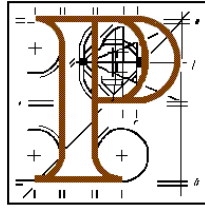


An Bord Pleanála



Inspector's Report

PL29N. 245869

DEVELOPMENT: A building with a shop and offices

ADDRESS: Nos. 60 and 61 Abbey Street, Dublin 1

PLANNING APPLICATION

Planning Authority: Dublin City Council

Planning Authority Reg. No.: 2755/15

Applicant: Francis Ennis

Application Type: Permission

Planning Authority Decision: Grant permission subject to conditions

APPEAL

Appellants:
1. An Taisce
2. Francis Ennis

Type of Appeal: 3rd party vs. grant & 1st party vs. condition

Observers: None

DATE OF SITE INSPECTION: 16th March 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a third party appeal against a decision of Dublin City Council to grant permission for a commercial building in the city centre, and a first party appeal against a condition attached thereto.

2.0 SITE

- 2.1 The site is in Dublin's city centre. It consists of the curtilage of two terraced buildings that front onto Middle Abbey Street – numbers 60 and 61 – which extend to the secondary street along North Lotts to the rear. The stated area of the site is 461m². Both of the terraced buildings contain four storeys over basement, with a parapet height of c14.8m over the footpath along Abbey Street. Their ground floors have been amalgamated to accommodate a print shop which also occupies a single storey return that runs to North Lotts. The building at No. 61 has been dated to the 1940s, that at No. 60 to the 18th century. A tailor's shop occupied the first floor of the building at No. 61. No other uses were apparent in the building from an external inspection. The survey submitted by the applicant states that the third floor of No. 60 has been laid out as a flat. The adjoining site to the west is occupied by a hotel, with a restaurant at ground floor level. The building to the east at No. 62 has a travel agency on the ground floor, but no apparent uses on the upper floors. The terrace along the southern side of Middle Abbey Street is relatively uniform with respect to the height and width of the buildings, but there is significant variation in their detailed design and apparent age. The

3.0 PROPOSAL

- 3.1 It is proposed to redevelop the site to provide 2,509m² of floorspace over 6 storeys. The basement and ground floor would be used for retail, while the third, fourth and fifth floors would be used as offices. The first floor might be used for either. The new building would have a parapet height of c14.8m at Abbey Street, with the fourth and fifth floors set back by 4m from the front of the property. The maximum height of the building would be c21.3m over the street level of Abbey Street. The parapet of the elevation onto North Lotts would be c14.9m over street level. The elevation onto Middle Abbey Street would have a brick façade at the front of No 60 with similar proportions to the existing façade there, while the granite cornices and frieze of the shopfront across Nos 60 and 61 would be retained. Otherwise the front elevation would be mainly glazed, with the front of the first, second and third floors at No 61 set back c1.2m from the building line. The rear elevation onto North Lotts would contain glass and stone elements. The side elevations would be finished in brick up to the third floor, and metal cladding for the fourth and fifth floors. A proposed projecting lift shaft was omitted from the drawings submitted to the planning authority as further information.

4.0 POLICY

- 4.1 The Dublin City Development Plan 2011-2017 applies. The site is zoned under objective Z5 which is 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Retail and office uses are permissible under that zoning. The site is within the core retail area on a category 1 shopping street, according to chapter 10 of the plan. An architectural conservation area is designated for O'Connell Street and its environs c900m to the east of the site.
- 4.2 Section 7.2.5.1 of the plan says that the retention, rehabilitation and reuse of old buildings can play a pivotal role in the sustainable development of the city. Policy FC27 is to seek the preservation of the built heritage of the city. Policy SC30 is to promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures. Section 16.1.3 of the plan says that building frontages should provide appropriate enclosure to streets that have consistent heights relative to existing buildings and their plan form should prioritise the provision of a consistent building line, giving enclosure to the street or space. Section 16.1.11 says that, to minimise the waste of embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build. Section 17 of the plan sets a maximum height for buildings in this area of 7 storeys for office use, and that all proposed buildings will be assessed against the qualitative and quantitative standards set out in the development plan, including those addressing local character.

5.0 HISTORY

- 5.1 No previous planning applications on this site were mentioned by the parties.

6.0 DECISION

- 6.1 The planning authority decided to grant permission subject to 17 conditions.

Condition no. 2 was –

The development shall be revised as follows:

a) The proposed fifth floor shall be omitted from the proposal.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:

Reason: *In the interests of orderly development and visual amenity.*

7.0 REPORTS TO THE PLANNING AUTHORITY

- 7.1 Railway Procurement Agency – The agency has no objection to the development, but the construction would have to be managed to avoid interfering with the Luas red line. A contribution for Metro North should be sought under the relevant supplementary contribution scheme.
- 7.2 Planner's report – The proposed uses are acceptable under the zoning and the designation of Middle Abbey Street as a category 1 shopping street within the retail core by the development plan. The buildings are already amalgamated on the ground floor and the amalgamation of the upper floors may be deemed acceptable, but details are required of their interiors. The most challenging aspect is the proposal for two extra storeys, which would be an incongruous element that would detract from the historic streetscape. It was recommended that further information be sought regarding the interior of the buildings and a full visual assessment from the street. The subsequent planner's report stated that the extra two storeys would be highly visible in close views from across the street. It recommended that permission be granted with a condition omitting one of the extra storeys.

8.0 GROUNDS OF APPEAL

- 8.1 The grounds of the third party appeal by An Taisce can be summarised as follows-
- The proposed development would be contrary to policy FC27 of the development plan, as well as the Z5 zoning of the site, because it would involve the demolition of a good quality building from the 1940s as well as the internal demolition and refacing of a building from the 18th century. This demolition has not been justified and would be contrary to paragraphs 16.1.11 and 7.2.5.1 of the development plan. A revised proposal should be formulated based on the repair and upgrading of the historic fabric.
 - The building at No. 60 is an 18th century shop house with early or original redbrick elevation whose historic floorplan survives, as well as significant joinery and plaster elements on upper floors and is one of the few surviving pre-1900 structures on Abbey Street. No. 61 is a 1940s infill building with a stripped classical style that was picked up by the design of the newer Arnotts building across the road. The buildings are part of the setting of the ACA on O'Connell Street. It is plausible that it replaced a building damaged in 1916 and so it would be ironic if permission to develop the site was granted this year.
 - The setback of the glazed facade of the proposed new building at No. 61 at first, second and third floor level would be a bizarre and unprecedented

changes to the streetscape and this extraordinary change to its enclosure is not justified. The proposed glazed façade is inconsistent with the solidity of the walling that defines the character of Middle Abbey Street.

8.2 The grounds of the first party appeal can be summarised as follows-

- The appeal is against condition no. 2 of the planning authority's decision which omits the proposed fifth floor. The proposal submitted at further information stage is the most appropriate form of development for the site.
- The site is in the inner city and represents a prime regeneration opportunity on the Luas line where the proposed height is appropriate. The immediate area is characterised by 4 to 5 storey buildings but there are examples of 6 and 7 storey buildings. The permission granted for the Arnotts site under Reg. ref. 5170/06, PL29N.224640 essentially provided for heights of up to 7 storeys.
- The fourth and fifth floors of the proposed development would be set back from Middle Abbey Street and North Lotts and would not overbear the historic streetscape. The development would provide retail and office accommodation for which a demand exists. A grant of permission should reflect the alternative proposals to provide either use at first floor level. The façade of No. 60 would remain largely unchanged with a new brick façade with the same proportions and bond as the existing.
- The course of the application with the planning authority was described. The applicant considers that the further information properly addressed the matters raised by the authority's request, including an internal survey and the omission of the overrun of the lift shaft at roof level. The submitted photomontages clearly showed that the proposal would not detract from adjoining buildings, in particular views 1 and 4, and would have no impact on key views along Middle Abbey Street. The proposed fourth and fifth floors assimilate well into the streetscape and have no impact on adjoining buildings, due to their setback from the front façade. The planning authority was satisfied that no impact would occur in long range views. Photomontages of closer views, Nos 2 and 3, have been submitted by the applicant. These views would be experienced as transient by those using the street. The parapet line along Middle Abbey Street is undulating. The salient aspects of the proposed development that would be visible from the public footpath are in keeping with the established scale of adjacent buildings. The comparative upstand and glazed detailing of the new design would render its visual impact innocuous when viewed from vantage points to the east. The glazed detailing presents a quality design that could contribute to the improving the grain of this heavily altered streetscape. The conservation architects appointed by the applicant were of the view that the development would

be visually unobtrusive and appropriate to the streetscape in terms of scale and massing. So the assertion by the planning authority that the building height is inappropriate is unfounded. The proposed development would not be overbearing or visually obtrusive

- The proposed uses, in particular the active ground floor use of the shop, would be in keeping with the Z5 zoning objective that applies to the site and will sustain the vitality of the city. This was recognised by the planning authority. The proposed height would be comply with the limit of 7 storeys or 19m to 28m set for the city centre by section 17.6.1(ii) of the development plan. The height would be properly integrated into its context by the setback of the top two floor from the Abbey Street façade. The scheme is an innovative approach to the development of a city centre location. Condition no. 2 of the planning authority's condition would see the loss of 257m² of prime city centre office space.

9.0 RESPONSES

9.1 The planning authority's response stated that it had no further comments.

9.2 The applicant's response to the third party appeal can be summarised as follows-

- There is no basis on which to conclude that the buildings were significant for 1916. The previous building at No 61 burned down in the 1940s and was rebuilt then.
- The proposed glazed façade would be a high quality and suitably modern design that did not impose on the overall character of the historic buildings on Middle Abbey Street which had undergone significant change and presents a varied and dynamic streetscape. Good quality modern design like that proposed has the potential to raise the bar and over time to vastly improve the grain of this heavily altered streetscape. The proposed design of No 61 will not impinge on the dignity of the civic design character. The stripped classical style of the existing building at No 61 is not an exemplar of the style or period. The internal plans of the existing buildings are not conducive to the proposed uses. Their internal condition and quality is severely lacking and would require extensive interventions of questionable sustainability. Neither building is a protected structure or in an ACA. The proposed glazing would result in the development being read as a distinct modern intervention with two distinct buildings at Nos 60 and 61.
- The building at No 61 dates from the 1940s and its retention is not an imperative of the proper planning of the area, as the planning authority concluded.

9.3 An Taisce's response to the first party appeal can be summarised as follows-

- Two additional setback storeys here would lead to an incoherent streetscape. Under 29N. 235261 the board refused permission for a redevelopment at No 118-122 Upper Abbey Street due to its impact on the ACA even though that site was further away from the ACA than the current one. Paragraph 16.1.3 of the development plan states that building frontages should provide appropriate enclosure to streets with consistent heights relative to existing buildings. The grounds of the appeal was reiterated, and reference was made to the decision to refuse permission to demolish a non-protected 20th century building under PL29S. 241590.

10.0 ASSESSMENT

10.1 The proposed retail and office uses are permissible under the city centre zoning of the site. It would be in keeping with the retail strategy set out in the development plan. It would increase the vitality of the city centre and would provide accommodation for more shopping and workers in a location served by public transport and other supporting facilities. The proposed and adjoining buildings are in commercial use, so issues of residential amenity have not arisen in the course of the application and appeal. However it is possible that the established use of the upper floors of the neighbouring building to the east is residential. The site is not within an ACA. Nor does it contain protected structures. The height and scale of the proposed building comply with the standards for city centre sites set out in the development plan. So the proposal would not contravene the specific provisions of the plan that apply for new build developments in this area. The architectural design of the proposed building is adequate for a modern building. It would reflect the urban grain and the prevailing building lines along Abbey Street and North Lotts.

10.2 Against this, An Taisce argues that the retention of the existing buildings is desirable. Some of the particular arguments made in this regard are not persuasive. The buildings on the site do not have a historical significance in relation to the Easter Rising. The building at No. 61 would not have the architectural significance of that at No 83 Pembroke Road, so the board's refusal of permission for its demolition under PL29S. 241590 would not provide a useful guide for this case. The proposed building at Nos 118-122 Middle Abbey Street for which the board refused permission under PL29N. 235261 would have been much larger, at 10 storeys, then the one herein proposed and so would have had a much greater potential for intrusion on the ACA at O'Connell Street. However the general point is well made. The city's development plan has provisions that support a presumption in favour of retaining older buildings in the city, including policy FC27 and paragraphs 7.2.5.1, 16.1.3 and 16.1.11.

10.3 So the appeals hinge on an issue of principle rather than detail. If the board considers that this site is suitable for redevelopment with new buildings, then the one proposed in this application would be acceptable. It would comply with the general standards for new buildings in this area while respecting the general characteristics of the streetscape, including its line and parapet height. The two additional storeys of the new building, as well as the greater depth of the side elevations of the lower storeys, would be prominent in several views from the surrounding area. These include the views from along North Lotts and from Abbey Street in front of the site, although not from views at oblique angles along Abbey Street for which the applicant submitted photomontages. While this visual impact would be pronounced in those particular views, it would not necessarily be incongruous for an area whose built form and character was changing, provided suitable materials and finishes were used on the side elevations. If the board follows the approach, then the omission of one storey required by condition no. 2 of the planning authority's decision would not be necessary.

10.4 Nevertheless, I would prefer the position advocated by An Taisce. While the site is outside the ACA at O'Connell Street, it is part of a coherent and historic streetscape that runs from that ACA along this side of Abbey Street. While No 61 is obviously the more historic structure, that at No 60 is also of some interest and it forms a harmonious part of the streetscape and its the enclosure and rhythm which it articulates. The less sympathetic modern intrusions into that streetscape have mostly occurred on the far side of the site from the ACA. So the site could reasonably be regarded as part of the setting of the ACA. The buildings on the site are not obsolete or derelict. It is not considered that their retention would hinder a reasonable intensification in the use of the site, with some refurbishment and additional building to their rear. In these circumstances the proposed removal of two older buildings and their replacement by a large structure of significantly greater height and depth and a modern form and design would be inappropriate. It would detract from the streetscape and the character of the area and contravene the general policies in the development plan to support the retention of the historic built fabric of the city. As such it would be contrary to the proper planning and sustainable development of the area.

11.0 RECOMMENDATION

11.1 I recommend that permission be refused for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

The existing buildings at Nos. 60 and 61 Middle Abbey Street form part of the built heritage of Dublin city and they make a positive contribution to the character, appearance and quality of the local streetscape which is part of the setting of the Architectural Conservation Area at O'Connell Street and its environs. The proposed development would result in the loss of these buildings and their replacement with a structure whose form and scale was not in keeping with those of the historic streetscape and or with the character of the area. It would therefore be contrary to the provisions of the Dublin City Development Plan 2011-2017, in particular policy FC 27, and to the proper planning and sustainable development of the area.

Stephen J. O'Sullivan
16th March 2016