



An
Bord
Pleanála

Inspector's Report 29N.247261.

Development	Demolition of mews building, construction of a mixed use/storage and residential use comprising 14 no apartments and associated works.
Location	16-19 Rutland Place, Dublin 1.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3217/16.
Applicant(s)	Carroll's Irish Gifts.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	1 st v Refusal
Appellant	Carroll's Irish Gifts.
Observer	The Irish Georgian Society Brendan & Josephine O'Connell NGGS Preservation Society An Taisce
Date of Site Inspection	21 November 2016
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located at 16-19 Rutland Place. Rutland Place is a short street which runs parallel to and between Parnell Sq East and North Great Georges St (NGGS), formerly a laneway which served the rear of the Georgian properties on these streets, and nowadays serves mainly development severed from these properties.
- 1.2. Rutland Place runs in a straight line southeast from Gardiner Row with a right angle bend near its southern end from where it runs south west to Parnell Sq East. The junction with Gardiner Row is each way, the junction with Parnell Sq East is one way exiting to Parnell Sq East. Along the western side of Rutland Place, some of the buildings on Parnell Sq East have extended as far as this street and present a rear/service elevation to this street. In other cases these rear properties are in separate occupancy to those on Parnell St East. Along the east of the road, at the northern end, the side of a hotel, which fronts to Gardiner Row, runs along the street, extending to the end of that plot. Other properties, all formerly the rear of the Georgian properties on NGGS have either low rise 2 storey buildings or in two cases no building at street edge.
- 1.3. Adjoining the subject site to the north there is a two storey building with advertising denoting its occupancy by a radiator service. To the south there is an open yard which is in the same occupancy as the corresponding NGGS property.
- 1.4. The subject site, which was inspected only from the street, is occupied by four, two storey buildings. Three present gable elevations to the street one with a metal clad roof, the others with slated roofs hipped towards the street. One building has a hipped, pitched, slated roof running parallel to the street. From the window openings and roof, this has the appearance of an old building.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing one and two-storey industrial / storage buildings (4 no.) on site and redevelop the entire site in a four storeys high over basement building for mixed use, providing warehousing/storage at ground floor and part of the basement level, together with basement level parking, and residential use in 14 apartments at the upper floors (2 one-bedroomed, 11 two-bedroomed and 1

three-bedroomed) with communal public open space to the rear (north east) at first floor level, 10 balconies to front onto Rutland Place (south-west) and 2 balconies to rear (west), the total building area of 2,864 sq m, with vehicular access to the warehouse and basement residential car parking (via a car lift) from Rutland Place.

2.2. The details include:

the existing buildings to be demolished are:

16 Rutland Place – two storey light industrial, 423 sq m, 100% site coverage, last used as a retail unit for heating apparatus,

17 Rutland Place – two storey storage building, 223 sqm, with rear garden, linked at first floor to no. 16,

18 Rutland Place – two storey storage building, 227 sq m, with rear garden, currently used as retail storage by the applicant,

19 Rutland Place – two storey storage building, 210 sq m, with rear garden, retail storage by applicant, linked to no. 18 at first floor,

total 1,078 sq m.

The proposed warehousing/storage, 980 sq m, is a reduction from the existing floor area.

The apartment sizes are –

- 1 bed – 2 @ 56.3 sq m (2 single aspect)
- 2 bed – 11 ranging from 80.6 to 85.4 sq m
- 3 bed – 1 @ 102.2

100% site coverage sought – upper floors 62%.

Plot ratio 1:3.33

Warehouse use not permitted in principle, but existing.

With the exception of the one bed apt. which is west facing, all units are dual aspect.

Details include:

- Finished in beige coloured stock brick. Four storeys in height, the southern part is 4 storeys at street. The other facade is 3 storeys with a recessed penthouse level in copper finish with a vertical standing seam cladding.
- Windows and doors and screens are in anodised bronze.

- Balconies are stacked vertically within recesses.
- The industrial nature of the ground level is signalled by dark engineering brick, glass block and pre-finished sectional doors. There are two residential entrances in bright colour aluminium cladding.
- Blank southern gable has brick recess.
- Green roof with sedum or similar.
- Rainwater butts will be used to store rainwater for watering.
- Apartments are provided with storage; with storage cubicles also at basement.
- Facilities for waste segregation provided at basement level.
- Parking spaces to be provided at basement, access via a car lift.
- 1 bicycle space per apartment.
- The application is accompanied by photomontages, and shadow diagrams – (the existing situation is not shown to allow for comparison).

3.0 Planning Authority Decision

The Planning Authority decided to refuse planning permission for two reasons:

1 Design, scale and massing would be visually incongruous would not respect the fine grain nature of the historic plot widths and would have a negative impact on the protected structures, contrary to the Dublin City Council Development Plan and the proper planning and development of the area.

2 Substandard level of residential amenity for future occupants by reason of the use of a lightwell to provide daylight to a number of habitable rooms, poor outlook; and balconies overhanding public lane.

The decision to refuse was in accordance with the planning recommendation.

3.1.1. Planning Authority Reports

3.1.2. Planning Report:

- two storey warehousing buildings on the eastern side of the lane and currently occupied by buildings with poor quality and presentation. Rutland Place commercial 1 – 4 storeys, 6 storey at southern end.

History

2027/15 – decision to grant upheld

5227/06 – refused

Policy CDP 2011-2016

QH6

QH15

QH22

17.9.1

17.11

15.8

15.9

The units meet the standards set out in relation to dual aspect provision, the residential amenity/quality afforded by the dual aspect is very much compromised in that the view afforded is to a blank elevation approx. 4-7 metres away over 4 floors. The outlook from a number of units kitchen, living and dining spaces of centrally located apartments would provide for a poor outlook and a substandard form of residential amenity.

Balconies meet minimum standards but those on the front elevation overhang the public lane. The communal space at first floor is 319m² and well in excess of the minimum.

Access and storage acceptable.

Submissions - 4 storeys is an excessive height given the mews nature of the lane, and is overdevelopment and overly dominant.

The PA considers that the proposed development is acceptable subject to good design and having regard to the established character of the surrounding area including the protected structures and conservation area at NGGS.

However the proposal does not adequately address the site characteristics or historic narrow plot widths along the lane; has a very horizontal emphasis and overly dominant treatment of the top floor which is partly set back 1.5m.

The existing buildings along Rutland Place are all significantly lower than buildings on Parnell Sq to the west and NGGS to the east and are of poor quality and repair. The previous inspector's report to the Board is cited. Land fronting Rutland Place is in zone 1; an important policy distinction. PA concurs re relationship with NGGS and Parnell Sq.

The impact on the amenity and setting of the adjoining protected structures needs to be taken into account. Separation distance of 24m is considered acceptable, having regard to the city centre nature of the site.

The scale would have a negative impact on the character and setting of the protected structures on NGGS and appear to be visually overbearing.

A redesign of the scale of the top floor to provide a more lightweight and transparent floor which reads as a setback/penthouse floor would be more appropriate as a transition in scale.

Refusal recommended.

3.1.3. Other Technical Reports

Engineering Dept. Drainage Division - conditions

City Archaeologist – conditions

Roads Streets and Traffic Department, Road Planning Division:

4916/07 - permitted

5277/06 - refused

Rutland Place provides two-way traffic with 1 way vehicular exit onto Parnell Sq. East. It is considered that a car lift can be accommodated on Rutland Place having regard to the low volume of traffic on the roadway. Conditions.

3.2. Prescribed Bodies

TII - no observations

An Taisce – 2/8/2016 – NGGS is a prime street within the internationally significant ensemble of 18th century streets and squares making up the Georgian core of Dublin. Houses are characterised by classically proportioned redbrick facades, fanlit doorways, spacious well-proportioned interiors with good staircases and decorative plasterwork, and smaller ancillary mews or coach buildings to the rear.

S 17.9.14 of DCC CDP cited.

Recent proposal for a 3 storey mews development on Lad Lane to the rear of 6-8 Fitzwilliam Square, D2, was permitted at two storeys.

17.9.14 (d) cited.

The proposed building has not been sufficiently informed by the overall character of the Georgian rear-site setting and lane in terms of its scale, massing, height and design and the CDP guidance on mews developments etc.

3.3. Third Party Observations

Observations were received by the planning authority from the following parties:

Tom & Adelaide McKeown – proposal would seriously compromise the hierarchy of scale shared between the former mews lane and the principal houses and would be a precursor to development in the curtilage of all the protected structures, including partially intact original mews (No 12).

Within curtilage of protected structures; Architectural Heritage Protection Guidelines referenced.

Development should not exceed two stories.

Brendan & Josephine O’Connell –This area of NGGS and Parnell Sq E, together with the street in front and the laneway behind, form the existing architectural and civic design character. Proposals such as are proposed for 16-19 Rutland Place will totally change the setting and character of the existing Georgian houses. The Georgian houses are not just facades. They were built with recognised fine proportions in the facades, rooms hallways and stairs and in their relationship to the other building around them. To the front is a fine wide street with beautiful railings, paving slabs and street lamps. To the rear there is a garden, a mews and a laneway. This layout applies to Parnell Sq E. and they are set an appropriate distance apart. This is the setting in which the existing architecture and civic design is set and this is what should be preserved.

Any proposal should be similar to what is best of what remains of mews building there. The fact that ugly and out of character buildings have been built should not set a precedent.

Agrees with reasons and cites refusal 5227/06 reasons 2 and 3 still apply. Copy attached.

Senator David Norris – concerned with overlooking, building is one storey too high, balconies would overlook his garden. He welcomes development along Rutland Place.

Caulfield Wright Architects on behalf of **Colm & Aidan Deegan** (Radiator Services Ltd) – projecting balconies will oversail vehicular traffic, not shown in section, should be recessed. The walls are from different eras, party wall is in particularly bad condition, predominantly stone with lime mortar, and may be without a foundation, the hearting has been washed out leaving it weak, due to deterioration of the roof flashing to both sides. Construction of 5 storey development on this boundary could have adverse impacts; would welcome clarification re boundary and rainfall collection. Development should retain the vertical rhythm of the existing plots.

Edward & Dorothy Kenny – supporting. It is time that this thoroughfare was developed.

Mr Youngil Loew (on behalf of his organisation FFWPU) – overlooking, owns the freehold of the property behind (19 NGGS). Large buildings changing the nature of the block

North Great George's Street Preservation Society, Michael A Moran Hon Sec, – Development requires the demolition of four partially intact mews/coach houses associated with protected structures. Application doesn't mention protected structures.

Drawings do not indicate the amount of the original 18th century structures still extant; no conservation appraisal.

Mass and height, overbearing, overdevelopment and visually obtrusive.

Basement could cause destabilisation of protected structures.

Tunnels link most of the houses on North Great Georges Street to their mews/coach houses and they have other structures such as wine cellars under their rear gardens, drawings do not show these structures.

CDP policy FC27, FC31.

Design does not reflect existing buildings

No public footpath – safety issues.

Overlooking rear gardens of no's – 16, 17, 18 and 19.

Previous applications for this scale have been refused; precedent.

The association would welcome appropriate development. North Great Georges Street remains the best surviving residential enclave of significant 18th century townhouses of the central Dublin North Georgian Core area.

4.0 **Planning History**

0221/92 – permission refused for the construction of a 3-storey over basement development for use as carpark office showroom light industrial warehouse and storage.

1500/92 - permission granted for a 3-storey over basement development for use as carpark office showroom light industrial warehouse and storage.

PL 29N.221076, PA Reg Ref 5227/06 - 16/17 Rutland Place, Dublin , permission refused for demolition of existing single and two storey light industrial buildings and their replacement by a single apartment block varying in height from two to five storey over basement level; containing 16 apartments (7 x one bedroom units, 6 x two bedroom units, 3 x three bedroom duplex units) with private and communal roof terraces and balconies; car parking, bicycle parking and utility and storage space at basement level; vehicular and pedestrian access to the proposed block from Rutland Place. Refusal Reasons:

1 Deficiencies in the provision of quality and useable private open space, majority of apartments meet only minimum standards in relation to overall floor area and individual room size, sub-standard form of residential development.

Overdevelopment of a restricted site, would seriously injure the residential amenities of property and the amenities of the area and would set a highly undesirable precedent for similar development along Rutland Place.

2. Scale, height, depth and massing, an unacceptable congested form of urban infill, effectively introducing a third line of development, which would have a negative impact on the setting of the Protected Structures on North Great George's Street and set a highly undesirable precedent. Contravene the policies and provisions of the current Dublin City Development Plan (2005-2011) as set out in Sections 15.9.19(a), 15.10.2 and 15.10.4.

PL 29N.226313, PA Reg Ref 4916/07 - 16-17 Rutland Place, planning permission in a modified form granted for development described in the application as: demolition of existing single and two-storey light industrial buildings, construction of a building varying in height from two to five storeys over basement to contain basement car (11) and bicycle (13) parking, residential utility and storage space, residential accommodation at all levels above basement level: comprising 11 apartments, four one bedroom apartments, one two bedroom apartment and six two-bedroom duplexes, each with private terrace, private and communal terraces and balconies at

various levels, pedestrian (via communal courtyard) and vehicular access from Rutland Place; reduced in scale by condition no. 2 which states:

The development shall be amended and reduced in scale as set out hereunder and prior to commencement of development, revised drawings incorporating these modifications shall be submitted to the planning authority for agreement.

(a) Units 3 and 4, as shown on drawing number GAL06-107-011 lodged with the application on the 21st day of August, 2007, shall be omitted from the development and the relevant part of the site shall be incorporated into the communal open space.

(b) The second floor of the main block, containing Unit 6 and the lower part of Units 7 and 8 lodged with the application on the 21st day of August, 2007, shall be omitted from the development.

(c) The proposed third floor (now new second floor) shall be modified by the amalgamation of proposed Units 7 and 8 (upper part) into one residential unit.

Reason: To reduce the scale and extent of the development in order to protect the architectural heritage of the area and the amenity of property in the vicinity.

5.0 The Appeal

5.1. Grounds of Appeal

6.0 EMD Architects, on behalf of the first party have appealed the decision to refuse permission. The grounds includes:

reasons for refusal

Reason 1

Having regard to the design, scale, form and massing of the proposed development, it is considered that the proposed development would be visually incongruous, would not respect the fine grain nature of the historic plot widths of Rutland Place and would have a negative impact on the scale and character of the adjoining protected structures to the rear and the visual amenities of the area. Accordingly, the proposed development would be contrary to the provisions of the Dublin City Council Development Plan 2011-2017 and the proper planning and development of the area.

Reason 2

having regard to the design and layout of the proposed residential scheme, it is considered that the proposed development would result in a substandard level of residential amenity for future occupants, by reason of the use of a lightwell to provide daylight to a number of habitable rooms and the poor outlook afforded by same and the provision of balconies overhanging the public lane. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Re 1 – they examined the relationship with North Great George’s Street, constructed physical scaled models to assess this relationship in three-dimensions, reviewed the previous applications (5227/06 and 4916/07), together with planners reports and inspectors reports for these applications. To assess where these schemes were deemed to be deficient and to gauge what might be considered appropriate. They applied the constraints imposed by DCC CDP in terms of residential design, distances to adjoining buildings and proximity to protected structures, to ensure that the minimum standards were exceeded.

The retail storage utilises the entire site area, and utilises the change in level between the rear gardens of NGGS and Rutland Place. The residential area was determined by site constraints, vertical circulation and floor area requirements.

Distance between proposed and existing windows is in excess of the minimum required.

Two vertical circulation cores were required to ensure private access to each residential unit. Two cut outs were introduced into the rear of the building to reduce the perceived mass and scale. These provide shared access to the rear courtyard, the larger one provides a secondary means of indirect natural light and natural ventilation by way of a lightwell. Cutouts extended full height to create a fragmented rear mass of three elements addressing NGGS, visible from the piano nobile and upper levels of the buildings, which look on a green roof.

Plot widths on Rutland Place were considered on the building facade. The retail storage element is a single volume which cannot be perceived from the street. The facade has four distinct insertions of doors/vehicular doors/engineering brick panels into the beige brick facade, each signalling an original plot.

Within the beige brick piers separating these insertions, there is a recessed brick detail extending from ground to parapet level, becoming open above the roof terrace level. The facade is broken into four elements representing the plots.

Re 2

the purpose of the lightwell is two-fold, to erode the perceived mass when viewed from the rear and to provide a secondary means of indirect natural light and ventilation to units 2, 7 and 12. Living rooms of nos. 2 and 7 face to Rutland Place and no. 12 to the roof terrace, all westerly. These rooms run from front to back with plan depth of 9.3m, without intervening partition or high level screen. The east facing window to the light well is a secondary means of indirect natural light/ventilation. The occupiers would have a sufficient level of residential amenity. Digital dimensions have undertaken a daylight calculation within these rooms, copy attached, and these indicate that daylighting levels would exceed the minimum by 225%.

re balconies – they are willing to revise the design to ensure that the balconies do not project past the building facade and undertake the minor internal layout revisions, while maintaining minimum standards.

6.1. Planning Authority Response

The planning authority response refers the Board to the planning report's.

6.2. Observations

6.3. The Irish Georgian Society

Rutland Place could be enhanced by well designed developments that give due consideration to the area's architectural significance. Any proposal on this site must address the impacts on the houses on the west side of NGGS. At least one of the buildings, that at no 17, appears to constitute a surviving eighteenth century mews structure and they would urge that the others also be investigated. A conservation appraisal should be prepared.

The scale and proximity to NGGS will result in significant loss of amenity, including privacy and overlooking, to the existing protected structures. The quality and significance of these protected structures will be eroded considerably and this may jeopardize the long term sustainability of these houses.

Applicant should demonstrate compliance with 17.9.14 – mews dwellings.

The development does not comply with 17.10.4: an objective to seek to retain the traditional proportionate relationship in scale between buildings, their returns, gardens and mews structures.

It would be a serious and unwelcome precedent for such development in the Georgian core of the city.

6.4. Brendan & Josephine O'Connell

This area of NGGS and Parnell Sq East, together with the street in front, and the laneway behind, form the existing architectural and civic design character. Proposals such as are proposed for 16-19 Rutland Place will totally change the setting and

character of the existing Georgian houses. The Georgian houses are not just facades. They were built with recognised fine proportions in the facades, rooms hallways and stairs and in their relationship to the other building around them. To the front is a fine wide street with beautiful railings, paving slabs and street lamps. To the rear there is a garden, a mews and a laneway. This layout applies to Parnell Sq East and they are set an appropriate distance apart.

This is the setting in which the existing architecture and civic design is set and this is what should be preserved.

Any proposal should be similar to what is best of what remains of mews building there. The fact that ugly and out of character buildings have been built should not set a precedent.

Agrees with reasons and cites refusal 5227/06 reasons 2 and 3 still apply; copy attached.

6.5. NGGS Preservation Society, Michael Moran Hon Sec.

The submission comprises a letter with two attachments – article from Irish Geography 2004, on urban and social evolution as seen from the mews, and copy of letter sent to DCC Planning Dept. re. application. The letter includes:

They agree with refusal – badly designed and substandard accommodation. The necessity and importance of increased density in city centre is acknowledged in planning guidelines and development in mews is no longer confined to two-storey single family units, however apts. are generally confined to 3 storeys with emphasis on quality design: 17.9.14 para b.

Quality architecture is found in mews developments.

Rutland Place is mixed use and overhanging balconies are not appropriate.

There is a lack of adequate survey of the existing mews buildings and their associated sub-terranean structures. The proposal includes a very large basement requiring massive excavation which could compromise the protected structures.

There is a history of subsidence problems on this side of the street. Proposal fails to acknowledge protected structures and curtilage relationship.

6.6. An Taisce

An Taisce supports the decision to refuse.

NGGS is a prime street within the internationally significant ensemble of 18th century streets and squares making up the Georgian core of Dublin. Houses are characterised by classically proportioned redbrick facades, fanlit doorways, spacious well-proportioned interiors with good staircases and decorative plasterwork, and smaller ancillary mews or coach buildings to the rear.

While consolidation of the under-used site to the rear of the street in this location is welcome in principle, particular care and consideration is required in view of the context within the city's Georgian architectural heritage and to protect the amenities and value of these properties, many of which are in residential use.

S 17.9.14 of DCC CDP guidance on mews laneway development, is cited. The depth between the proposed mews and the main house and the four storey height of the proposal does not represent a building that is sufficiently subordinate. It is oversized and over-massed.

17.9.14 (c) is cited; mews lane development in form of terrace is favoured. Recent proposal for a 3 storey mews development on Lad Lane to the rear of 6-8 Fitzwilliam Square, D2, was permitted at two storeys (PA Ref 3684/12).

17.9.14 (d) is cited; building should complement the character of the mews lane and the main building with regard to scale, massing, height, building depth, roof treatment and materials.

The proposed building has not been sufficiently informed by the overall character of the Georgian rear-site setting and lane, in terms of its scale, massing, height and design and the CDP guidance on mews developments and would have adverse effects on the surrounding property and the Georgian heritage.

7.0 Policy Context

7.1. The Dublin City Council Development Plan 2016-2022

The Dublin City Council Development Plan 2016-2022, adopted since the decision was made, is the operative plan. Relevant provisions include:

Rutland Place is zoned Z1 - to protect, provide and improve residential amenities. Within the Z1 zoning residential use is a permissible use.

Warehousing is neither a permissible use or a use which is open for consideration although light industrial is open for consideration.

North Great George's Street and Parnell Square East are zoned Z8: to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.

Mixed use -Acceptable floor to ceiling heights may be specified by the planning authority depending on location and to allow for internal ducting. In all development, measures should be incorporated to effectively control the extraction of fumes / odours. New development to incorporate internal ducting / flues discharging, sound insulation between individual units and in the building envelope. Proposals for sound/acoustic insulation to be submitted with the planning application.

Dublin City Council will actively encourage comprehensive schemes which provide a unified approach to the development of residential mews lanes and where consensus between all property owners has been agreed in advance. This design framework is the preferred alternative to individual development proposals. Mews development will generally be confined to single-family units of two-storey height. In certain circumstances, three storey mews developments incorporating apartments will be acceptable.

Policies:

QH25: To encourage the re-introduction of residential use into the historic areas of the city, where much of the historic fabric remains intact (e.g. the Georgian and Victorian areas), provided development is consistent with the architectural integrity and character of such areas.

CEE23: (iv) To recognise the economic potential of the Georgian quarters whether as visitor attractions or unique places to live or work in, as set out, for example, in “The Future of the South Georgian Core” (Dublin City Council 2012).

CHC1: To seek the preservation of the 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 city.

CHC2: To ensure that the special interest of protected structures is protected.

Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.

The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. These areas require special care in terms of development proposals. Dublin City Council will seek to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards.

CHC4: To protect the special interest and character of all Dublin’s Conservation Areas (11.1.5.4). Development within or affecting all conservation areas will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Development will not:

- 1) Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area
- 2) Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail
- 3) Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
- 4) Harm the setting of a conservation area
- 5) Constitute a visually obtrusive or dominant form

Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of conservation areas and their settings. The council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.

Development outside Conservation Areas can also have an impact on their setting. Where development affects the setting of a Conservation Area, an assessment of its impact on the character and appearance of the area will be required. It should be recognised that this setting can be expansive and development located some distance away can have an impact. Any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City Council will encourage change which enhances the setting of Conservation Areas.

CHC5: To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.

16.10.15 Basements - It is the policy of Dublin City Council to discourage any significant underground or basement development or excavations below ground level

of, or adjacent to, residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures.

Development Standards Apartments

Private Open Space -Minimum areas required:

Studio unit: 4 sq.m.

1-bedroom unit: 5 sq.m

2-bedroom unit: 7 sq.m.

3-bedroom unit: 9 sq.m.

Communal Open Space - Minimum area required:

Studio 4: sq.m.

One bedroom: 5 sq.m.

Two bedroom: 7 sq.m.

Three bedroom: 9 sq.m

7.1. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities

These Guidelines were issued by the Department of the Environment, Community and Local Government in December 2015.

A statutory plan may place a minimum requirement on the proportion of two or three bedroom units, minimum size requirements. Guideline minimum standards are given: 1 bedroom apartment 45 sq.m, 2 bedroom apartment 73 sq.m, 3 bedroom apartment Minimum 90 sq.m, studio apartment 40 sq m.

The requirements in relation to amenity space are stated separately in relation to private amenity space and communal amenity space. In each case a one bedroom apartment requires 5 sq m of space i.e. 5 sq m of private amenity space and 5 sq m of communal amenity space; a two bedroom apartment requires 7 sq m of space in

each case; and a three bedroom apartment requires 9 sq m of space in each case. Private amenity space to be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. Balconies shall adjoin and have a functional relationship with the main living areas of the apartment and have a minimum depth of 1.5 metres in one useable length to meet the minimum floor area requirement.

8.0 **Assessment**

- 8.1. I consider that the issues which arise in relation to this appeal are, impact on the conservation area and protected structures, residential amenities/development standards and appropriate assessment
- 8.2. **Impact on the conservation area and protected structures.**
- 8.3. This area is clearly a mews lane and the development plan states that mews development will generally be confined to two-storey dwellings, but in certain circumstances, three storey apartment developments will be acceptable. However in this area the Board has previously considered the issue of height and scale. Although this is the first appeal in relation to a development on sites comprising 16 to 19 Rutland Place, proposed development at 16-17 Rutland Place has been before the Board on two occasions, (under previous Development Plans).
- 8.4. In the first case (221076) the Board refused planning permission for development comprising demolition of the buildings and construction of 16 apartments, in a building varying in height from 2 to 5 storeys over basement, for two reasons, the first relating to the scale, height, depth and massing, unacceptable infill, 'effectively introducing a third line of development', and negative impact on the setting of the Protected Structures on North Great George's Street; and the second relating to the sub-standard nature of the residential development and deficiencies in the quality and usability of the private open space.
- 8.5. In the second case (226313 file attached) the Board altered by condition, a proposal to demolish the buildings and construct 11 apartments, in a building varying in height from 2 to 5 storeys over basement, in two lines of development, the development at

the street edge varying in depth (due to the shape of the front of the site) from c12.61m at the southern end to 10.9m at the northern end.

Condition no. 2 reads as follows:

The development shall be amended and reduced in scale as set out hereunder and prior to commencement of development, revised drawings incorporating these modifications shall be submitted to the planning authority for agreement.

(a) Units 3 and 4, as shown on drawing number GAL06-107-011 lodged with the application on the 21st day of August, 2007, shall be omitted from the development and the relevant part of the site shall be incorporated into the communal open space.

(b) The second floor of the main block, containing Unit 6 and the lower part of Units 7 and 8 lodged with the application on the 21st day of August, 2007, shall be omitted from the development.

(c) The proposed third floor (now new second floor) shall be modified by the amalgamation of proposed Units 7 and 8 (upper part) into one residential unit.

Reason: To reduce the scale and extent of the development in order to protect the architectural heritage of the area and the amenity of property in the vicinity.

8.6. The decision followed the issuing of a letter under S132 stating that the development as proposed would constitute overdevelopment of the site, and requesting the submission of modified drawings amending the design as follows:

a) Units 3 and 4 are to be omitted and the relevant area incorporated into the communal open space serving the development.

b) One intermediate floor is to be omitted from the main block onto Rutland Place, leaving this block at three floors, plus a set-back penthouse, in height.

8.7. Removing units 3 and 4 would have removed a third line of development. The response to this request, although it removed the third line, increased the depth considerably (from 12.61m to 16.254m at the southern end). In condition no. 2 the Board reverted to the plans submitted with the application, i.e. the shallower depth of development. The parameters set for development at this location, taken from the

development as permitted, are a height of 3 storeys over basement plus a set-back penthouse level, and a building depth of c12.6m.

- 8.8. The subject development is c19m depth measured at a line equivalent the southern end of the previous development (at the southern end of 17 Rutland Place). It therefore extends deeper into the site than the previous proposal which was rejected (by condition) by the Board.
- 8.9. The depth of the proposed development has a number of impacts on the adjoining conservation area and the protected structures at NGGS.

Visual relationship with NGGS conservation area.

- 8.10. NGGS Preservation Society, submission states that this land was developed as part of the development of NGGS to provide rear access to the properties and they are concerned that the quality and significance of these protected structures will be eroded considerably and that this may jeopardize the long term sustainability of these houses. They further state that this is the setting in which the existing architecture and civic design is set which setting should be preserved; and that the development does not comply with 17.10.4 of the Development Plan an objective to seek to retain the traditional proportionate relationship in scale between buildings, their returns, gardens and mews structures.
- 8.11. It is Development Plan policy (CCE23, CHC2, CHC4 and CHC5 of the current Development Plan) to protect the value character and setting of protected structures and to protect the special interest character and setting of Conservation Areas, states that development within or affecting all conservation areas must contribute positively to the character and distinctiveness of such areas and take opportunities to protect and enhance the character and appearance of the area and its setting, and not harm the setting of a conservation area or constitute a visually obtrusive or dominant form.
- 8.12. In my opinion the traditional proportionate relationship in scale between buildings, their returns, gardens and coach houses along the mews lane is an important consideration and I consider that the building depth previously permitted by the Board under PI29N.226313, of 12.6m, is the maximum which should be allowed in this location. I consider that the proposed depth of c19m (measured at the southern end of No. 17 Rutland Place at an equivalent point to the 12.6m measurement in

PI29N.226313) is excessive and that the proposed development would negatively impact, to a significant extent, due to its excessive depth, on the proportionate relationship in scale between the buildings along this mews lane and the main buildings on North Great Georges Street; and that this is a reason to refuse permission.

The residential amenities of properties on NGGS

8.13. A number of observations raise concerns about the impact on the residential amenities of properties on NGGS. The importance of the existing residential uses on NGGS is mentioned.

9.0 The Development Plan policy (QH25 of the current Development Plan) to encourage the re-introduction of residential use into the historic areas of the city, where much of the historic fabric remains intact (e.g. the Georgian and Victorian areas), reinforces the importance of retaining the existing residential use on NGGS and of encouraging further such use. It is therefore particularly important to protect the residential amenities of these properties. Concerns raised by observers include concerns regarding overlooking. The planning authority considers the proposed separation distance of 24m acceptable, having regard to the city centre nature of the site. In my opinion a greater separation distance should be required in the context of development which is higher than two stories. It is also worth noting that most of the separation distance in this case is provided by the rear gardens on NGGS; the distance between the proposed residential development and the rear of the site is only c8.5m.

Impact on protected structures

9.1.1. The proposed development includes a basement which extends over the entire site area. Observers have raised as a concern that the massive excavation which would be required could compromise the protected structures.

9.1.2. It is a policy of the Development Plan (16.10.15 of the current Development Plan) to discourage any significant underground or basement development or excavations below ground level of, or adjacent to, residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures.

- 9.1.3. Observers point out that and the Georgian houses on NGGS have associated subterranean structures and further that there is a history of subsidence problems on this side of the street.
- 9.1.4. In my opinion there has been inadequate site survey and inadequate design details in relation to the excavation and basement construction, for the Board to be satisfied that subterranean structures do not exist either within the site or adjoining and that the proposed development would not negatively impact on protected structures.
- 9.1.5. Observers raise concerns that some of the buildings to be demolished or parts of those buildings may include historic coach houses/mews structures which would be protected as part of the protected structures on NGGS. The Irish Georgian Society state that at least one of the buildings, no 17, appears to constitute a surviving eighteenth century mews structure. From an external site inspection, it can be stated that no 17 has the appearance of an older building. A conservation appraisal of the site is therefore a reasonable requirement in advance of any permission for the demolition of these structures and I consider that the Board would require a report from a Conservation Architect to be satisfied that demolition is appropriate.
- 9.1.6. **Residential Amenities/Development Standards**
- 9.1.7. The second reason for refusal relates to the residential amenities of future occupants that the proposed development would result in substandard development by reason of the use of a lightwell to provide daylight to a number of habitable rooms and the poor outlook afforded by same.
- 9.1.8. The stated reason also regards as substandard development, the use of balconies overhanging the public lane. In relation to the latter aspect the first party in the grounds of appeal state their willingness to revise the design to ensure that the balconies do not project past the building façade, and to undertake the minor internal layout revisions, while maintaining minimum standards.
- 9.1.9. The lightwell varies from 2.1m to 5m width and the planning authority's assessment is that while the units meet the standards in relation to dual aspect provision, the residential amenity/quality afforded by the dual aspect is very much compromised in that the view afforded is to a blank elevation approx. 4-7 metres away over 4 floors; the outlook from a number of units kitchen, living and dining spaces of centrally

located apartments would provide a poor outlook and a substandard form of residential amenity.

9.1.10. The first party states, in relation to the use of lightwells, that:

the purpose of the lightwell is two-fold, to erode the perceived mass when viewed from the rear and to provide a secondary means of indirect natural light and ventilation to units 2, 7 and 12. The living rooms of nos. 2 and 7 face to Rutland Place and no. 12 to the roof terrace, all westerly. These rooms run from front to back with plan depth of 9.3m, without intervening partition or high level screen. The east facing window to the light well is a secondary means of indirect natural light/ventilation. The occupiers would have a sufficient level of residential amenity. Digital dimensions have undertaken a daylight calculation within these rooms, a copy is supplied, and these indicate that daylighting levels would exceed the minimum by 225%.

9.1.11. The depth of the proposed development, referred to earlier in relation to its impact on the conservation area, is such that the outlook from many properties is compromised by windows facing onto the lightwell. The first party response indicates that these windows provide adequate light to the rooms served. The matter at issue is not the adequacy of the natural light but that looking outwards towards high walls at such close proximity gives a poor outlook, such as to provide substandard residential amenity. I accept that an outlook from kitchen, living and dining spaces onto a lightwell would comprise substandard residential amenity, however as pointed out by the first party these windows light open plan spaces, which are not excessively large and each of which has a window towards the street side; and in such circumstances I do not consider that poor outlook is a reason to refuse permission.

9.1.12. The first party states that communal open space is 319 sq m which represents a provision of 5.9sq m per bedspace. This calculation of 319sq m represents the product of 31.765m (site width, given) x 10m depth. The depth of the communal open space is 10m over part of the area, but only 4.3m depth in other areas and 319 sq m therefore appears to include lightwell areas which could not be considered to comprise usable open space. In my opinion the usable communal open space is in the region of 250 sq m which is about 4.6sq m per bedspace. It remains in excess of the minimum requirement (of 96 sq m per the Sustainable Urban Housing: Design

Standards for New Apartments Guidelines for Planning Authorities). Private open space is provided in the form of balconies, and in two cases terraces. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities sets minimum levels of provision which are met in each case. The balcony depths (of 3m in some cases) are in excess of the recommended depth. Further recessing of these balconies to avoid oversailing the laneway will set them further into the shadow of the building. Nevertheless in my opinion the development achieves minimum standards, and therefore the standard of development should not be a reason to refuse permission.

9.1.13. **Appropriate Assessment**

9.1.14. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 **Recommendation**

In accordance with the foregoing it is considered that planning permission should be refused for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to its scale, depth and massing it is considered that the proposed development would result in an unacceptable form of urban infill which would have a negative impact on the proportionate relationship in scale between the buildings along this mews lane and the main buildings on North Great Georges Street and would not reflect the fine grain nature of the historic plot widths, which would have a negative impact on the amenities of the area and on the residential amenities of properties on North Great Georges Street, and would set a highly undesirable precedent for similar developments elsewhere along Rutland Place. The proposed development would thereby materially contravene policies and provisions of the development plan, (QH25, CEE23, CHC2, CHC4, CHC5 and section 16.10.15), which policies and provisions are considered to be reasonable, and be contrary to the proper planning and sustainable development of the area.

Planning Inspector

29th November 2016

Appendices:

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| Appendix | 1 | Map and Photographs |
| Appendix | 2 | Extracts from the Dublin City Council Development Plan 2016 – 2022 |