

An
Bord
Pleanála

Board Order

ABP-315814-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3203/22

Appeal by the Royal Canal Terrace Residents Association care of Fiona Kelly of number 3 Royal Canal Terrace, Broadstone, Dublin and by Others against the decision made on the 19th day of January, 2023 by Dublin City Council to grant permission subject to conditions to Copperdale Estates Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Protected Structure: The proposed development will consist of: the change of use of the existing property from hostel, residential and office to use as 'Bed and Breakfast' accommodation consisting of 13 number guest rooms with ensuite, dining room, kitchen and staff facilities. The following works are proposed: (i) Demolition of existing external staircase and single-storey structure at ground floor level and the construction of a new single-storey flat-roof structure to the rear featuring three number rooflights; (ii) internal alterations at basement, ground, first and second floor levels comprising: (a) replacement/relocation/reinstatement of doorways, window opes and wall partitions; (b) extension of existing lightwell to front of building; (c) replacement of kitchenette with ensuite partitions, and (d) provision of new painted timber sash windows at existing opes to the front and rear of the

building; (iii) provision of two number carparking spaces at ground level to the front of the building and six number bicycle parking spaces to the rear of the building; and (iv) all ancillary site and landscaping works necessary to facilitate the development all at 1/2 Royal Canal Terrace, Phibsborough Road, 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.

Reasons and Considerations

Having regard to

- the policies and objectives of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Dublin City Development Plan 2022-2028,
- the protected structure status of the property as noted on the Record of Protected Structures contained within the Dublin City Development Plan 2022 – 2028,
- the site's prominent location in Royal Canal Terrace off Phibsborough Road within a Zoning Objective Z2 area as set out in the Dublin City Development Plan 2022-2028 with Objective to protect and/or improve the amenities of residential conservation areas,
- the permissible nature of a Bed and Breakfast use in a Z2 Zoned area as set out in the Dublin City Development Plan 2022-2028,
- the current vacant status of the site and condition, character and appearance of the protected structure which is considered to detract from the appearance of the residential conservation area in which it is located, and

- the proposed development's proximity to sustainable public transport networks and the city centre, mobility management measures proposed and policies seeking to promote tourism and sustainable transport modes as set out in the Dublin City Development Plan 2022-2028,

it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to an undue proliferation of short term bed and breakfast tourist accommodation in the area, would not detract from the special form, integrity, character or appearance of the protected structure, its setting or the character or appearance of the residential conservation area in which it is situated, would not detract from the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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, as amended by the further plans and particulars received by the planning authority on the 14th day of December 2022 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. Prior to commencement of development revised plans and particulars shall be submitted to, and agreed in writing with the planning authority, incorporating the following amendments and additions to the proposed development:
 - (a) The omission of guest bedroom number 3 and associated ensuite at basement level as proposed on drawing number 127B in the further information response received by the planning authority on the 14th day of December 2022. The revised plans shall make provision for an ancillary kitchen and storage use in this area to serve the Bed and Breakfast accommodation and these areas shall be permanently retained thereafter in such use and shall not be converted to provide additional bedroom accommodation, or in the alternative, subject to agreement with the planning authority, the developer shall set out how a morning breakfast service is to be otherwise provided to serve the proposed Bed and Breakfast accommodation.

Reason: To provide for Bed and Breakfast facilities at this location as per the development description and associated zoning requirements.

3. Prior to commencement of development, the developer shall submit to and agree in writing the following with the planning authority:
 - (a) Omission of the two on-site car parking spaces as shown on drawing number 128B received by the planning authority on the 14th day of December 2022. On commencement of use no on-site car parking shall take place.
 - (b) Revised window detailing to the front basement window to be of high quality contemporary window design.
 - (c) 1:20 details of the replacement screen proposed for the front hallway.

- (d) Detailed survey of the roof and all rainwater goods and any works proposed thereto including any works proposed to existing rooflights.
- (e) Revised landscape details clarifying treatment of the area between the public footpath and the front entrance steps which shall include for use of granite paving slabs and omission of the proposed gates to the returned railing sections at the front entrance.
- (f) 1:20 details of the proposed railings to the basement wells.

Reason: In order to protect the integrity and character of the protected structure, its setting and the amenities of the area and to ensure the proposed development is carried out in accordance with best conservation practice.

- 4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

- 5. Details of the internal and external finishes and materials of the proposed development hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include details of the materials proposed for the external construction of the new bedroom structure to the rear of the main building including a replacement of the aluminium roof proposed with alternative lead or zinc material.

Reason: In the interest of visual amenity and to protect the integrity, character and appearance of the protected structure.

- 6. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

7. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no form of advertising, posters, boards or other form of

advertising (illuminated or otherwise) shall be displayed on the buildings or within the site subject of this permission unless they have been the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such advertising on the character and appearance of the site, protected structure and the amenities of the area.

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

10. The operator shall implement the measures set out in the Mobility Management Plan and ensure that all employees and patrons are made aware and comply with this strategy. The use hereby permitted shall only be operated in accordance with the measures set out in the Mobility Management Plan and on commencement of use a permanent written record shall be retained on site setting out how all such measures are being implemented.

Reason: In the interests of orderly development and sustainable transportation provision.

11. The bicycle parking hereby permitted shall be secure using key/fob access, sheltered and well lit. The parking facility shall allow for both wheel and frame to be locked for all types of bicycles.

Reason: In the interests of orderly development and sustainable transportation provision.

12. Prior to commencement of development, details of a Construction Management Plan and a Demolition Management Plan shall be submitted to, and agreed in writing with the planning authority. These plans shall include provision of

details relating to traffic management and parking of construction and construction workers vehicles, plant and materials compounds, noise and dust management and control measures, access provisions for plant, labour and materials, off-site disposal of waste, measures proposed to keep adjacent roads clean of dirt, dust and debris and measures proposed to protect the safe and continued operation of public transport in the vicinity including LUAS operations and bus networks. The development shall thereafter only be carried out in accordance with the details contained in the agreed plans.

Reason: In the interest of orderly development and to protect the amenities of the area.


13. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 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.

14. The landscaping scheme shown on drawing number 137B as submitted to the planning authority as further information on the 14th day of December 2022 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.



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

Dated this 9TH day of April 2024