



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2965/17

Appeal by Aidan Kelly and others care of 310 North Circular Road, Phibsborough, Dublin against the decision made on the 25th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to the Dublin Simon Community care of RKD Architects Limited of 59 Northumberland Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of an extension to the rear (south) of the Dublin Simon Community's existing supported housing facility including the removal of an existing external fire escape stairs and ramps to the rear of the existing building and construction of a three-storey extension to provide the following accommodation: 20 number new en-suite bedrooms for residents (10 number at first floor level and 10 number at second floor level), communal dining room with associated kitchen, staff facilities and toilets at ground floor level, including four number rooflights above ground floor dining area comprising a total extension floor area (over three levels) of 868 square metres, screened water tank storage area and solar panels (to an area of 16 square metres) at roof level. The proposed development also includes some

minor internal alterations to the layout of the existing buildings, the construction of a single-storey separate building to provide plant and storage facilities of 30 square metres to be located within yard area to the rear of number 322 North Circular Road, and ancillary site works including hard and soft landscaping. The total site area is 1,895 square at Chester House, 314-316 North Circular Road, and inclusive of the properties 318, 320 and 322 North Circular Road, Phibsborough, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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 Z4 District Centre zoning provision for the northern part of the site in the Dublin City Development Plan, 2016-2022, where “Buildings for the health, welfare and safety of the public’ are permitted in principle, to policy QH29 of the Development Plan and to the Government’s Rebuilding Ireland’s policies to address rough sleeping and long-term homelessness in Ireland, the Board considered that the proposed development of an extension to an existing facility, would be in accordance with local and national policy provisions. The Board also noted that the proposed development was located within the Phibsborough Centre Architectural Conservation Area and that the southern part of the site was in an area zoned Z1 Sustainable Residential Neighbourhoods Z1 which seeks to protect, provide for and improve residential amenities. The Board considered that the design, layout and arrangement of the proposed development on the site, as amended by the further information, and subject to compliance with the conditions below, would not seriously injure the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the extension of the existing facility to the rear was in accordance with local and national policy provisions to address the issue of homelessness. Furthermore, the facility would provide permanent supported housing (as opposed to temporary homeless accommodation) that would be effectively managed in accordance with the Dublin Simon Community Chester House Management Plan and Statement. The Board considered, therefore, that the proposed development would not undermine the existing local economy, resident community or regeneration of the area.

In considering the potential impact of the design, layout and arrangement of the proposed development on site, the Board noted the modifications of the building that came about during the further information stage, in particular the reduction of the building from three storeys to two storeys, the absence of windows in the western elevation of the extension, the use of angled windows in the southern elevation to mitigate overlooking to the south, and the improved quality of the finishes and materials, and considered that the proposed facility in this urban context would not be overbearing and given its orientation would not result in any significant overshadowing or loss of light for properties in the vicinity of the development.

The Board noted the uncertain planning status of some elements of the development and assessed the application for the proposed development on its individual merits and considered that any irregularities could be addressed by separate applications for planning permission.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th day of September 2017, 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 to exclude the proposed dining area extension to the rear of numbers 320 and 322, which did not form part of the original application for permission and was not mentioned in the public notices. The additional bedrooms shall not be occupied until permission is granted for the dining area or a new dining area is provided elsewhere within the building.

Reason: To clarify the scope of the permission.

3. The development shall be managed in accordance with the Dublin Simon Community Chester House Management Plan and Statement submitted with the application.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

7. A plan containing details for the management of waste (and, in particular, recyclable materials) 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays and public holidays. 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 the residential amenities of property in the vicinity.

9. 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, noise management measures and off-site disposal of construction/demolition waste.

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

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.