

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3075/16**

An Bord Pleanála Reference Number: PL 29S.247171

**APPEAL** by Janette Hurrell care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 3<sup>rd</sup> day of August, 2016 by Dublin City Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** Development comprising the demolition of the rear single storey extensions to numbers 75 and 76 Camden Street Lower (circa 38.4 square metres gross floor area); the provision of a new single storey link (circa 73.5 square metres net floor area) comprising shop use (to accommodate use Class 1 of Schedule 2, Part 4 of the Planning and Development Regulations 2001-2015) connecting the ground floor levels of numbers 75 and 76 Camden Street Lower to the ground floor level of number 41A Pleasants Street; the change of use of the ground floor level of number 41A Pleasants Street from a former service garage/car sales to shop (to accommodate use Class 1 of Schedule 2, Part 4 of the Planning and Development Regulations 2001-2015) (circa 359.3 square metres net floor area) and the continued use of the existing shops at ground floor levels of numbers 75 and 76 Camden Street Lower. These works will result in the provision of one shop unit (from two existing shop units and former service garage/car sales) measuring circa 523 square metres net floor area. There are no changes proposed to the size of the existing shop unit (circa 20.8 square metres net floor area) at ground floor level of number 75A Camden Street Lower. A new circulation space (lobby) (circa six square metres net floor area) connecting the new link to number 75A Camden Street Lower and the first and second floor levels of numbers 75 and 76 Camden Street Lower is also proposed. The proposed development results in a gross floor area of

circa 602.9 square metres (including ancillary space such as circulation cores and walls) at ground floor level of the subject site. The proposed development also consists of the refurbishment of numbers 75 (which includes numbers 75A) and 76 Camden Street Lower comprising alterations and repairs to the buildings where appropriate including the removal of an existing WC extension from the rear façade of number 75 (circa 3.1 square metres gross floor area) and associated repairs; the replacement of the existing shop fronts to numbers 75, 75A and 76; the enlargement of existing opes in the rear walls of numbers 75 and 76 at ground floor level to allow connection with the proposed new shop link to number 41A Pleasants Street; the refurbishment and replacement of windows where necessary and the refurbishment of the existing office spaces at first and second floor levels of numbers 75 and 76 including the creation of new WC, lobbies and kitchenettes on each floor, and alterations to existing partitions on each floor where applicable. A terrace is proposed on part of the roof of the new single storey link, with associated guard rail to the terrace's southern perimeter. The development will also consist of associated internal and elevational alterations to number 41A Pleasants Street; all hard and soft landscaping; changes in level; associated site servicing (foul and surface water drainage and water supply) and all other associated site excavation and site development works above and below ground, all on a site of circa 0.0688 hectares at numbers 75, 75A and 76 Camden Street Lower and 41A Pleasants Street, Dublin. Number 75 Camden Street Lower (incorporating number 75A Camden Street Lower, Dublin which is a ground floor level shop unit) is a Protected Structure

## **DECISION**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the Georgian building on the site which is included on the Record of Protected Structures, to the location of the subject site within a conservation area, as set out in the Dublin City Development Plan 2016-2022, and having regard to the pattern of development in the vicinity (including established non-residential uses on the subject site), it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the integrity of the Protected Structure and its context within the group of buildings on the site, would contribute to the viability and vitality of the Camden Street Lower area, would be in accordance with Policy Objective CHC1 of the Development Plan, which provides for the preservation of the built heritage in the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. 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.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows: -
  - (a) The enlarged opening in the rear wall of Number 75 Camden Street Lower (Protected Structure) shall be omitted, and the existing rear wall of this building shall be retained in full.

- (b) The proposed link building shall be reduced in width so that it has a minimum setback of 7.5 metres from the southern site boundary (instead of the 3.705 metres setback proposed). The adjoining lobby, providing access to the link building from the upper floors, shall also be omitted. The intervening area thus created shall be designated as amenity space to serve the occupants/employees of the proposed development.
- (c) The proposed roof terrace at first floor level over the link building, as modified by condition 2(b) above, shall be omitted, and the roof of the link building, as modified, shall be glazed with an atrium rooflight, similar in design to that originally proposed to the rear of Number 75 Camden Street Lower. The first floor window to the rear of Number 76 Camden Street Lower, which was proposed to be modified as a door to this terrace, shall be retained as a window, to the same dimensions as the adjoining rear window at this level.
- (d) The ground floor unit at Number 75 Camden Street Lower shall be retained as a separate independent retail unit, and no access shall be provided through this unit to the larger proposed retail unit to the rear and side (comprising Number 76 Camden Street Lower, the link building, as modified by this condition, and the existing building at 41A Pleasants Street). The existing opes in the rear wall of Number 75 Camden Street Lower, currently accessing the back room and kitchen of the existing circa 1950's extension, shall be infilled to prevent any such access to the new larger retail unit, to details to be agreed in writing with the planning authority under the terms of condition number 6 of this order.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to protect the character and integrity of the Protected Structure, and to retain the fine grain of smaller retail units along the Camden Street frontage.

3. The shopfront shall generally be in accordance with the amended proposals for the shopfront design shown on drawing number CS75/BC/010 submitted to An Bord Pleanála on the 30th day of August 2016, with the following modifications:
- (a) The fascia board shall be broken between numbers 75 and 76 Camden Street Lower, and shall not be continuous, with a gap of not less than 150 millimetres and the vertical timber framing shall be brought up on either side of this gap, to the top of the fascia board.
  - (b) All lettering on the fascia board shall be not more than 400 millimetres high, and shall consist of solid individual letters affixed to the fascia board. No other lettering, other than the names of the three separate retail units (that is, Numbers 75a, 75 and 76 Camden Street Lower), and the street numbers, shall be affixed to the fascia boards.
  - (c) Any roller shutters shall be recessed behind the perimeter glazing and shall be factory finished in a single colour or colours to match the colour scheme of the retail units. Such shutters shall be of the 'open lattice' type only, and shall not be used for any form of advertising, unless authorised by a further grant of planning permission

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity, and in order to provide a visual distinction between the separate retail units.

4. All of the existing external signage, wiring and cabling on the exterior of the subject buildings shall be removed as part of the proposed development, and shall not be replaced. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs, other than the specific lettering on the new shopfront, as required under condition number 3 of this order, advertisement structures, banners, canopies, flags, or other projecting elements (including any signs installed to be visible through the windows), shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

5. The retail units hereby permitted shall be used solely as shops, as set out in Class 1 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and shall not be used for the sale of hot food, or hot beverages, for consumption off the premises. The units shall not be used as restaurants.

**Reason:** In order to support the vitality and viability of this part of Camden Street Lower, having regard to the zoning objective and other policies set out in the current Development Plan for the area.

6. Prior to commencement of development, a method statement and accompanying itemised survey and condition study for the proposed works to Number 75 Camden Street Lower shall be prepared in accordance with the recommendations set out in the Architectural Heritage Protection Guidelines for Planning Authorities (issued by the Department of the Environment, Heritage and Local Government, 2005) and best conservation practice by a person with specialist expertise in historic building conservation. This statement and these surveys shall be submitted to, and agreed in writing with, the planning authority before any works take place. All works to the interior of the existing building, and all conservation works to the exterior, including roof and fenestration, in compliance with the agreed method statement, shall be carried out under the supervision of a suitably qualified Historic Building Fabric Consultant/Accredited Conservation Architect, who shall certify to the planning authority upon completion that the permitted works have been carried out in accordance with good conservation practice and are in compliance with the agreed method statement.

**Reason:** In order to ensure that the proposed works are carried out in accordance with good conservation practice and to protect the integrity of the historic fabric and character of the protected structure.

7. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades, including fenestration, of Number 76 Camden Street Lower and Number 41 Pleasants Street. Samples shall be displayed on site to facilitate the planning authority.

**Reason:** In the interest of visual amenity, clarity and orderly development.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level of the subject buildings, including any solar panels, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

10. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hours and 1400 hours on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard amenities of the area.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interests of amenity and proper waste management.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.



**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**