse permission issued by DLRCC reflects this recommendation.

#### **3.2.2. Other Technical Reports**

- **Drainage Planning** – No objection
- **Transportation Planning** – No objection subject to conditions relating to a special contribution (No 1 Sheffield Cycle Stand) and construction works.

### **3.3. Prescribed Bodies**

#### **3.3.1. Irish Water – No Objection**

### **3.4. Third Party Observations**

- #### **3.4.1.**
- There is one observation recorded on the appeal file from Sean O'Donovan. The issues raised relate to structural impact to existing masonry boundary wall, overlooking and accurate location of boundary walls.

## **4.0 Planning History**

- #### **4.1.**
- There is no evidence of any previous appeal on this site. The following planning history is noted from the appeal file:

- **D14A/0826** – Planning permission granted for change of use from Charity Shop on ground floor to café / deli bar and from offices on first floor to apartment and new shop front and signage
- **D03A/0420** – Planning permission granted for the construction of a first floor rear extension of 33sqm.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative plan for the area is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development is located in an area zoned “MTC” where the objective is “*to protect, provide for and / or improve major town centre facilities*” where residential use is permitted in principal. The site is also located within the boundary of the proposed Dun Laoghaire and Environs Local Area Plan (LAP) and the boundary of the Dun Laoghaire Urban Framework Plan.

5.1.2. **Section 8.2.3.4 (iv) Quantitative Standards for Private Open Space – Houses** states that *all houses (terraced, semi-detached, and detached) states that should have an area of private open space behind the front building line. The private open space standards to be applied in new residential developments in Dún Laoghaire-Rathdown are set out in Section 8.2.8.4 (i) below.*

### 5.2. Natural Heritage Designations

5.2.1. The site is not located within a designated Natura 2000 site.

### 5.3. EIA Screening

5.3.1. Having regard to the nature of the development comprising a residential unit located in a built up area zoned for residential development where public water mains and sewerage are available the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The first party appeal against the notification of decision to refuse permission was prepared and submitted by Pat O'Brien Architect and may be summarised as follows:

- The client bought the premises 8 years ago (charity shop at ground floor with offices at first floor) and in that time planning permission was obtained in 2014 for a café / deli bar at ground floor and apartment at first floor (Reg Ref D14A/0826). The applicant lives in the first-floor apartment. The store to the rear was left undeveloped.
- The Case Planner assessed the scheme as a house and was satisfied that the scheme would provide an acceptable standard of amenity to its future occupants.
- It is totally unrealistic to apply Section 8.2.8.4 of the Development Plan (48sqm private open space for a 1- or 2-bedroom house) at this town centre location, adjacent to a multi-storey apartment block where three-bedroom units only require 10sqm, approximately one fifth of that required for a 2 bedroom house.
- This is not a traditional house located in a suburban or rural location. The "Sustainable Urban Housing; Design Standards for New Apartments Guidelines" (2018) is appropriate for this major town centre location where 6sqm private open space is required for a 2-bedroom apartment. The scheme is proposing 10.15sqm.
- In terms of quality, it is submitted that the south / east boundary of the patio adjoins the courtyard of the commercial building at the rear at 114A Georges Street Lower allowing the forenoon sun to enter the patio unobstructed for a great part of the year. In a major town centre location this is an achievement.
- The proposed dwelling fully complies with the Department of the Environment guidelines for Planning Authorities for Sustainable Urban Housing and Section 8.2.8.4 of the Development Plan.

### 6.2. Planning Authority Response

6.2.1. The grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

### 6.3. Observations

6.3.1. None

### 6.4. Further Responses

6.4.1. None

## 7.0 Assessment

- 7.1. The site is located on the main street in Dun Laoghaire where high density residential development is encouraged. The “MTC” zoning for the site as identified in the Dun Laoghaire Rathdown County Development Plan 2016-2022 supports this position where the objective is “to protect, provide for and / or improve major town centre facilities” and where residential use is permitted in principle. I also refer to Section 8.2.3.4(vii) Infill Development of the Development Plan. Given the overall height, scale and design of the development together with its location to the rear of the existing premises I am satisfied that the proposal is consistent with the pattern of development in the area and is in accordance with 8.2.3.4(vii) Infill Development.
- 7.2. In terms of compliance with quantitative amenity standards, I agree with the Case Planner that this is not a typical self-contained residential unit in a multi-unit building with grouped or common access and neither is it separated horizontally from other units and therefore it doesn't fit the standard definitions of an apartment. I refer to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) (referred herein as the “Apartment Guidelines”) where an apartment is defined as a “self-contained residential unit in a multi-unit building with grouped or common access”. Any reference to this proposed residential development as an apartment is therefore incorrect. Section 8.2.3.4(ix) Living Over the Shop of the Development Plan does not apply in this case.
- 7.3. While I agree with the applicant that this is not a traditional house located in a suburban or rural location it remains that this is a two-storey residential development that is described in the public notices as new two bedroom single dwelling unit and therefore regard must be had to the “Quality Housing for Sustainable Communities” Guidelines

(2007). To this end the Case Planner provides a useful table setting out the proposed development against the minimum standards set out in these guidelines as follows:

<b>Extract from Section 5.3.2 Space Requirements and Room Sizes &amp; Table 5.1 Space Provision and Room Sizes for Typical Dwellings</b>		
	<b>Standard</b>	<b>Proposed Development</b>
Target Gross Floor Area	70m <sup>2</sup>	67.3m <sup>2</sup>
Minimum – Main Living Area	13m <sup>2</sup>	27m <sup>2</sup>
Minimum unobstructed Living Room Width	3.6m <sup>2</sup>	3.9m <sup>2</sup>
Aggregate Living Area	28m <sup>2</sup>	33.5m <sup>2</sup>
Double Bedroom Area	11.4m <sup>2</sup>	11.4m <sup>2</sup>
Single Bedroom Area	7.1m <sup>2</sup>	7.18m <sup>2</sup>
Aggregate Bedroom Area	20m <sup>2</sup>	19m <sup>2</sup>
Storage	3m <sup>2</sup>	5.25m <sup>2</sup>

- 7.4. While the proposed development falls marginally below the target gross floor area for a 2 bedroom / 3-person house (2 storey) it does meet the minimum room sizes. Having regard to the location of the site and the obvious constraints associated with the site I am satisfied that the development would provide an acceptable standard of internal accommodation for future occupants.
- 7.5. In terms of private open space, the scheme provides a patio (c6.15m<sup>2</sup>) at ground floor level adjacent to the entrance on the southern elevation. An additional first floor terrace (4m<sup>2</sup>) is provided to the rear of the property on the northern elevation. The quantitative provision of private open space falls short of the required 48m<sup>2</sup> for a 2-bedroom house as set out in Section 8.2.8.4 Private Open Space of the Development Plan. In addition I share the concerns raised by the Case Planner that the quality of the space proposed is deficient and that it would provide a substandard private amenity space for future occupants and would be contrary to Section 8.2.8.4 Private Open Space of the Development Plan. Refusal is recommended.
- 7.5.1. **Special Contribution** – I note the report of Transportation Planning where it is recommended that a condition be attached requiring the payment of a Special Development Contribution in the sum of €500 for 1 no Sheffield Cycle Stand. The



payment of same has not been raised in the appeal. It is recommended that should the Board be minded to grant permission that this special development contribution condition be attached.

- 7.5.2. **Property Values** – I note the reference to property values in the DLRCC reason for refusal. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not of its self seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity

## 8.0 Recommendation

- 8.1.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **REFUSED** for the following reason and considerations.

## 9.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its seriously inadequate provision of private open space for the proposed occupants of the dwelling, would be an inappropriate form of development at this location and would represent significant overdevelopment of this constrained site and would be contrary to Section 8.2.8.4 (Private Open Space – Quantity) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area

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**Mary Crowley**

**Senior Planning Inspector**

**8<sup>th</sup> August 2021**