



<b>Development</b>	Retention of change of use of apartment to serviced apartment for short-term letting including air b&b use.		
<b>Location</b>	24 South Great George's Street, Dublin 2		
<b>Planning Authority Ref.</b>	3638/23		
<b>Applicant(s)</b>	Irish Properties Ltd		
<b>Type of Application</b>	Retention	<b>PA Decision</b>	Refuse
<b>Type of Appeal</b>	First party	<b>Appellant</b>	Irish Properties Ltd
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	27/10/2023	<b>Inspector</b>	D. Aspell

## Context

### 1. Site Location/ and Description

The site comprises a residential unit at fourth floor of No. 24 South Great George's Street. It is a studio unit comprising a living/ kitchen/ sleeping area, a bathroom and a hall. There is also c.12sqm of storage space, and a c.2sqm balcony to rear. There are windows to the front and rear. The unit is accessed via a shared internal stair which in turn is accessed from the street. No. 24 is a protected structure and is located in the South City Retail Quarter Architectural Conservation Area.

### 2. Description of development

The proposal is for retention of change of use of apartment No. 3 to serviced apartment for short-term letting including air b&b use. No works are proposed.

### 3. Planning History

Subject building:

- Ref. 2548/13 (ABP Ref. PL29S.245251): Permission refused on appeal in 2013 for change of use from retail to restaurant at ground floor.
- Ref. 2520/92: Permission granted by the planning authority in 1993 for conversion of 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> floors to 3 no. self-contained apartments. No appeal.

### 4. Planning Policy

I note the following provisions of the Dublin City Development Plan 2022-2028:

- The land use zoning objective for the area is 'Z5 City Centre'.
- Section 6.5.6 Tourism, Hotels and Events states: *"In addition, there will be a presumption against the use of houses or apartments for short-term lets in all areas of the city"*
- Policy CEE26: Tourism in Dublin
- Policy BHA2 Development of Protected Structures
- Policy BHA7 Architectural Conservation Areas
- Chapter 15 Development Standards including Section 15.9 Apartment Standards
- Section 15.14.3 Short Term Tourist Rental Accommodation states: *"There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable."*

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, December 2022.

### 5. Natural Heritage designations

- None relevant

## Decision and Grounds of Appeal

### 6. Planning Authority decision

The planning authority issued a notification of decision to refuse on 20<sup>th</sup> June 2023 summarised as follows:

- The development by itself and by the precedent would be contrary to the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city;
- The permanent loss of an apartment for residential use would be contrary to Section 15.14.3 due to the impact on the availability of housing stock;
- The proposal would create a precedent for similar type development;
- The use could potentially have an adverse impact on the residential amenity of occupants within the existing apartments at 1<sup>st</sup> and 2<sup>nd</sup> floor levels and depreciate the value of property in the vicinity.

### 7. First-Party Appeal

The first party appeal is summarised as follows:

- Planning permission was granted for 3 no. self-contained apartments in the 3 no. upper floors of the building in 1993;
- Appeal recognises the purpose of legislation relating to air b&b is to bring back residential properties to the long-term rental market in rent pressure zones;
- The unit is small, with a small balcony, single glazing, poor heat and noise insulation, and high energy costs;
- The unit needs major investment to meet modern standards for insulation, climate change and renewable energy;
- The apartment is not suitable for standard residential accommodation due to its size and condition, and deficiencies in the building;
- The location has a high concentration of nighttime noisy activity. It is unsuitable for standard residential as residential amenity may be difficult to achieve;
- The unit is not suitable for long-term rental and is only suitable for short-term letting to tourists;

- The proposal would not undermine Government or Council policy to increase availability of properties in RPZs for long-term letting;
  - Short term lettings in the city centre are good for tourism and the economy.
- The appeal includes a conservation method statement as well as photographs of the interior of the unit.

#### **8. Planning authority response**

- Response received 1<sup>st</sup> August 2023 requesting decision be upheld.

### **Environmental screening**

#### **9. Environmental Impact Assessment screening**

The development is not within a class where EIA applies (See Form 1 Appendix 1) and therefore is not subject to requirements for preliminary examination or EIA.

#### **10. Appropriate Assessment screening**

Having regard to the proposed change of use and the location in an urban area connection to existing services, and absence of connectivity to European sites, I conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## **2.0 Assessment**

2.1. Having regard to the foregoing; having examined the appeal; having visited the location; having regard to the refusal reason; and having regard to relevant policies, objectives and guidelines, I consider the main issues in the appeal are:

- land use
- impact on availability of housing stock;
- related matters.

### Land use

2.2. Having regard to the information submitted, to the nature of the development, and to definitions in the development plan and relevant statutory instruments, including the

Planning & Development Act 2000 (as amended) and Planning & Development Regulations 2001 (as amended) for short-term lettings, I am satisfied that the proposal should be assessed as accommodation for short-term letting or rent to tourists or visitors as variously described in the development plan.

- 2.3. In relation to the land use zoning objective for the area, the development plan states that on 'Z5' lands permissible uses include bed and breakfast, guesthouse, hostel (tourist), hotel, residential, and student accommodation. Related 'open for consideration' uses include Build to Rent residential. 'Short stay' units or similar are not specifically referenced either as permissible or open for consideration in the 'Z5' zoning objective, however, a variety of accommodation types including in terms of length of stay, management, and layout/format are permissible and open for consideration within this zoning. In this context, I consider that whilst other policies of the development plan deal with short-term lets separately to other forms of accommodation, the use for retention is comparable to these permissible and open for consideration uses in the Z5 zoning, and that the proposal would not in principle conflict with the land use zoning objective for the area.

Impact on availability of housing stock

- 2.4. Section 15.14.3 of the development plan provides grounds for the case-by-case consideration of short-term tourist rental accommodation. The information submitted by the appellant indicates the unit was a longer-occupancy apartment since the 1990's up to its change of use. The purpose of this assessment is not whether the previous apartment meets current planning standards, however I consider that the submitted layout compares favourably to current development plan and apartment guideline standards for studio apartments, noting the small balcony. As such, having regard to Section 15.14.3 of the development plan, I do not consider the unit would be unsuitable for longer term occupancy or that normal standards here difficult to achieve.
- 2.5. In relation to amenity, and the appellant's comments regarding the location of the unit in an area with a high concentration of night-time activity, the unit is on the 4<sup>th</sup> floor with windows to the street and to the rear. The balcony is also to the rear, facing away from the street. I note there are other dwellings above ground level in the area. As such, having regard to Section 15.14.3 of the development plan, I do

not consider that the surrounding noise would be sufficient to inhibit longer-term occupancy, or that normal residential amenity would be difficult to achieve.

- 2.6. In relation to the appellant's comments regarding the unit's condition and its suitability for longer term rental in terms of heating, energy efficiency, and climate impacts, I note these matters would arise for both the permitted use and the use proposed for retention. Having regard to the foregoing I do not consider they provide sufficient grounds to warrant granting the proposed retention.
- 2.7. I further consider the permanent loss of the apartment unit for longer-occupancy accommodation to have a detrimental impact on the available of housing stock. Albeit a single unit, the proposal nonetheless comprises the loss of a dwelling for longer term occupancy, the retention of which has the potential to set a precedent contrary to Section 15.14.3 of the development plan.
- 2.8. Overall I consider the change of use to be detrimental to the availability of housing stock. I do not consider the unit unsuitable for longer-occupancy, or that normal standards or residential amenity would not be achieved. In this regard I do not consider this to be a location where standard residential development is unsuitable due to nighttime noisy activity. As such I consider the proposed retention to be contrary to Section 15.14.3 of the development plan.

#### Related matters

##### Impact on residential amenity

- 2.9. I am not convinced that the change from a longer-occupancy studio apartment to a short-stay serviced studio apartment as proposed for retention would have a materially greater impact on the amenity of neighbouring dwellings. On one hand the turnover of occupants would typically be higher in short-stay units, however longer-occupancy units would typically involve more visitors, cooking, and home working. Considering the likely range of occupants for longer term occupancy or short-term tourism purposes, given the unit is a studio I do not consider it likely there would be a materially greater impact on the amenity of neighbouring dwellings.

### 3.0 Recommendation

- 3.1. I recommend that retention permission be refused for the reasons and considerations below.

### 4.0 Reasons & Considerations

Having regard to the nature of the change of use proposed for retention, the development would have a negative impact on the availability of housing stock in the City, contrary to Section 15.14.3 of the development plan, and the granting of permission for retention would set a precedent for similar type development contrary to the Dublin City Development Plan 2022-2028, and that the development would, therefore, be contrary to the proper planning and sustainable development of the area.

*-I confirm this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.-*

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Dan Aspell

Inspector

4<sup>th</sup> November 2023

APPENDIX 1

Form 1

EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317578-23		
<b>Proposed Development Summary</b>	Retention: Protected Structure: Change of use of apartment to short term letting including air b&b use		
<b>Development Address</b>	24 South Great George's Street, Dublin 2		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	-
		<b>No</b> <b>X</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	<b>X</b>	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4



**4. Has Schedule 7A information been submitted?**

<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** 25/20/23