



An
Bord
Pleanála

Inspector's Report ABP-313507-22

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| Development | Permission sought for attic conversion for storage and roof terrace, on existing flat roof, with access from attic conversion at rear. |
| Location | 109A Georges Street Lower, Dun Laoghaire, Co. Dublin |
| Planning Authority | Dun Laoghaire Rathdown County Council |
| Planning Authority Reg. Ref. | D22B/0079 |
| Applicant(s) | Richard & Muriel Kelly |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Richard & Muriel Kelly |
| Observer(s) | None |
| Date of Site Inspection | 26 July 2022 |
| Inspector | Gillian Kane |

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of Georges Street Lower, in the centre of Dun Laoghaire. Currently on site is a two storey mid-terrace building, with a commercial premises on part of the ground floor. The remainder of the ground floor, a return and a first floor are in residential use.
- 1.1.2. To the east and west of the subject site are properties with commercial space at ground level and residential use on the upper floors. To the immediate north of the subject site is a 6-storey residential apartment block with balconies facing the subject site.

2.0 Proposed Development

- 2.1. On the 21st Feb 2022, planning permission was sought for attic conversion into storage space with access to a proposed roof terrace on an existing flat roof.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 11th April 2022, the Planning Authority issued a notification of their intention to REFUSE permission for the following reasons:
 - 1 The proposed development by reason of the setback of the proposed roof terrace from the northern site boundary, the elevated position of the proposed terrace and the siting of the terrace relative to the existing private amenity areas of properties located within the sites vicinity, would adversely impact on the residential amenity of these established residences by reason of overlooking. 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.
 - 2 By reason of the height of the dormer structure and its overall width relative to the span of the rear roof profile, the proposal is visually incongruous and detracts from the character of the surrounding area. On

this basis the proposed development is not in accordance with Section 8.2.3.4(i) (Extensions to Dwellings) of the Dun 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 Report:** Proposed roof terrace will directly overlook adjoining private amenity spaces to the north. Height and width of proposed dormer relative to the roof detracts from the character of the area. Principle of additional habitable accommodation and amenity space is acceptable, but Planning Authority has concerns over impact on residential amenity. Recommendation to refuse permission.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations

- 3.4.1. None on file.

4.0 Planning History

- 4.1.1. No relevant planning history.

5.0 Policy Context

5.1. Dun Laoghaire Rathdown Development Plan 2022-2028

- 5.1.1. The 2022 Dun Laoghaire Rathdown development plan came into effect on the 21st April 2022, after the assessment of the subject application by the Planning Authority.
- 5.1.2. The zoning of the subject site did not change in the 2022 plan and it retains its MTC zoning, which has the stated objective ‘to protect, provide for and / or improve major town centre facilities’. Residential use is permitted in principle in such zones.

5.1.3. Section 12.3.7.9 of the 2022 plan refers to 'Living-Over-The-Shop', stating that "In encouraging the residential use of the upper floors of commercial properties in established retail/commercial areas the Council will consider possible dispensations from normal standards to facilitate 'Living-Over-The-Shop' developments, that will contribute positively to the renewal of areas provided any proposed modifications will not have a negative impact on visual amenities or the existing streetscape. The Planning Authority will encourage 'living over the shop', subject to suitability of location, standard of accommodation proposed, and the following should be noted in this regard:

- Derogations for older commercial buildings in appropriate cases may be given in respect of private open space, parking, and unit size standards
- Derogations for car parking may be allowed having regard to parking policy

5.2. Natural Heritage Designations

5.2.1. The South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka Estuary SPA (004024) are to the north of the subject site.

5.3. EIA Screening

5.3.1. Having regard to nature and scale of the proposed development and the urban location of the site 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

6.1.1. The grounds of the appeal can be summarised as follows:

- The current amenity space is 20sq.m. ground level with north-eastern aspect.
- The proposed flat roof terrace is 15sq.m., increasing the overall space to 35sq.m., in accordance with section 8.2.8.1(i) of the development plan.
- The proposed metal railings on all sides is in keeping with the character of the building but can be replaced with opaque glazing to avoid overlooking. This has

been done in the immediate area – 20A Wellington Street, reg. ref. D13B/0227, 4 Cumberland Street; D18A/0806, and at 39 Cross Avenue D05B/0273. Copies submitted.

- The dormer is to facilitate access to the roof terrace. 108 Georges Street Lower has such a dormer. D19A/0743 refers. Copies submitted.

6.2. Planning Authority Response

- 6.2.1. The grounds of the appeal do not raise any new matter which in the opinion of the Planning Authority would justify a change in attitude to the proposed development.

6.3. Observations

- 6.3.1. None on file

6.4. Further Responses

- 6.4.1. None on file

7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Residential Amenity

7.2. Principle of Development

- 7.2.1. The use of attic level accommodation for residential amenity space is acceptable in a town centre. I am satisfied that providing additional residential accommodation at this location is in keeping with the policy 12.3.7.9 of the development plan regarding living over the shop.

7.3. Residential Amenity

- 7.3.1. The surrounding area is not traditionally residential and accommodation / amenity space at third storey level is not uncommon. A 6-storey apartment block - The Crofton with clear glazing screened balconies looks directly into the subject site from the north.
- 7.3.2. The proposed opaque glazing surrounding the external terrace is sufficient to prevent overlooking of the open spaces surrounding the property.
- 7.3.3. The proposed dormer to facilitate access to the external terrace is acceptable in terms of visual amenity. It will not be visible from the Georges Street Lower streetscape. It will be visible from Wellington Street to the west of the property but as noted above, taller buildings with private amenity space are not uncommon in this area.
- 7.3.4. On balance, the gain from further residential accommodation in this area is greater than any appreciable adverse impacts from the proposed development.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development to be retained in a fully serviced built-up urban area, no appropriate assessment issues arise, and it is considered that the proposed development would not 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 permission be GRANTED for the following reasons and considerations and subject to the following conditions:

9.0 Reasons and Considerations

- 9.1. Having regard to the zoning objective of the area, the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed window, would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development for which permission is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 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>The proposed external terrace at attic level shall be screened on all sides with obscured glazing</p> <p>Reason: To prevent overlooking of the adjoining private open spaces</p> |
| 3. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p> |
| 4. | <p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process</p> |

Gillian Kane
Senior Planning Inspector

02 August 2022