

165 Whitehall Road
Terenure
Dublin 12

24th October 2022

**South Dublin City Council
Planning Office
Ref: Planning Observation - SD22A/0364
Receipt No:**

Dear SDCC Planning Office,

We, the Hannigan Family, of 165 Whitehall Road, Terenure, Dublin 12, wish to object to planning application SD22A/0364 for development at The Laurels, 186, Whitehall Road West, Perrystown, Dublin 12.

The grounds of objection are as follows:

1. Inaccuracies in planning application and unauthorised development
2. Proposal materially contravenes zoning objective of site and has a significant negative impact on residential amenity of adjoining property
3. The proposal is not compliant with Residential Consolidation Objectives of SDCDP
4. Proposal results in overdevelopment of a restricted site
5. Transportation Issues
6. Piecemeal Development Approach

1. Inaccuracies in Planning Application and Unauthorised Development

Firstly, we wish to draw the Planning Authority's attention to the fact that a change of use has occurred on the application site. Part of the rear garden of the dwelling constructed at 1 & 1A, Rockfield Avenue, Perrystown, Dublin 12 permitted under planning permission SD20A/0254 is now incorporated within the boundary of the Laurels Pub and its use has changed from residential to commercial. This change of use has occurred without the benefit of planning permission and is unauthorised. We note that the applicant has not sought permission for this change of use as part of the subject planning application.

In addition to the above, a former car parking area to the side / rear of the Laurels Pub is now used as a mobile coffee shop and public entrance to the beer garden. The temporary expansion of the beer garden during the pandemic has resulted in a change of use and an

increase in floor area of the pub. Combined, this is an intensification of commercial use as well as a reduction in available car parking in the area.

A large external beer garden is identified on the ground floor plans and sections. As noted above, part of the side and rear of the Laurels is currently in use as a beer garden, however the planning status of this beer garden is unclear. We are not aware of any grant of planning permission for the beer garden. It appears that the applicant may be attempting to regularise this situation in the current application. The development description includes "minor modifications to existing public house". It is unclear what these modifications are. If a beer garden is proposed in this largely residential area it will have a significant negative impact in terms of noise and disturbance. It is also noted (see below) that the South Dublin County Development Plan 2022-2028 (SDCDP) seeks to restrict residential use above public houses in policy H13 Objective 4.

The drawings appear to show the beer garden largely covered at first floor level (see first floor plan drawing showing what appears to be the area above the beer garden paved), it is therefore unclear whether the area at ground floor identified 'beer garden' is actually additional internal floor space for the pub or a beer garden. In the event that this is additional floor space for the pub this will have implications for the assessment of this planning application, for example in relation to additional parking demand, and I would again question whether the development description of minor modifications to existing public house accurately reflects the extent of development proposed.

The existing site plan drawing submitted with the planning application does not clearly indicate the change of use that has occurred or the extension of the commercial property into part of a residential property and is misleading. This area is zoned 'Existing Residential – RES' in the SDCDP and an extension of a public house into this area, in particular incorporating a beer garden and mobile coffee shop, results in negative impacts on adjoining residential properties.

2. Proposal materially contravenes zoning objective of site and has a significant negative impact on residential amenity of adjoining property

Within the SDCDP part of the site is zoned objective 'LC - To protect, improve and provide for the future development of Local Centres'. The southern and eastern part of the site is zoned objective 'RES - To protect and/or improve residential amenity'.

The proposed ground floor commercial unit and first and second floor apartments on the southern part of site directly abut single storey residential properties at no. 167 and 169 Whitehall Road and the site boundary extends to the rear boundary of 165 Whitehall Road. These dwellings and the proposed commercial unit are located on lands zoned Existing Residential (RES). The stated objective for this land use objective is '*To protect and / or improve residential amenity*'.

Whilst the use 'Shop-Local' is considered 'permitted in principle on RES zoned lands, other uses that might be located in a commercial unit are 'open for consideration'. The SDCDP states the following in relation to 'open for consideration' uses:

*'Land uses that are listed as 'open for consideration' in the land use zoning tables may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in this Plan. Proposed uses in this category will be subject to full assessment on their own merits **and particularly in relation to their impact on the development of the County at a strategic and a local level.** Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan.'*

Section E-E shown on drawing P-10 indicates a proposed ground floor of 53.57 and a proposed ridge height of 63.02 at the southern part of the proposed development adjacent to the rear of properties on Whitehall Road. This will result in a structure of almost 10 metres in height directly adjacent to the rear boundary walls of private open space serving single storey dwellings at 167 and 169 Whitehall Road and in very close proximity to the rear of 165 Whitehall Road. This is also shown in section F-F which shows the blank façade with a new ridge height of 63.02 that will be visible from the rear gardens of dwellings on Whitehall Road.

The applicant has made no attempt to provide a transition space between existing residential development and the proposed development and the impact of this structure is exacerbated due to the massing of the façade, the lack of any material treatment and its location on the party boundaries between the application site and adjoining houses.

Due to the position of the proposed development to the north and north west of single storey dwellings along Whitehall Road, and the proximity, massing and height of 3 storeys immediately adjoining the rear boundary of these properties, the proposal will have a significant negative impact on the residential amenity enjoyed by occupants of properties at 165, 167 and 169 Whitehall Road, both in the rear garden private amenity spaces and inside the dwellings as well as overshadowing in the evening time.

The development of a three-storey commercial and residential structure immediately adjacent to the rear garden boundary of single storey residential properties materially contravenes the zoning objective 'To protect and / or improve residential amenity' due to proximity, overbearing, significant negative visual impact, and overshadowing that will arise as a result

Furthermore, balconies and habitable rooms serving apartments no. 1.7, 1.8 and 1.9 on the south elevation of the proposed development will directly face and overlook single storey dwellings and their private amenity space along Whitehall Road, and will have a negative impact on the residential amenity of these properties.

Having regard to the above, we request that South Dublin County Council refuse permission for the proposed development as it materially contravenes the RES zoning objective of the site which seeks to protect and / or improve residential amenity and would result in a negative impact on the residential amenity of existing properties.

3. The proposal is not compliant with Residential Consolidation Objectives of SDCDP

The SDCDP notes the following in Section 12.5.3

*'Density and Building Heights In line with the provisions of the South Dublin Building Heights and Density Guide, **development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development** (see Section 5.2.7 and Appendix 10). Proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed. In order to demonstrate the overall positive benefits and justify the scale of increased height being proposed a detailed analysis of the existing context and a demonstration that the proposed height increase is contextually appropriate will be required.'*

We note that the applicant has made no attempt to either demonstrate that the proposal integrates with surrounding property, or to design it in such a way that it can successfully integrate with surrounding property. As noted above, the proposal will provide for a three storey structure directly adjacent to single storey dwellings and makes no attempt to soften the transition between existing development and the proposed building.

The site incorporates an infill and backland site to the rear of the Laurels Pub and as such the objectives in the plan set out in Section 12.6.8 relating to residential consolidation are relevant. The SDCDP notes the following in relation to infill sites:

*Infill Sites Development on infill sites should meet the following criteria: Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual; A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. **On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.***

Where the proposed height is greater than that of the surrounding area a transition should be provided It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;

*Dwelling Sub-Division and Upper Floors: Dwelling sub-division and 'over the shop' accommodation should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments and **contribute positively to the***

established character and amenities of the area; The design of 'over the shop' housing should include mitigation measures to address possible sources of external noise; A separate, distinctive point of entry with an identifiable address should also be provided. Dwelling sub-divisions should preserve the established character and amenities of the area

The SDCDP notes the following in relation to Backland sites

Backland Development: The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- ***Be guided by a site analysis process in regard to the scale, siting and layout of development;***
- ***Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;***
- ***Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;***
- ***Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.***

We have emphasised above a number of extracts from the SDCDP which are clearly contravened in the subject planning application. The application site measures a stated 1319 sq.m. which is below 0.5 ha. As referenced above, such sites require a degree of integration with surrounding built form and this has not been provided for in this application.

The established pattern of development in the area is that of detached and semi detached single storey and two storey dwellings. As noted in point 2 above the applicant has made no attempt to provide a transition between existing residential development on Whitehall road and the proposed development and the impact of the development is exacerbated due to its height, scale, massing and location on the party boundaries between the application site and adjoining houses.

The proposal would also materially contravene the following objectives contained in the SDCDP:

H13 Objective 4: To promote and encourage 'Living-Over-The-Shop' residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.

H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.

For the reasons above it is recommended that permission be refused for this proposed development as it does not comply with Section 12.6.8 of the SDCDP relating to residential consolidation by virtue of its design and form, would contravene Policy H13 of the SDCDP

relating to residential consolidation, and would be visually incongruous and at variance with the predominant pattern of development in the area.

4. The proposal results in overdevelopment of a restricted site

The concerns raised in points 2 and 3 above indicate that the proposed development would result in overdevelopment of a restricted site. Further evidence that the proposal results in overdevelopment of a restricted site are noted below whereby the development fails to meet the standards set out in the SDCDP and fails to provide an appropriate level of residential amenity for future occupants of the proposed scheme and existing residents in the area.

- i. The private open space serving apartment 1.7 and 1.8 appear to overlook the ground floor beer garden. If this is the case it will result in significant noise and residential amenity issues for future occupants of the development.
- ii. The SDCDP requires that *'To demonstrate compliance with the housing and apartment standards set out below, all planning applications shall be accompanied by a Schedule of Accommodation and Housing Quality Assessment document in line with Section 6 of the Sustainable Urban Housing: Design Standards for New Apartments, (2020).'* The applicant has not submitted such a schedule to allow for a review of compliance with the relevant standards.

On examining the drawings it appears that storage space for apartments does not comply with the requirements set out in table 3.21 of the SDCDP or the Apartment Guidelines for Planning authorities which require storage to be located within apartments. The storage requirement for a one bedroom apartment is 3 sq.m. Units 1.1, 1.2, 1.3, 2.1 and 2.2 show no storage space; units 1.4, 1.8 and 1.9 indicate storage of less than 1.5 sq.m., other units do not include dimensions for storage space to allow a determination as to whether they comply with the standards.

- iii. It is not clear from the drawings whether communal private open space is to be provided. The first floor plan appears to show an area above the beer garden that may be proposed as communal open space, however clarity is required in this regard. If this area is to act as communal open space then it would appear to conflict with the indicated beer garden use below.
- iv. I note that the majority of apartments are single aspect resulting in a poor level of amenity for future occupants.
- v. I note that very limited details of material finishes have been provided to indicate the quality of material finishes proposed.
- vi. The drawings submitted do not clearly represent the existing permitted development, particularly in relation to the beer garden and change of use from residential to commercial, and are insufficient to clearly demonstrate how the

proposed development can function to provide for an appropriate level of amenity to existing and future residents.

Having regard to the above points, we consider that the planning application should be refused on the grounds that it materially contravenes policies contained in the South Dublin Development Plan relating to internal design standards relating to apartments, results in over development of a restricted site, and would result in a poor level of residential amenity for existing residents in the surrounding area and for future occupants of the proposed development. The proposal also fails to comply with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities – Guidelines for Planning Authorities, (2020) by reason of a lack of appropriate storage space.

5. Transportation Issues

The proposal results in a significant intensification of use on site but provides for limited additional car parking. 9 car parking spaces are proposed but in fact a number of existing car parking spaces have been lost due to their change of use to mobile coffee shop and public entrance to the beer garden. The net increase in car parking spaces is estimated to be in the order of 4 spaces. The applicant has not clearly indicated whether the parking proposed to the rear of the site is to serve both the apartments and customers of the commercial / pub element and whether it will provide for staff car parking. From the documents submitted it is not clear whether the proposal complies with table 12.26 of the SDCDP in relation to car parking standards.

As noted above, a car parking area to the side and rear of the Laurels has been closed to traffic and the use of this area has changed to that of a mobile coffee shop and public entrance to the beer garden. This has resulted in an intensification of the commercial use on the site and a reduction in car parking spaces available to serve the area. The further intensification of the site and limited car parking is likely to result in a traffic hazard due to lack of car parking and resulting in haphazard parking in the area to cater for demand arising from the development.

In accordance with table 12.23 of the SDCDP relating to bicycle parking standards, the proposed development would require approximately 25 cycle parking spaces incorporating both long and short stay spaces. No provision is made for short stay bicycle parking in convenient locations directly accessible to the public to serve the proposed retail and pub. The number of bicycle parking spaces to serve the apartments is unclear and requires clarification to confirm compliance with table 12.23.

The above issues further demonstrate that the proposal will result in over development of a restricted site.

6. Piecemeal Development Approach

By incorporating only part of the LC zoned lands and commercial units the proposal is piecemeal and ad hoc, encroaching into RES zoned lands to facilitate the development

which would be more appropriately located within the full extent of the existing LC zoning. A more appropriate development approach would be to integrate the full extent of the LC zoned lands to facilitate a redevelopment of the overall site which is appropriately designed to respect surrounding development and in accordance with the policies and standards set out in the SDCDP.

7. Conclusion

Having regard to the above it is recommended that South Dublin County Council refuse permission for the proposed development for the following reasons:

- i. The proposed development, by reason of its scale, layout and proximity to the directly adjoining site boundaries to the south would result in overdevelopment of the subject site and would, therefore, unduly impact on the residential and visual amenity of the adjoining dwellings on Whitehall Road, and as such would contravene materially the RES zoning objective of the site which seeks 'to protect and / or improve residential amenity'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- ii. The proposed development by virtue of its design, layout and form would be visually incongruous, would be at variance with the predominant pattern of development in the area and would be contrary to section 12.6.8 and PolicyH13 of the South Dublin County Development Plan relating to residential consolidation. If permitted the proposed development would set an undesirable precedent for similar development in the area, would seriously injure the amenities and depreciate the value of property in the vicinity and would, thereby, be contrary to the proper planning and sustainable development of the area.
- iii. Having regard to the proximity of the proposed development to site boundaries, overlooking that will arise as a result of the proposed development, lack of adequate car and bicycle parking, and location of proposed apartments above a public house and beer garden, it is considered that the proposed development constitutes overdevelopment of the site, would be seriously injurious to the residential amenities of future occupants, and is contrary to the provisions of the Sustainable Urban Housing Design Standards for New Apartments (2020), in particular in relation to inadequate provision of storage space. The development therefore would be contrary to the proper planning and sustainable development of the area.

We appreciate your time in reviewing this submission.

Yours sincerely,


The Hannigan Family

Hannigan Family
165, Whitehall Road
Terenure
Dublin 12
D12 YY94

Date: 24-Oct-2022

Dear Sir/Madam,

Register Ref: SD22A/0364
Development: 11 apartments, one commercial unit and minor modifications to the existing Public House.
Location: The Laurels, 186, Whitehall Road West, Perrystown, Dublin 12
Applicant: Noel Hughes
Application Type: Permission
Date Rec'd: 21-Sep-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdblincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "**Notify me of changes**" and click on "**Subscribe**". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**