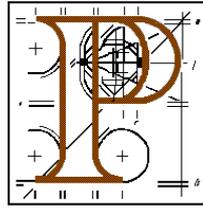


An Bord Pleanála



Inspector's Report

PL 29S 245418

DEVELOPMENT at

No 92 Camden Street Lower, (Ryan's Public House), Nos. 1, 2 and 3 Camden Row including existing building to rear of Nos. 2 & 3 Camden Row, Dublin 2.

At No. 92 Camden Street Lower:

Renovation of part of the existing public house to include removal of WC and internal partitions at ground floor level and stairs to first floor toilets at No 1 Camden Row, strengthening of main staircase at second and third floor levels and renovation of external wall, renovation of gutters rain goods and roofing.

At Nos. 1 and 2 Camden Row:

A one bed apartment at first and second floor level, façade treatment, removal of existing modern partitions and fabric, retention of historic fabric and provision of new staircase and partitions to form a one bed apartment, removal and replacement of existing pub front at No 1 Camden Row, preparation of existing opening for new sash window and granite cill, removal of existing door and replacement with a panelled door and frame, cleaning and repointing of historic facing brickwork and granite cills at upper floor levels at No 1 and No 2 Camden Row and newly exposed original brickwork at ground floor level at No 2 Camden Row.

At No 3 Camden Row:

Consolidation and strengthening of existing walls; removal of non-original roofs over the front and rear spaces and replacement with natural slate roofs to match existing roof profile, formation of double height seating space for Ryan's public house in front space; formation of opening in party wall linking No 2 with No 3 Camden Row and insertion of double doors, provision for new WC facilities and circulation space in existing building to the rear for use by the public house, alterations to the existing front façade involving bricking up the existing door opening at ground level; preparation of opening at first floor for a new window; formation of new opening at ground floor to receive a new window, insertion of two new timber sash sliding sash windows and granite window cills; renovation of existing timber gate and wicket door in front façade wall; removal of existing modern render and renovation of original render on external façade; renovation and cleaning of stone guards

PLANNING APPLICATION

Planning Authority: Dublin City Council

P. A. Reg. Ref: 2995/15

Applicant: Brenda Ryan,

Decision: Grant Permission

APPEALS

First Third Party: Declan Fitzpatrick,

Second Third Party: Arcticom Ltd. (No 91 Camden Street)

Observers None

Dates of Inspections: 7th and 18th November, 2015.

Inspector Jane Dennehy

1.0 INTRODUCTION

- 1.1 This file contains two third party appeals against the decision of Dublin City Council to grant permission for renovations and alterations to the existing public house (Ryan's) and for construction of a residential unit at Nos. 92 Camden Street, Nos. 1-3 Camden Row, and a building to the rear of No 3 Camden Row. No 92 Camden Street and the adjoining building at No 91 Camden Street, occupied by one of the appellant parties are included on the record of protected structures. No 91 Camden Street is also a recorded monument. (SMR DU018-020647)

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site of the proposed development is at the corner of Camden Street Lower and Camden Row and a building to the rear of No 3 Camden Row. The bar space is located at ground level in Nos. 92 Camden Street and Nos. 1 and 2 Camden Row with ancillary accommodation is at first floor level and residential accommodation at second floor level, No 92 is a Victorian style corner site building which has a red brick finish. The shopfront signage indicating "Ryan's Public House" and "92" is extended across the frontage of Nos. 1 and 2 Camden Row.
- 2.2 No 3 Camden Row and the building to the rear of it and No 2 Camden Row formerly in use as an abattoir was part of a butcher's business that was operated from No 91 Camden Street. The application site is exclusive of the adjoining building at No 91 Camden Street. A passageway between it and the building at the rear of Nos. 2 and 3 Camden Row is a means of access to Camden Row.
- 2.3 No 91 Camden Street was originally constructed as a "Dutch Billy" in the early eighteenth century but has been subject to alteration in the Georgian period and more recently the original roof was removed but subsequently replaced according to planning history information available on the file. (P. A. Reg. Ref. 3512/13 refers.)

3. PLANNING HISTORY:

- 3.1 **PL 29s 244603/ P. A. Reg. Ref. 3885/14:** The planning authority decision to refuse permission for a change of use from retail unit café/restaurant use and associated works at the Appeal site and at No 91 Camden Street was upheld following first appeal. The reason for refusal is that of adverse material effect on the buildings which are included on the record of protected structures, one of which (No 91 Camden Street) is also a recorded monument due to the significant interventions and removal of interior features and (in effect) a merging of the two properties at No 91 and No 92 as a result of which the proposed development would be in material contravention of Policies FC 27 and

Section 17.10.1 of the Dublin City Development Plan, 2011-2017. The Board's file is attached.

- 3.2 **P. A. Reg. Ref. 1673/99:** Permission was granted for an extension to the public house at No 92 Camden Street Lower and Nos. 1 and 2 Camden Row replacing a restaurant and apartment and for alterations to a shop front.
- 3.3 **P. A. Reg. Ref. 3512/13:** Permission was granted for repair and replacement works to the roof at No 91 Camden Street subject to conditions.
- 3.4 **P. A. Ref. Ref. 0229/13** is a Section 5 Declaration issued by the planning authority in which it is indicated that certain works at No 91 Camden Street constitute works which are not exempt development
- 3.5 **RL 3218: / P. A. Ref. Ref. 0051/14.** Further to a referral of a Question to the Board, it was decided that Refurbishment and fit out works to the existing retail outlet at the adjoining property, No 91 Camden Street (which is a recorded monument and protected structure) is development and is exempt development. The planning authority had previously decided that the said works did not constitute exempt development. The Board's file is attached.

4. DEVELOPMENT PLAN.

- 4.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is within the area subject to the zoning objective: Z4: *"District Centre – to provide for and improve mixed service facilities"* (Public house and residential uses are permissible.)
- 4.2 According to Appendix 1, section 8.5 Camden Street is identified as one of the traditional market streets some of which area defined by the Z4 zone in the city in respect of which enhancement strategies with a set of mechanisms to underpin the regeneration of the streets are to be prepared. Policy RD 15 provides for regeneration while protecting and building on local market roles of streets close to the city centre such as Camden Street.
- 4.3 No. 92 Camden Street and Nos. 1 and 2 Camden Row are included on the record of protected structures. No 91 Camden Street which immediately adjoins the site is also included on the record of protected structures and is a recorded monument, subject to the provisions of the National Monuments Acts. (SMR DU018-020647) The location is also at the edge of a Zone of Archaeological potential.

- 4.4 Policy Objective FC 27 provides for the preservation of built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the area.
- 4.5 Policy Objective FC 31 provides for the maintenance and enhancement of protected structures including viable contemporary uses.
- 4.6 Policy FC 32 encourages protection of existing or last land use of protected structures.
- 4.7 Section 17.10.1 Provides for interconnection between adjoining properties included on the record of protected structures if the size restrictions of the individual buildings otherwise prohibit sustainable use.

5. THE PLANNING APPLICATION.

- 5.1 The application lodged with the planning authority on 31st August, 2015 indicates proposals for permission extensive renovation and refurbishment works to the existing buildings at No 92 Camden Street, Nos. 1, 2 and 3 Camden Row and a cottage to the rear of No 3 Camden Row. The works are required to enable the applicant to upgrade the public house business and to improve the remainder of the buildings within the site. The project is separated out into three phases comprising the refurbishment and extension to the pub, the upgrading of the elevations and shopfront and finally, implementation of viable long term use to the upper floors, according to the written submission of Nos. 91 and 92”.
- 5.2 At No. 92 Camden Street: Renovation of part of the existing public house to include removal of WC and internal partitions at ground floor level and stairs to first floor toilets at No 1 Camden Row,, strengthening of main staircase at second and third floor levels and renovation of external wall, renovation of gutters rain goods and roofing.
- 5.3 At No 1 and 2 Camden Row: (Apartment at first and second floor level and façade treatment) Removal of existing modern partitions and fabric, retention of historic fabric and provision of new staircase and partitions to form a one bed apartment, removal and replacement of existing pub front at 1 Camden Row preparation of existing opening for new sash window and granite cill, removal of existing door and replacement with a panelled door and frame, cleaning and repointing of historic facing brickwork and granite cills at upper floor levels at No 1 and No 2 Camden Row and newly exposed original brickwork at ground floor level at No 2 Camden Row.
- 5.4 At No 3 Camden Row: Consolidation and strengthening of existing walls; removal of non-original roofs over the front and rear spaces and

replacement with natural slate roofs to match existing roof profile, formation of double height seating space for Ryan's public house in front space; formation of opening in party wall linking No 2 with No 3 Camden Row and insertion of double doors, provision for new WC facilities and circulation space in existing building to the rear for use by the public house, alterations to the existing front façade involving bricking up the existing door opening at ground level; preparation of opening at first floor for a new window; formation of new opening at ground floor to receive a new window, insertion of two new timber sash sliding sash windows and granite window cills; renovation of existing timber gate and wicket door in front façade wall; removal of existing modern render and renovation of original render on external façade; renovation and cleaning of stone guards.

- 5.5 The application includes an accompanying written submission with an appendix containing an appropriate assessment screening report, a report on the "*Conservation Implications on the Alterations and Renovations*" prepared on behalf of the applicant by a conservation architect and a Structural Report on the "*Extension and Material Alterations*" by a Structural and Civil Engineering consultancy.
- 5.6 In the Report of the Conservation Officer a request for additional information is recommended. According to the report, the protected structures are part of the evolving city and the Dutch Billy in combination with a terrace of industrial structures to the rear, (at No 91) have an overriding architectural character. This is because it describes the layering of the city whereby the corner building (No 92) was replaced with a nineteenth century public house. Appropriate use of surviving structures and sensitive minimal interventions to ensure the integrity of the Dutch Billy and appropriate use and of post mediaeval construction would be required. . It is remarked in the report the applicant seeks to intensify development and obtain a larger street frontage and that the conservation objectives and residential provision are a secondary aim.
- 5.7 It is stated that the development proposal is unsatisfactory in that:
- The residential element do not have adequate regard to the architectural character of the terrace of three houses and accommodation in left over space from the bar extension is of poor quality.
 - The extended shopfront would have adverse impact on the streetscape and is incompatible with the earlier construction of 1-3 Camden Row.
 - The works at No 3 Camden Row do not but should allow for clear delineation between the nineteenth eighteenth century structures.

- 5.8 It is also recommended in the report of the conservation officer that the opportunity be taken to conserve, with the benefit of financial incentives from the Living City Initiative, the terrace at Nos. 1-3 Camden Row, forming the architecturally important streetscape with Nos. 4 and 5 Camden Row . It is recommended that the scheme should provide services ancillary to the universal access link building within the footprint of 1 and 3 Camden Row and 4 and 5 Camden Row as live work live units
- 5.9 It is stated in the report that adequate information on the structural capacity of the surviving structures has been made available. There is no concern about removal of internal staircase to the first floor apartment, strengthening of the main staircase and renovation of the external wall and rainwater goods.
- 5.2 The other available **internal technical reports** indicate no objection to the proposed development. There is no report on file from the City Archaeologist The Environmental Heath Office in his report includes recommendations for limitation of hours of operation for the outdoor seating area and for control of noise and for the hours for carrying out of works during construction stage to be limited by condition.

6.0 DECISION OF THE PLANNING AUTHORITY.

- 6.1 By Order dated, 8th April, 2015 the planning authority decided to grant permission for the proposed development subject to six conditions of a standard nature.
- 6.2 Condition 2 contains a requirement that the works be carried out under professional supervision, on site, of an architect or expert with specialised conservation expertise in accordance with the recommendations in "*Architectural Heritage Protection: Guidelines for Planning Authorities*" (DOEHLG 2005)

7.0 FIRST THIRD PARTY APPEAL. MR. DECLAN FITZPATRICK.

- 7.1 An appeal was received from Doyle Kent Planning Consultants on behalf of Mr. Fitzpatrick on 31st August, 2015. The appeal contains an account building history including details on condition and heritage merit and the planning history on the properties within the site and the adjoining property at No 91 Camden Street.
- 7.2 According to the appeal permission should be refused on the same basis as the reasons for refusal of permission for the previous proposal. It is submitted that:
- The current proposal is, in part, similar to the previous unsuccessful proposal for which a main issue was the proposed

inter-linkage between No 91 and 92 Camden Street. According to the Notices, No 91 is not included in the application but part of the curtilage of No 91 on which there are ancillary buildings is incorporated into the application site. These ancillary buildings which were integral to the butcher activity at No 91 are part of the ensemble of the protected structure. The proposed development would remove and therefore fragment the curtilage of No 91. In addition it may have fire safety certificate implications for No 91 by cutting off means of escape. The proposal would limit the future potential of No 91, is piecemeal and contrary to the protection of architectural heritage.

- In incorporating part of the curtilage of No 91 the proposed development would constitute inappropriate expansion to the existing public house which is contrary to section 17.34 of the development plan according to which development of super pubs is to be discouraged. There is potential for the proposed development to have adverse effect on the future use and conservation of No 91 the curtilage of which is to be reduced...
- There is uncertainty in the application as to the upper floors of No 92 Camden Street which is not good practice in large scale renovation an extension to a protected structure.
- There is potential for nuisance and noise disturbance from the proposed outdoor seating. Stringent restrictions should be imposed with regard to the nature, hours of use and noise.

8. SECOND THIRD PARTY APPEAL. ARCTICOM Ltd.

8.1 An appeal was received from Manahan Planners on behalf of Arcticom Ltd on 31st August, 2015. According to the appeal, the appellant acquired No 91 Camden Street from Mr Ronnie Moorland who resided and operated a butcher's business at the premises and had an abattoir at the rear opening onto Camden Lane. It is stated that No 92 was a completely separate and long established licensed premises. The appeal contains an account of the planning history and it is submitted that the current proposal does not, a purported, scale back the previous unsuccessful proposal. (PL 29s 244603/P. A. Reg. Ref. 3885/14 refers.)

8.2 According to the appeal:

- The application site spills over into the appellant's property at the rear and the appellant has not given consent to the application. Therefore the applicant had insufficient legal interest in the entirety of the site when the application was lodged. The validity of the previous application was questioned and the validity of the current application is also flawed and open to challenge.

- It is proposed to amalgamate and integrate separate and distinct historic buildings complexes No 91 and No 92 which stood as distinct plots since the early mid eighteenth century. No 91 has considerably more cultural significance than No 92 which was transformed into a public house during the Victorian period. No. 91 retained its Georgian character and fabric and the annexes at the rear of 91, their functions and the manner in which there is connection to Camden Row developed has been accommodated over the centuries and evidence of the former use and occupation as a residence is intact. Nos. 1-3 Camden Row are a distinct group of buildings pre-dating the Victorian pub that should be treated in a distinctive manner with inextricable linkage to No 91.
- The proposed series of openings between the properties will amount to an irreversible merging of the properties over time. The plot amalgamation and interventions to and loss of fabric are unnecessary and inappropriate.
- Disassembly and relocation of the fittings and beams of the abattoir at No 3 Camden Row to the pub front room of the pub and transformation of the abattoir to toilets is inappropriate and unimaginative.
- There is uncertainty over the archaeological impact: No 91 being a recorded monument where subsurface works would be likely to be required for the provision of services and toilets at Nos. 1 - 3 Camden Row. An earlier mediaeval church is approximately fifty metres from the site (DU019-0200078-)
- The conservation officer's concerns about the safeguarding of the important Dutch Billy, (No 91), about the redundancy of the upper floors that are unoccupied and lack of adequate regard of the proposed residential element for the original architectural character of the adjoining terrace of three historic houses and that of the impact of the extended shopfront on the historic streetscape were dismissed by the planning officer. Extracts from the conservation officer's report on the significant delineation of the eighteenth and nineteenth century structures; the opportunity to conserve the surviving character and footprint of No 3 Camden Row and to the suitability of the architectural important Camden Row and adjoining properties for development as live work units for which financial incentives can be availed of through the Living City Initiative. The Conservation Officer's concerns are valid but were dismissed by the planning officer.

9 RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY.

- 9.1 In a submission from the planning officer dated 22nd September, 2015 it is stated that that further to review of the documentation on file, the planning authority is satisfied with the decision to grant permission subject to conditions and requests that the decision be upheld.

10. RESPONSE TO THE APPEAL BY THE APPLICANT.

- 10.1 A submission in response to the two third party appeals was received from the John Spain Associates on behalf of the applicant on their own behalf on 29th September, 2015. Supplementing the submission in appendices 3 and 4 are a letter from the applicant's solicitor and a statement by the applicant's conservation architect. In the submission it is stated that it is the applicant's intention to continue to run and to consolidate a public house business and, that refurbishment is required for modern day requirements. It includes a detailed description of a phase development strategy as the means of approach of the project. The project has three phases the first of which is the refurbishment and the extension. The second phase is the proposed upgrade to the elevations, restoration of the shopfront in accordance with good conservation practice. The third page is identifying and securing appropriate viable long term uses on the upper floors of Nos. 91 and 92. (The consolidation of the public house enables the applicant to pursue the improvement of the other buildings and upper floors.) The current application is for the first phase but includes minor works to the upper floors, Nos. 1 and 2 Camden Row and the elevations of Nos 1-3 Camden Row.
- 10.2 The submission includes a detailed account of the proposed refurbishment work and the extension (Phase 1 which comprise the current application.)
- 10.3 It is submitted that:
- The applicant has freehold interest in No 91 Camden Street but it is not included in the current application and the applicant was not involved in any works to No 91, authorised or unauthorised. The former cottage included within the site is not part of the curtilage of No 91 Camden Street and is described in the notices as an existing building to the rear of Nos. 2 and 2 Camden Row.
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 - The applicant seeks refurbishment and repair of the buildings to meet operational requirements and good estate management, and long term vitality and viability
 - There are significant conservation benefits in ensuring active use, viability maintenance, conservation and enhancement of the appearance of the buildings.

- The development does not require significant development or excavation or construction works that potentially impact on archaeology but the applicant is willing to accept an archaeological monitoring condition.
- The proposal is not a “super-pub” and is not in conflict with section 17.34 of the development plan. It is a modest twenty two metre square extension to a long standing public house and at No 3 and outdoor door seating with an area of fifteen square metres. Disturbance and noise are not adequately assessed at application stage. Condition No 3 attached to the planning authority decision controls hours and noise and the applicant accepts these requirements. The development will discourage customers from using the footpaths outside the pub for smoking and overcome concerns about obstruction raised by An Garda Síochána with the applicants.
- The proposed development can make an important contribution to the enhancement of Camden Street which is one of the market streets for which according to section 8.5 of the development plan enhancement strategies to underpin regeneration are to be prepared.
- The development plan policy objectives FC 26, FC 27, 31, 32 and FC41 and the recommendations in Section 17.10 including paras. 17.10.2 and 17.10.8.1 regarding curtilage and regarding conservation areas have been taken into account in preparing the application, phase one allowing for consolidation of the viability of the business and long term use of the properties. The proposal will have beneficial impact on the buildings and the character and appearance of the surrounding area as demonstrated by the conservation report included in the application.
- Careful consideration was given to use of No 3 Camden Row in association with the public house. The heritage as an abattoir is retained and appreciated
- Care was taken not to amalgamate the plots of Nos. 91 and 92. No 1 and 2 Camden Row already form part of the public house and No 3 is a storage area. And all three are interconnected. The upgrade will positively contribute to the preservation of built heritage.
- The building to the rear of Nos. 2 and 3 Camden Row are accessed via No 3 Camden Row and is physically connected to the rear of No 2 and No 3 and the shed storage structure at the rear of No 3 Camden Row.

10.4 According to the letter from John O'Connor and Co., Solicitors, the applicant is the free hold owner of Nos. 91 and 92 Camden Street and Nos. 1, 2 and 3 Camden Row. The applicant bought the freehold title to No 91 on foot of a contract of sale on 29th July, 2013 and the sale closed in January 2014. The occupant of No 91 Camden Street has a thirty five lease that expires on 2nd November, 2015. A letter was issued to the solicitors for the occupants in which it was confirmed that the applicant had decided not to renew the lease.

10.5 According to the supplementary submission of the conservation architect:

- A conservation strategy with a set of objectives was prepared in consultation with the Conservation officer. This strategy links No 3 Camden Row with the pub. It enables the integrity of No 91 to remain intact and for the heritage of the abattoir to be retained and appreciated.
- Developing the building for residential use would have resulted in loss of the heritage in the setting. The improvements for the residential unit and facades re-echo the original architectural character of the terrace positively.
- There is provision for: (1) protection of the character of the public house and link building on Camden Row by retaining and renovating historic fabric and modernising services and facilities through best conservation practice; (2) Retaining the historic fabric at No 1 and 2 Camden Row and upgrade the residential accommodation – by retaining historic fabric while upgrading the residential accommodation and improving the facade through best conservation practice and, (3) Retaining historic fabric at No 3 Camden Row by structural stabilisation and renovation of the front and rear and amalgamation with the pub in accordance with best conservation practice. The abattoir fittings and fixtures are to be retained and displayed in the pub. Toilet and service requirements of the pub are to be located in the rear part of the building following stabilisation works. The front facades of Nos.1-3 Camden Row will be improved.

10.6 It is requested that the decision of the planning authority to grant permission be upheld and that the appeals be rejected.

11. EVALUATION

11.1 This is a revised proposal, the planning authority's decision to refuse permission for the previous proposal having recently been upheld following appeal. In the current proposal the main building at No 91 Camden Street Lower (exclusive of the ancillary buildings to the rear

which have access onto Camden Row) has been omitted from the application. However in other respects the current proposal is relatively similar to the previous proposal.

11.3 Having regard to the appeals the planning and architectural and archaeological heritage issues which are inter-related and other issues considered central to the determination of a decision are:

- Architectural heritage impact,
- Archaeological heritage impact,
- Urban Regeneration.
- Intensity and nature of use and,
- Impact on amenity of the proposed outdoor seating area.
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11.3 There is overlap in many of the issues raised in the two third party appeals. At the outset, for clarification purposes, the question of legal interests which has been raised in the appeals is addressed first below in paras 1.4 and 11.5.

11.4 **Legal Interest:**

It is considered that the details provided by the applicant's solicitor with the response to the appeal satisfactorily demonstrates that the applicant has sufficient legal interest in the properties at No 91 and No 92 Camden Street Lower, the ancillary buildings to the rear of No 91 and Nos. 1, 2 and 3 Camden Row to enable him to implement the proposed development if it is permitted. It is explained in this documentation that the applicant has freehold interest in the property at No 91 and that the occupant held a thirty five lease with an expiry date of 2nd November, 2015. It is also stated that the occupant's solicitor was advised in 2013 the occupant that the applicant does not intend to agree to any renewal of this lease.

11.5 With regard to the descriptions in the notices, additional details as on the position of the entirety of the structures subject of the application relative to the main building at No 91 Camden Street could have been included. However the description would appear to be sufficient. It would be necessary for the parties to resolve any question of further dispute as to the validity of the application through the legal system.

11.6 **Architectural heritage impact:**

The distinction between the significance and unique special architectural heritage interest of No 91, (also a recorded monument) and that of No 92 is acknowledged in the submissions on file and is clearly discussed in the reports of the Conservation Officer and in the report of the Department of Arts, Heritage and the Gaeltacht on the previous proposal. (The files available and PL 244603/P.A .Reg. Ref.2885/14 refer.) which are available. The layering of the city's development at this

location is distinct in that the public house at No 92 is an imposing nineteenth century building which replaced an earlier building on the site. In contrast, No 91 a surviving Dutch Billy with ancillary industrial buildings, in a row, passageway with access onto Camden Row is a separate, distinct intact complex and curtilage and they appear to be shown on Roque's map.

- 11.7 The applicant seeks to address the range of concerns that arose in the previous proposal as to the merging of the two distinct and independent protected structures into an interdependent entity. The current proposal does not include any proposals for the main building at No 91 Camden Street which it has been established is in the applicant's ownership. However the proposals for the other structures within the appeal site are similar to those indicated in the previous application.
- 11.8 Concerns as to severance of historic curtilage are not overcome in the current proposal. At the rear of the main building at No 91 there is a passageway along the southern boundary as far as the ancillary structures at the rear of Nos. 2 and 3 Camden Row through which there access onto Camden Row. The proposal amalgamates the ancillary buildings to the rear of No 91, an intact former butcher's premises incorporating the abattoir along with No 3 Camden Row into the adjoining public house development at No 92 and Nos. 1 and 2 Camden Row. In effect, the curtilage of No 91 would be subdivided with part of the curtilage being incorporated into an extended curtilage for No 92. In addition the passageway and secondary access to Camden Row along the southern boundary of No 91 its ancillary structures would be obstructed. As mentioned in one of the appeals, this is also a means of escape, in case of fire from No 91 is not addressed in the application.
- 11.9 In addition to the severance of the historic curtilage of No 91 the integrity of the ancillary structures and of their role in the former butcher's operation would be lost through the proposed use in connection with the public house operation at No 92. This would be exacerbated by the proposed removal of the abattoir fittings and features, intact elements, from the former abattoir within the ensemble of buildings that comprise the protected structure at No 91 and their display in a totally unrelated area in the front lounge area of No 92 which is considered to be unwarranted and contrary to good conservation practice in this instance.
- 11.10 The applicant seeks to demonstrate in the application and appeal submissions that the proposed stabilisation works are beneficial in that they would address the consequences of prior inappropriate interventions and contribute to the survival and use of historic fabric. While this is fully acknowledged it is not accepted as a means of justification for the proposed development in entirety.

11.11 The applicant's proposals for the repair and upgrade of the facades and replacement of the shopfront in principle is acceptable subject to the carrying out of investigative works to establish the presence of any previous shopfront material of earlier construction.. As indicated in the conservation officer's report the further extension of the shopfront along Camden Row and new openings to facilitate the public house extension outdoor area and residential unit overhead are not acceptable. Such measures, notwithstanding the commitment to investigative works would be contrary to the retention of the distinct characteristics and integrity of the terrace of buildings on Camden Row.

11.12 Archaeological Impact.

No 91 is a recorded monument (DU018-020647) and the site location is in close proximity to site of St Kevin's Church, an earlier mediaeval church (DU019-0200078) and at the edge of the zone of archaeological interest in the old city. It is noted that no observations of the City Archaeologist or the Department of Arts, Heritage and the Gaeltacht, (National Monuments Service) are available in connection with the current or previous proposals. The site location is archaeologically sensitive and although it is noted that major subsurface works would not be involved in the proposed development an archaeological impact assessment report for review by the City Archaeologist prior to determination of a decision may be warranted in order to establish potential implications. It is noted that the applicant in the response to the appeal has indicated a willingness to accept an archaeological monitoring condition.

11.13 Urban Regeneration.

There is a clearly identified opportunity, as indicated in the report of the conservation officer for the scope of the appeal site property and the adjoining site to contribute to the regeneration, vitality and viability of the area. The conservation officer in particular refers to scope for residential development on upper floors and or live work units along Camden Row. She also refers to the incentives facilitating appropriate development are available through the Living City Scheme whereby some opportunities for tax relief are available. Camden Street is one of the market streets for which according to section 8.5 of the development plan enhancement strategies to underpin regeneration are to be prepared.

11.14 The statement in the applicant's response to the appeals that the consolidation of the public house business allows for incremental improvement of the other buildings on the site including the upper floors is noted. However it is considered that in the absence of more comprehensive details in entirety as to identification of possible future uses and proposals for their implementation, certainty as to effective long term viability of the structures and their role in a future enhancement strategy provided for in section 8.5 of the development plan for cannot be established. Similarly, concern as to constraint on the potential scope for the adjoining property at No 91 in any future

enhancement strategy may arise having regard to the proposals relating to the structures at the rear, the site curtilage and linkage to Camden Row.

11.15 Nature and Intensity of the Development.

Although the applicant has indicated a phased approach to the proposed consolidation of the public house operation and to the future development of the buildings on the appeal site, there is insufficient information on which adjudication as to the nature and intensity of development in entirety can be considered. It is not accepted that the current proposal within the application on a stand-alone basis would constitute a super-pub or over development although it provides for some expansion and an upgrade of the public house facilities. It would be necessary for information to be available in relation to the entirety of the space within the appeal site in order to establish the impact of range, nature and intensity of use on the proper planning and sustainable development of the area having regard to the various objectives and designations relating to the site location.

11.16 The proposed apartment unit would have limitations in terms of attainable amenity for the future occupants. It lacks private open space provision, has a single northward facing aspect. It is unclear as to the possible future adjoining upper floor uses. In the absence of any detail to the contrary it is to be assumed that it is intended for use as an independent dwelling which is not associated with the of the public house activity. It is considered that the potential attainable residential amenity for future occupants is substandard and unacceptable, taking into account current development plan standards.

12 APPROPRIATE ASSESSMENT SCREENING.

The application site is within two to five kilometres of the South Dublin Bay SAC (site code 0210), South Dublin Bay and Tolka Estuary EPA (site Code 4024)

12.1 The conservation objective is to maintain or restore the favourable conservation status of the Annex habitats species for the European sites. The proposed development is for alterations and an extension to the public house involving some rearrangement to sanitary services. Wastewater is to be discharged through the public system to Ringsend Treatment Plant for treatment and disposal the impact on the loading on which or consequent nutrients in receiving waters would be negligible.

12.2 The site location is also within ten to fifteen kilometres North Dublin Bay SAC (site Code 0206), Baldoyle Bay SAC (site code 0199), Baldoyle Bay SPA (site Code 4016) and Poulaphouca Reservoir SPA (Site Code 4063). the proposed project will have no material effect on these sites.

12.3 It is concluded that Stage 2 appropriate assessment is not required as the project has been screened as a result of which it has been concluded that having regard to the nature, scale and location of the proposed development the proposed development would not be likely to have significant effect, individually or in combination with other plans and projects on European sites.

13. CONCLUSION AND RECOMMENDATION.

13.1 On the basis of the foregoing it is recommended the planning authority decision be overturned and the appeals upheld. It is therefore recommended that permission be refused on the basis of similar reasoning to refusal of permission following appeal for the previous application. A draft order to this effect is set out overleaf.

13.2 The Board may also wish to draw the attention of the parties to the following matters when it issues a decision. There is cause for concern as to whether it can be determined whether the proposed development would satisfy policies and objectives for regeneration and enhancement of the market streets provided for in the Dublin City Development Plan 2011-2017. This concern arises because of the lack of information as to possible future proposals for the upper floors, the unsatisfactory standard of residential amenity potential of the proposed apartment and, lack of information as to possible future proposals for the adjoining property in the applicant's ownership at No 91 gives rise to concern. It is considered that on the basis of the information available, the Board may not be in a position to satisfy itself that the proposed development would not be in conflict with the development plan policies and objectives for regeneration and for the enhancement strategies to be prepared. The Board may wish to draw attention to this concern in conjunction with the decision.

13.3 In addition, the current proposal gives rise to a similar concern with regard to justification for the the proposals for repair and alterations to exterior of No 92 and the buildings on Camden Row. The applicant's attention in this regard could be drawn to the observations and recommendations in the report of the Department of Arts, Heritage and the Gaeltacht (Architectural Advisory Section) on of 6th February 2015 on the previous proposal. PL 244602/ P. A. 3885/14 refers)

13.4 It also appears that the archaeological considerations have not been addressed and that the observations and recommendations of the City Archaeologist are not available. Although limited subsurface works would be involved, owing to the archaeological sensitivity of the site location and the existing structures it is considered that this matter should be addressed prior to the determination of a decision. The applicant has indicated a willingness to accept a monitoring condition.

- 13.5 Note: In the event that permission is granted, a section 49 Development Contribution Condition, in respect of Metro North should be attached as the site location comes within the area to which the Section 49 Supplementary Development Contribution Scheme applies.

DECISION

Refuse Permission on the basis of the Reasons and Considerations set out below.

Having regard to the proposed amalgamation of the existing public house with No 3 Camden Row and the ancillary buildings to the rear of Nos. 2 and 3 Camden Row and No 91 Camden Street (a protected structure and recorded monument) and the proposed interventions to historic fabric entailing partial demolition and removal of features and fixtures from the ancillary buildings to No 91 Camden Street it is considered that the proposed development would sever the historic plot and ensemble of buildings at No 91 Camden Street and would diminish the legibility and special character of the two distinct protected structures at No 91 and at No 92 Camden Street Lower. The proposed development would therefore be seriously injurious to the integrity, character and special interests of the protected structure at No 91 Camden Street Lower and would be contrary to the proper planning and development of the area.

Jane Dennehy,
Senior Planning Inspector.
20th November, 2015.