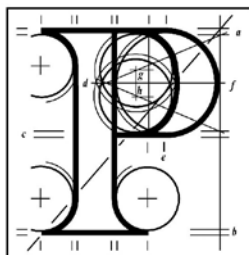


An Bord Pleanála



Inspector's Report

Development: The sub-division of a two-bed duplex dwelling at third and fourth floors into 2 single level one-bed dwellings on each of these floors and the addition of rooflights to the north roof face at 80 Aungier Street, Dublin 2, a protected structure.

Application

Planning authority: Dublin City Council
Planning application reg. no. 2619/16
Applicant: Paul Drennan
Type of application: Retention permission
Planning authority's decision: Refusal

Appeal

Appellant: Paul Drennan
Type of appeal: First party -v- Decision
Observers: None
Date of site visit: 24th August 2016
Inspector: Hugh D. Morrison

Site

The subject building is at 80 Aungier Street, which is located on the west side of this Street in a position adjacent to its junction with Stephen Street Upper and Lower and George's Street Great. This building is a four storey one with additional habitable accommodation in the roofspace. It is a protected structure (RPS ref. 317) and it has been extensively refurbished in recent years.

The building is in use as a restaurant at ground floor level and as apartments on the upper floors. Thus, at first and second floors there are two bed apartments with floorspaces of c. 87 sq m each and at third and fourth floors there are one bed apartments with floorspaces of 73.29 and 46.22 sq m, respectively. To the rear of the first floor there is an area of communal decking and to the rear of the apartment in the roofspace there is a private balcony.

Proposal

The proposal relates to the third and fourth floors of the subject building only (total floorspace 153 sq m).

It seeks the retention of the sub-division of a two-bed duplex on these floors into 2 single level one-bed apartments on each of them. (The total number of apartments in the subject building has risen thereby from 3 to 4).

Additionally, the proposal seeks the retention of Velux rooflights, which have been installed in the north roof face of the building.

Planning authority's decision

Permission was refused for the following reason:

It is considered that the intensification of residential use of this building which does not provide bicycle parking and has no bin storage indicated on the drawings would set an undesirable precedent. The proposed apartment at fourth floor level which is single aspect with minimum floor to ceiling heights and the bedroom which is lit solely by a roof light materially contravenes Section 17.9.1 of the Dublin City Development Plan which states that living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit. The proposed development would not provide an adequate standard of residential amenity for the future occupants of the unit and would thereby be contrary to the proper planning and sustainable development of the area.

Technical reports

- TII: No observations
- Drainage: No objection, subject to conditions

- Conservation Officer: Objects, as per reason for refusal

Grounds of appeal

Attention is drawn to Section 17.9.1 of the CDP, which states that “living rooms and bedrooms shall not be lit solely by roof lights and all habitable rooms must be naturally ventilated and lit.”

- The applicant contends that the bedroom in question is lit by a Velux window set within a vertical plane and so it functions more as a window than a rooflight. Photographs are enclosed which illustrate that this window is openable and that it affords views out.
- Bin and bicycle storage space is provided on the external decked area to the rear of the building. This area is large enough for 4 bicycles to be stored there, i.e. one for each apartment. It was permitted under the parent permission and so it should not be an issue now. Nevertheless, photographs and plans are enclosed which illustrate its presence.

In the light of the foregoing, the planning authority’s reason for refusal cannot be sustained and so the Board is requested to grant retention permission.

Response

The planning authority has not responded to the above grounds of appeal.

Planning history

The upper floors of the building on the site were previously the subject of the following application:

- 2503/00: Refurbishment of existing four storey building to contain 1 one-bed apartment and 2 two-bed apartments over a ground floor retail unit and construction of a new pitched roof to the existing (list 1) building: Permitted subject to conditions, which includes ones that required the retention/refurbishment of existing fittings/features, the retention of windows at second floor level and the fitting of windows at first and third floor levels modelled on these windows, and the use of blue/black slate, clay ridge tiles, and historically profiled cast iron rainwater goods.

Development Plan

Under the Dublin City Development Plan 2011 – 2017 (CDP), the site lies within an area zoned Z5, wherein the objective is “To consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character.” This site also lies within a conservation area and the building on it is a protected structure (RPS ref. 317).

Section 17.10.1 of the CDP addresses works to a protected structure and Section 17.9.1 addresses residential quality standards, including aspect, natural lighting, ventilation and sunlight penetration.

National planning guidelines

- Architectural Heritage Protection
- Sustainable Urban Housing: Design Standards for New Apartments (2015)

Assessment

- (i) Conservation, and
- (ii) Amenity.

(i) Conservation

1.1 Under the CDP, the subject building is a protected structure, which lies within a conservation area. The parent permission (2503/00) to the current application sanctioned this building's refurbishment to provide, amongst other things, a two-bed apartment on the third floor with one of the bedrooms in the roofspace above, i.e. on what is referred to in the current application as the fourth floor.

1.2 Existing and proposed plans (drawing nos. 99134/05 & 06) from 2503/00 illustrate that the refurbishment of the third floor would have entailed the subdivision of the landing to provide a hall and the installation of a bathroom into the front room. A spiral staircase in the rear room would have connected this floor to the one above in the new roofspace that would have been formed to accommodate a bedroom with an en-suite. A glazed door in the rear elevation of this roofspace would have provided access to a balcony. This door would have been accompanied by a full height window and a note indicated that these items would be formed of "selected hardwood double glazed window units".

1.3 The current retention plans show several departures from the aforementioned permitted plans. Thus, on the third floor, the front room has been sub-divided to a greater extent with the insertion of a staircase from the re-arranged landing to the fourth floor, the provision of a bedroom (although "on the ground" two bedrooms have been provided), a circulation space and storage spaces, and a w.c. The coherence of this room has thus been lost. On the fourth floor a one-bed apartment has been provided by means of utilising space underneath the pitched roofs to the front, side, and partially to the rear, as well as underneath the flat roof top. The pitch to the front and rear roof planes has increased from 50 degrees to 55 and the pitch of the side roof plane has increased from 40 degrees to 55. Two roof lights have been inserted in the side, north facing, roof plane and a glazed door and an accompanying window have been installed in the

rear elevation, along with an additional window in the short side elevation that encloses the northern end of the balcony. The roof lights are of conventional design and the joinery of the said door and windows is composed of upvc.

- 1.4 From street level the front and side roof planes are visible from George's Street Great above the corner building at No. 20 Stephen Street Upper. The steepness of the front roof plane is discernible and the presence of the two roof lights is apparent. The openings to the rear balcony are visible, too, from Stephen Street Upper.
- 1.5 The steeper roof pitch contrasts with the gentler roof pitches to the ridged roofs in the vicinity of the subject building. This contrast is now more pronounced than it would have been under the parent permission. The installed roof lights are not of a conservation area standard, as required by Section 17.10.1 of the CDP, and so, instead of being flush with the surface of the surrounding roof plane, they sit proud of it. The openings to the balcony are composed of upvc rather than hardwood, an inappropriate material for a protected structure in which existing windows are now consistently of painted timber joinery.
- 1.6 The description of the proposal refers to the addition of roof lights to the north roof face only. Thus, this application for retention omits to include the aforementioned changes both to roof pitches and the fenestration in the rear elevation. The more pronounced change of roof pitch is to the north facing roof plane, which hosts the roof lights. This pitch has a bearing on my discussion below of the amenity value of these roof lights and so they cannot be fully considered in isolation. The changes to the fenestration to the rear elevation have a bearing on this further discussion of the amenity afforded to the living room and kitchen. If the Board is minded to grant permission, then these items should be explicitly included in an expanded description of the proposal and a further public consultation exercise undertaken.
- 1.7 I conclude that the unauthorised alterations to the third floor serve to obscure the proportions of the imposing front room and the alterations to the roofspace, in terms of steeper roof pitches, the installation of conventional roof lights to the side roof plane, and the specification of upvc openings to the rear elevation, are inappropriate to the subject building, which is a protected building within a conservation area.

(ii) Amenity

- 2.1 The planning authority's draft refusal critiques the proposal on the basis that it entails an intensification of use of the subject building and so issues relating to bicycle parking and bin storage are cited. Likewise, the standard of amenity available in the fourth floor apartment is critiqued on the basis that the

rooflights contravene Section 17.10.1 of the CDP and so this apartment is effectively single aspect with minimum floor to ceiling height.

2.2 The applicant has responded to the foregoing critiques.

- In relation to the first, he draws attention to the external decked area at first floor level to the rear of the subject building, which was authorised under the parent permission. This area provides storage space for bicycles and bins. During my site visit, I inspected the same and, while it was not being used for storage, I could see that it could be so used. Whether, in practise, residents do carry bicycles to this area up and down flights of stairs is an open question. It may be the case that the central location of the subject building means that residents are in a position to walk to where they need to be. I also observed that the resident of the fourth floor apartment was using one end of his balcony to store refuse bags in.
- In relation to the second, the applicant contends that the roof lights are effectively in a vertical rather than a diagonal plane and so they do fulfil the role of windows. During my site visit, I observed that views out of these roof lights are available. They face north and so they admit daylight rather than sunlight and, as they open, they assist with natural ventilation. However, as discussed under my first heading, the steepness of the pitch of the roof plane in question represents a departure from the parent permission. Thus, if this roof pitch was 40 degrees rather than 55, then the views out would be lessened considerably and their amenity value depleted thereby. Additionally, the extent of glazing to the rear elevation of the living room has been reduced slightly from that which was envisaged under the parent permission.

2.3 The amenity afforded by the apartments on the third and fourth floors is influenced by their adherence or otherwise to development standards. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines published in December 2015 sets out such standards, which supersede those cited in the CDP. These Guidelines cite 45 sqm and 73 sqm as the minimum floor areas for one-bed and two-bed apartments, respectfully. As indicated under my first heading, while the third floor apartment is stated as being a one-bed one, in practise, it is being used as a two-bed one. Thus, it would accord with the aforementioned minimum if it were only to be used as a one bed apartment. As it is, it is not compliant. The fourth floor apartment, at 46.22 sqm, would be compliant. These Guidelines also cite 11.4 sqm as the minimum floor area for bedrooms in one-bed apartments and an aggregate of 24.4 sqm in two-bed apartments, i.e. 11.4 + 13. The third floor apartment would have 17.67 sqm of bedroom floorspace, which would comply with the former standard but not the

latter. The fourth floor apartment has a stated bedroom floorspace of 11.4 sqm, which is compliant.

2.4 I conclude that the amenity afforded by the third floor apartment would be satisfactory if it were to be used as a one-bed apartment. As it is being used as a two-bed one it is unsatisfactory. I also conclude that the amenity afforded by the fourth floor apartment would be satisfactory if the new roofspace form were judged to be satisfactory. As it is, this roofspace is not satisfactory on conservation grounds and so the needed remedial measures may have implications for the standard of amenity that could be afforded to a separate apartment at this level.

Conclusion

In the light of my assessment, I have identified several conservation issues with the proposal. Certain of these lie out with the ambit of the description of the proposal and so I do not propose to include them in my reasons and considerations below. While I conclude that the amenity afforded by the one-bed third floor apartment identified in the description would be satisfactory, as “on the ground” this apartment is a two-bed one, the amenity afforded is unsatisfactory. As this application is for retention, I conclude that notwithstanding the description of the proposal, I must address the current use of this apartment and so I do so in my reasons and considerations below.

Recommendation

In the light of my conclusion, I recommend that the sub-division of a two-bed duplex dwelling at third and fourth floors into 2 single level one-bed dwellings on each of these floors and the addition of rooflights to the north roof face at 80 Aungier Street, Dublin 2, a protected structure, be refused.

Reasons and considerations

1. Under the Dublin City Development Plan 2011 – 2017, the subject building is a protected structure that lies within a conservation area. The proposal seeks the retention of internal alterations to the front room of the third floor of this building, alterations which obscure the imposing proportions of this room and so fail to display its historic character. The proposal also seeks the retention of two roof lights in the north facing roof plane which, while visible from street level, are not of a conservation area standard and so they contravene Section 17.10.1 of the Development Plan. Accordingly, these internal and external works adversely affect the character of the subject building as a protected structure and they detract from the visual amenities of the conservation area. To permit their retention would thus be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the description of the proposal for retention, as the third floor apartment is in use as a two-bed apartment rather than a one-bed apartment, the floor area of the bedrooms would both individually and in aggregate fail to comply with the recommended minimum floor areas set out in the Appendix to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and so these Guidelines are being contravened and an unsatisfactory standard of amenity is being afforded to occupiers of this apartment. In these circumstances, to permit the proposal for retention would be contradictory and thus contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison

Inspector

9th September 2016