



An
Bord
Pleanála

Inspector's Report PL 29S 247313

Development	Modifications to previously permitted development under P.A. Reg. Ref.2659/16 to include increases in floor areas of level 4 and level 5 and modifications to the facade.
Location	17-18 Dawson Street, and 39 and 40 Molesworth Street, Dublin 2.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3278/16
Applicant	IPUT Plc.
Type of Application	Permission.
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	An Taisce
Observer	
Date of Site Inspection	January, 2017.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The appeal site is a corner site to the south side of Molesworth Street and north side of St Anne's Church on Dawson Street. It is the site of an office block a major refurbishment of which along with the addition of two floors providing for a six storey building incorporating two set top two floors is nearing completion. The site has a stated are of 0.117 hectares.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 6th July, 2016 indicates proposals for modifications to the development previously permitted under P. A. Reg. Refs. 3384/15 and 2659/16. (See details under s 4 - Planning History.) comprising change to the south and east facades to include reconfiguration and reduction to the size of the window opes, a reduced fourth floor setback on the east façade, realignments to the glazing at the entrances on Molesworth Street and Dawson Street, and an increased size plant enclosure at the basement. At the western side the fourth level is to be extended forward by 1.84 metres and the fifth level 2.88 metres and also to the north by 1.3 metres.
- 2.2. Included with the application are photomontages.

3.0 Planning Authority Decision

3.1. Decision

By order date, 29th September, 2016 the planning authority decided to grant permission subject to five conditions of a standard nature. Condition No 4 contains the requirement for full compliance with the previous grants of permission under P. A. Reg. Refs. 3384/15 and 2659/16 except for the proposed modifications.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning officer confirms in her report that she considered the modifications proposed to be minor in detail and acceptable.

3.2.2. **Prescribed Bodies**

The submission of An Taisce indicated objection to the reduced setback depths at the upper floors due to adverse impact on St. Anne Church and incompatibility with policy objectives FC 30 and SC 7 in the Dublin City Development Plan, 2011-2017.

The submission of Transport Infrastructure Ireland indicates a recommendation for a condition for compliance with the conditions attached to the parent permission in connection with the LUAS works.

4.0 **Planning History**

4.1.1. **P.A. Reg. Ref. 3384/15:** Permission was granted for refurbishments, demolition of the setback fourth and fifth floor setback and construction of new setbacks finished in frameless glass. reconfiguration of the internal layouts for office and retail space, disability access at the entrances and associated works subject to conditions of a standard nature.

4.1.2. **P.A. Reg. Ref. 2659/16:** Permission was granted subject to standard conditions for modifications to the previously permitted development under P. A. Reg. Ref. 3384/15 providing for: Modifications to the south façade and east facades with reconfiguration and reductions in window openings; modification to the east elevation to reduce the setback at the fourth floor facade; modification to the glazing alignment at the entrances on Molesworth and Dawson Streets; Modifications to the glazing profile and, increased size external plant enclosure at basement level.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 which was brought into effect in October, 2016, after the determination of the decision by the planning authority.

5.1.2. The site location is within an area subject to the zoning objective: Z5: to consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity. The location is also adjacent to an Architectural Conservation. St Anne's Church which adjoins the southern boundary is included on the record of protected structures along with several other structures in the area. The Mansion House and Leinster House are identified as Landmarks (figure 16) Policies and Objectives for architectural heritage protection are set out in Chapter 11.

6.0 The Appeal

6.1.1. An appeal was received from An Taisce on 26th September, 2016 in which it is argued that the permitted development under P. A. Reg. Refs. 3384/15 and 2659/16 is appropriate and provides for protection of St Anne's Church and the historic streetscapes of Dawson and Molesworth Streets if three and four storey eighteenth and nineteenth century buildings interspersed with modern buildings which complement their scale grain and character and that the proposed development would have adverse impact on the setting of protected structures including St. Ann's Church having regard to Article 28 (1) (c) (ii) of the Planning and Development Regulations, 2001-2016. According to the appeal:

- The increased volume and mass of the upper floors affects the setting of St Ann's Church, and city landmarks such as the Mansion House and Freemason's Hall, does not protect or conserve the special character and interest of the conservation area or the civic design character of the area. It is in conflict with the South City Retail Quarter ACA (within which the Dawson Street is located) which provides for protection of the typical and regular street pattern and urban grain of narrow plot widths, consistency in heights, important landmarks and protection and enhancement of special historic Georgian streetscapes.
- The existing 1970s structure maintains the scale and streetscapes character of the conservation area and respects the protected structures such as St Ann's 's an important nineteenth century landmark terminating the vista from

South Anne Street and on the approach Leinster House. The existing stepped setbacks avoid crowding on the church and allows views of the towers to prevail. This stepping back of upper floors is an established device for reducing impact of height in sensitive or historic locations and is appropriate at the subject site ensuring a harmonious relationship. The current proposal eliminates this relationship and brings the sixth floor out flush with the fifth floor creating a sheer two storey glazed elevation above the parapet. It is a small change with a very significant impact creating a single mass with heavy volume and weight above the parapet. It has a greater impact on St. Ann's in the streetscape and would be contrary to the Policy FC30 of the Dublin City Development plan which sees to protected structures their curtilage and setting from works that are negative in impact and contrary to Policy SC7 seeks to protect landmarks and their prominence within the Z5 zoned area.

- The step between the two floors is missing or obscured by foliage in the CGI images of the permitted development. The CGI images of the current proposal show the solid volumes above the parapet as more than that in the permitted version. The CGI images are not clearly depicted and clear CGIs are required in the current recently adopted development. plan.

6.1.2. It is concluded that permission be refused due to the increased volume and mass above the parapet and the proximity to Stg Anne's due to adverse impact on the setting, failure to protect and conserve the special interests and character of the Conservation Area, failure to protect the civic design character of the area, existing city landmarks and protected structures. The increase in floor space although small has a large impact that is contrary to the to the proper planning and sustainable development of the area.

6.2. **Applicant Response**

There is no submission from the applicant on file.

6.3. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 Assessment

- 7.1. The issues considered central to the determination of a decision and which can be considered simultaneously are that of impact on the setting and context of St Ann's Church, (a protected structure) and impact on the visual amenities and character of the sensitive historic conservation area in the environs.
- 7.2. The historic streetscape comprises an integration of unique and individual eighteenth and nineteenth century buildings and contemporary commercial development which will include the permitted commercial and retail development under construction on the north side of Molesworth Street opposite the appeal site at 13-17 Dawson Street (PL 244917 refers). While the Mansion House is designated in the current, recently adopted development plan as a landmark, St Ann's is commonly recognised as a landmark and feature of interest within the streetscape of Dawson Streets and environs, especially the tower on approach from the south in streetscape views. In addition, the façade draws interest in terminating the vista on approach along South Ann Street which open towards the tower at the junction with Dawson Street.
- 7.3. Following review of the permitted development and the proposed modifications and a site inspection, it has been concluded that the proposal to reduce the permitted setback and to bring forward the front building line at the top floor westwards toward the Dawson Street frontage cannot be accepted into the streetscape and into the context and setting of St. Ann's Church. In this regard it is noted, notwithstanding the previously permitted height that the proportionate height of the top floor setback levels relative to the lower levels of the proposed block is considerable and significant at circa six metres to fourteen metres. The the height of the top floor alone is four metres. Nevertheless, it is considered that the existing built environs can accept this height and form at the proposed modified setbacks along the Molesworth Street and Molesworth Place frontages.
- 7.4. As stated above, the bringing forward of the top floor element (at circa four metres in height) westwards towards the Dawson Street frontage is unacceptable. While the 200 mm increase in roof level height is not significant, the impact of the top floor element is considerable. in proportion to the height of the lower floors of the

permitted block the height of the two upper floor elements is significant at six metres relative to fourteen metres results is considerable. The bringing forward, by almost three metres of the four metres high top floor and roof element would block views towards the tower of the church which is a strong feature within the historic streetscape. As a result, the street scape views along Dawson Street, particularly on approach from the north on the west side of Dawson Street would adversely affected.

- 7.5. Secondly, as there are no proposals for increased setback from the southern frontage adjacent to St. Ann's Church, the height and proportion of this element if brought forward by circa three metres from the previously permitted setback would, (bearing in mind proportions and height previously noted) obstruct the skyline backdrop and context at this level and undermine the setting and context of St Ann's Church. The primacy and context of St Ann's, a well known landmark historic building and its setting within the sensitive built environment of architectural heritage interest would be totally undermined. These impacts are unacceptable given the inclusion of St Ann's Church which as an important and dominant architectural feature on the record of protected structure and the conservation area designation of the areas to the north and south of the appeal site location within the immediate environs.
- 7.6. There is no objection to the proposed reduction to the size of the window opes, a reduced fourth floor setback on the east façade, realignments to the glazing at the entrances on Molesworth Street and Dawson Street, and an increased size plant enclosure at the basement.
- 7.7. In conclusion, it is recommended that the top floor element be omitted by condition and that the other modifications proposed be permitted. As a result, the applicant would have the option to incorporate the other proposed modifications into the development, although a compliance submission would be necessary to resolve minor details, or to construct the previously permitted development, under P. A. Reg. Ref. 3384/15 with without the modifications permitted under P. A. Reg. Ref. 2659/16 which were not subject to appeal.

8 Appropriate Assessment.

8.1 Having regard to the location of the site in a central city serviced area, to the existing and permitted development on the site and to the nature and scale of the proposed development no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9. Recommendation.

9.1 It is recommended that permission be granted, subject to inclusion of a condition with a requirement for omission of the proposal to bring forward the top floor element on the western / Dawson Street frontage.

10. Reasons and Considerations

Having regard to the planning history and to the corner site location within the central city area subject to the Z5 zoning objective which seeks to identify reinforce and strengthen and protect the civic design character and dignity of the area according to the Dublin City Development Plan, 2016-2022 it is considered that subject to compliance with the conditions set out below, it is considered that the proposed development would be satisfactory zoning objective proposed development would satisfactorily integrate into the context and setting of St. Ann's Church (a protected structure) and into the sensitive historic streetscape within the environs within a Conservation Area. As a result, the proposed development would be in accordance with the proper p planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such

conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be carried out in accordance with the terms and conditions attached to the grants of permission under P. A. Reg. Refs. 2659/16 and 3384/15 except as amended to conform with the provisions indicated on the plans and particulars lodged with the current application and with the following conditions:

Reason: In the interest of clarity.

3. The proposed reduction in setback of the top floor from the western/Dawson Street frontage shall be omitted. Prior to the commencement of the development, the developer shall submit and agree in writing revised plan, section and elevation drawings which shall also include any minor amendments required to facilitate the omission of the proposed modification with the planning authority.

Reason: In interest of the protection of the setting and context of St. Ann's Church, (a protected structure) and the visual amenities and character of the sensitive historic street scape of Dawson Street.

4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration.

Reason: In the interest of visual and residential amenity.

- 5 Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. No surface water shall be allowed to discharge onto the public road or adjoining properties.

Reason: In the interest of orderly development and public health.

- 6 No additional development shall be erected above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment including the satellite dish shown on the roof plan unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 7 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard amenities of the area.

- 8 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of

the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Jane Dennehy
Senior Planning Inspector
4th January, 2017.