



An  
Bord  
Pleanála

## Inspector's Report PL 29S. 247893

### Development

Construction of a three-storey lightweight structure around the rear two-storey return at 20 Molesworth Street (Protected Structure). The new structure will be at basement, ground and first floor and will be used for office use at each floor in association with the use of the remainder of the buildings as office use.

### Location

20 Molesworth St, Dublin 2.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3046/16.

### Applicant(s)

IDV Molesworth Ltd.

### Type of Application

Permission.

### Planning Authority Decision

To Grant Permission.

### Type of Appeal

Third Party

### Appellant(s)

James Gorry

### Date of Site Inspection

April 27th, 2017.

### Inspector

Breda Gannon.

## 1.0 Site Location and Description

- 1.1. The site is located at 20 Molesworth St. Dublin 2. It accommodates a mid-terrace early Georgian property, which is a Protected Structure. The building is two-bay, four storeys over basement with a red brick façade. To the rear, a link corridor connects the main building with a later rear annex. The majority of the main building accommodates offices and ancillary accommodation. The annex which consists of a basement and ground floor accommodates an art gallery.
- 1.2. The site lies in an area of commercial uses, dominated by offices, art galleries etc. To the west of the site lie the Grand Lodge of Freemasons Ireland and associated parking. Kildare House and its associated carparking and external storage facilities bounds the site to the north and east.

## 2.0 Proposed Development

- 2.1. The proposal as described in the public notices seeks the following;

*'The construction of a three-storey lightweight structure around the rear return at 20 Molesworth St (Protected Structure). The new structure will be at basement, ground and first floor level and will be used as an office at each floor in association with the use of the remainder of the building as office use. The proposal involves the demolition of some existing partitions and walls within the existing buildings links, and the removal of roof and the rear window in the existing return. The new development extension will total 262 sq. m in area.*

- 2.2. The proposal is to incorporate the existing extension to the rear of the building into the existing structure. At basement level, it is intended to construct a new lobby and a new office area. At ground floor level an almost identical arrangement is proposed. It is proposed to increase the height of the existing two-storey structure to the rear with the addition of an extra storey to include a lobby, WC and office space. At all three levels, it is proposed to retain an external yard area between the proposed new structure and the main building.

- 2.3. In the main building various internal works would be carried out to enhance the fire safety of the building including the creation of new lobbies, upgrading of walls, ceilings etc.
- 2.4. Further information on the application was requested on 29/7/16 following matters;
- Concerns regarding the part demolition of the basement area which would appear to contain primary fabric including brick vaulting and/or other build elements, and the nature and extent of the proposed new extension. The applicant was required to engage a Conservation Architect to prepare proposals to retain and conserve this primary fabric as the base for any new infill link to the rear of the protected structure.
  - The use of a polycarbonate material to envelop the existing extension was not considered appropriate. The applicant was requested to limit the footprint of the new extension to that of the existing extension. It was requested that the extension and addition of new floor space at the higher level be remodelled to be sympathetic to the protected structure in terms of designs and materials.
  - The applicant was requested to submit 3-D drawings indicating the relationship of the proposed development to the rear of the protected structure and the adjoining sites.

The response of 25/11/16 included the following;

- Architectural Assessment and Conservation Methodology Statement, prepared by John Green Architect and Historic Building Consultant.
- 3-D Visualisations, prepared by CDP Architecture, and
- Architects Drawings.

The alterations made to the proposed development were to the satisfaction of the planning authority.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to grant permission for the development subject to 9 no. conditions, which contains the following conditions of note;

Condition No 2 – Section 48 financial contribution.

Condition No 3 – Works to be carried out under the professional supervision of an architect or expert with specialist conservation expertise.

Condition No 7 – Archaeological monitoring.

Condition No 8 – No additional development above roof level.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The **Planning Officer's** report of 14/12/16, following the receipt of further information, noted that the revised Architectural Heritage Assessment documents all historic fabric contained on each floor. It is proposed to retain the vaulted floor above the rear room at basement level. Minor interventions are proposed to the basement area for fire safety purposes. The new extension will be full width at basement level only, while retaining the form of the original return within it. The extent of the width of the new extension will follow the existing width of the rear return at the upper floor levels.

It is noted that the scale of the development has been reduced at first and second floor level to follow the building line of the existing annex footprint. All materials proposed are to be high quality to complement the existing buildings and its original materials. The use of the polycarbonate material to envelop the existing extension has been removed and replaced with a smooth light grey lime render to 3 no. facades, with copper window reveals to window opes and lead proofing over proposed basement roof. The stair core linking the three levels is now a light weight steel structure, glazed on all three sides to allow transparency through the rear of the building.

The revised design, including the reduction in the extension footprint, and the use of a render finish is considered to be appropriate and will not impact negatively on the integrity of the protected structure and is sympathetic to existing buildings.

### 3.2.2. **Other Technical Reports**

The **Conservation Officer's** report of 8/7/16 notes that the building is an architecturally significant surviving Dutch Billy, original to the construction and building period of Molesworth St. The architecturally important staircase is noted. The original roof form appears to exist within the profile of the roof now concealed behind the subsequent Georgian parapet.

The proposed works seek to carry out demolitions primarily to a later infill ancillary structure, however at basement level it would appear that primary fabric is included (probably the brick vaulting or build up for an external terrace), the removal of which is not considered acceptable. Where a new infill link building is to be considered, it will require careful consideration of the primary fabric at basement level.

The proposed infill of the site to overbuild and extent the extant gallery footprint to the rear is similarly not supported in conservation terms as it builds out the amenity and aspect from the principle interiors to the rear of this architecturally significant structure. Where re-modelling and development is to be considered to the rear of this historically and architecturally significant terrace, 3-D images should be provided to explain clearly the impact to the adjoining sites, which co-exist and share rear yard spaces and amenity.

The **City Archaeologist's** report of 30/6/16 notes that the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) and DU018-020260 (Dwelling), which are subject to statutory protection under Section 12 of the National Monuments (Amendments) Act 1994. The site is also located within the Zone of Archaeological Interest in the Dublin City Development Plan. No objections to the development are raised, subject to conditions including archaeological monitoring.

The **Drainage Division** report of 12/7/16 raised no objection to the development subject to conditions.

### 3.3. **Prescribed Bodies**

**Transport Infrastructure Ireland** in their report of 27/6/16 state that they had no comment to make on the proposed development.

### 3.4. **Third Party Observations**

An observation was made by the appellant, who raised similar issues to those raised in the appeal, which will be considered below in the assessment.

## 4.0 **Planning History**

**4811/05** – Permission granted for internal repairs and upgrading of the fabric for fire safety purposes, cleaning, repair and repointing of brickwork to front and rear elevation, replacement of existing PVC windows with timber sash windows, repairs to block and stop stone surround to front entrance, external redecoration, essential repairs to roof of the building.

## 5.0 **Policy Context**

### 5.1. **The Architectural Heritage Protection – Guidelines for Planning Authorities (DoEHLG, 2011)**

The Guidelines provide guidance on conservation principles (Chapter 7). General guidance with regard to development within the curtilage of a Protected Structure is set out in Chapter 13. Guidance with regard to alterations to Protected Structures to enhance fire safety is provided in Chapter 17.

### 5.2. **Development Plan**

The operative development plan is the **Dublin City Development Plan 2016-2022**. The site is located in an area zoned Z5-City Centre with the following objective;  
*‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’.*

No 20 Molesworth Street is a Protected Structure (Ref No 8719 Record of Protected Structures Volume IV of the Plan) and is located within a Conservation Area.

The policies of the Plan in relation to Protected Structures are set out in Section 11.1.5.1. The policies in respect to Conservation Areas are set out in Section 11.1.5.4. The policies seek to protect the structures of special interest which are included on the Record of Protected Structures and the special character of Conservation Areas.

Relevant policies include the following:

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas

Relevant sections of the Plan are appended to the back of the report for the information of the Board.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal are summarised below:

- The applicant proposes to lower the basement floor and to remove the first floor in order to reinstate both floors at lower levels than existing. There is no mention of this in the conservation report, with only passing reference to altering the ground floor level and possibly retaining the windows in so doing. The conservation report is therefore misleading and inaccurate.
- It will be necessary to remove a roof in which there are existing roof lights (which are essential for natural light to the gallery), to facilitate the construction of the additional floor. These will not be replaced and there is no mention of this in the conservation report.
- The character of the gallery (Protected Structure) will be changed if permission is granted for the development.

- The character of the entire building will be changed if the existing two-storey turn is demolished and replaced with a modern three storey building and in the process facilitating almost full site coverage. The proposed building would be totally out of character with the existing building.
- The works will require the vacation of the building by the tenant. This would disrupt the existing business which has been in existence for over 80 years.
- The plans submitted show the removal of the existing north facing window in the end wall of the studio. The retention of this window is essential for the appellant's works as a picture restorer.
- The description of the uses of the accommodation on the plans is inaccurate. The accommodation at hall level is a gallery and studio with gallery and store at lower level. It is not offices and workshop as stated.
- The application is premature as is the tenant's expectation to continue his legitimate use of the building until the end of his lease in 11 years time and beyond.

## 6.2. Planning Authority Response

The planning authority.in their response of 16/2/17 stated that the planning officer's report adequately deals with the proposal and that they did not wish to make any further comment.

## 7.0 Assessment

7.1. The main issues that arise for determination by the Board in the appeal relate to the following;

- The accuracy of the conservation report.
- Impacts on the character of the Protected Structure
- Impacts on continued operation of the gallery within annex building.



## **1. The accuracy of the conservation report**

The appellant has questioned the accuracy of the conservation report, regarding the proposed lowering of floor levels. The Architectural Heritage Impact Assessment report submitted in support of the application details the changes proposed on each floor in both the main building and in the rear annex. Whilst I accept that there is no specific reference to alterations to the basement floor level as contended, the nature and scope of the works proposed are clear from the application drawings. It is noted that both the basement and ground floor levels will be lowered as part of the proposed development. Whilst I accept that it would have been preferable, in the interests of clarity, to document these proposed changes in the report, I consider that the level of detail in the application drawings removes any ambiguity in relation to the works and that third party rights have not been compromised.

The Third Party correctly notes that the proposal involves the removal of the roof over the rear annex. This is necessary to facilitate the construction of the additional floor. The drawings clearly show the works proposed, which indicate that new roof lights will be incorporated into the design, to ensure that the space below is adequately lit and ventilated. Accordingly, there are no further issues in this regard that require consideration by the Board.

## **2. Impacts on the character of the Protected Structure.**

The street frontage building is architecturally significant being an early Georgian 'Dutch Billy', residence constructed c.1730. It has been altered over time, responding to change of use pressures. Notwithstanding these alterations, it is noted to retain historical fabric, included a pedimented entrance doorcase, entrance hall, architecturally significant staircase, panelled doorcases, window casings etc. The Architectural Heritage Impact Assessment report concludes that if the property was rated by the NIAH, it would be valued as of at least Regional Importance for reasons of its importance in Historical, Group, Interior, Material and Streetscape qualities.

The link corridor and two-storey annex to the rear were built over a century later and were in evidence in the 2<sup>nd</sup> Edition OS map (1907). The later addition required the rear ground floor room of the original building to be modified to provide the link

corridor and the repositioning of the western rear window. The annex is assessed as being of Record Only Importance.

The Architectural Heritage Assessment report documents the remaining historic fabric within the original building. The works proposed are outlined and assessed on a room by room basis. The works proposed are required in the main to ensure the building complies with fire safety standards and to improve circulation. Minimal intervention is proposed and there will be no loss of significant historical fabric.

At basement level the only remaining feature of note is the vaulted floor above the rear room. The original proposal included the removal of the basement return. However, following concerns raised by the planning authority regarding loss of original fabric (vaulted roof), the proposal was revised to include its retention. The only works indicated on the drawings and documented in the report is the blocking up of an existing opening in the rear elevation, which is stated to be required for fire safety.

The main works proposed to ground, first, second and third floor levels in the original building are upgrade works to internal walls to improve fire safety. At ground and first floor levels, the works include the replacement of internal partitions, provision of a new lobby at the rear of the front office on each floor, widening of access corridors, upgrading of ceilings, doors etc., (to 60 minute fire protection resistance) and the use of paint coatings to walls to provide fire protection. The works will also include the permanent closure of doors, which will be retained in situ on the ground floor. Other than works to upgrade floors, ceilings, doors etc., to appropriate fire standards, no other alterations are proposed on the second and third floor of the building. The works will avoid interference with the main historical fabric of this building such as the staircase, window casings, ceilings, existing cornices etc.

The majority of the works will take place to the rear of the original building. A new staircase and lobby area will be provided adjacent to the basement return to provide connectivity with the upper floors. Within the annex area, the floor level will be dropped to match the existing main dwelling and will be extended out to cover the footprint of the basement area. At ground level, the annex will retain its original

footprint and a new floor will be provided above extending the rear element to three-storays. New opes will be provided to the rear and east elevation and at roof level.

In terms of impacts on the original building, all of the works will take place internally and to the rear. No alterations are proposed to the front façade and accordingly there will be changes to the existing presentation to Molesworth Street or on the character of the Conservation Area. The changes to the interior will not result in the loss of any significant historic fabric. Subject to the development being supervised by a professional with specialised conservation expertise, I consider that the works can be executed without impacting significantly on the character or setting of the protected structure or the Conservation Area.

As noted, the majority of the works will take place to an existing annex structure which was constructed approximately 100 years after the original structure. Most of the original walls will be retained. According to the Architectural Heritage Assessment reports, it has been altered and its use changed a number of times and contains few features of note. One feature of note that is mentioned and worth being retained in situ is an existing nineteenth century timber sash window and the internal surround. I note that this window is proposed to be retained. The annex is not considered to be of architectural merit.

The proposed development through the provision of an additional floor will increase the massing of the rear annex and has the potential to impact on the character of the protected structure and surrounding protected buildings. The rear of the building is screened from view by existing buildings. I accept that the replacement of the proposed polycarbonate material to enclose the annex with a smooth lime render to the building façade, the enclosure of the stair core in a glazed structure and the reduction in the development footprint is a significant improvement on the original proposal. Whilst the rear elevation is similar to the original proposal, the provision of uniformly positioned vertically proportioned windows with an appropriate solid to void ratio, significantly improves the east elevation. I consider that the alterations ensure a more effective integration within the existing site context and minimises negative impacts on both the character and setting of No 20 Molesworth St and surrounding protected structures. The existing annex does not contribute to the character of the protected structure and it is not considered that the proposed development will result in any significant additional impacts.

The threats posed to the fabric and contents of protected structures by fire is highlighted in the Architectural Heritage Protection Guidelines. It is also acknowledged that the best way to conserve an historic building is to keep it in active use. Whilst I accept that it would be preferable if the protected structure could continue to function effectively without any interference, I accept that issues surrounding fire safety have been identified, which need to be addressed to ensure the sustainable use of the building going forward.

It has been demonstrated in the reports submitted with the application that it is possible to achieve a compromise between the requirements of fire safety and architectural conservation. There will be minimal interruption or interference with the historic fabric of the main building. The works proposed to the rear annex will ensure that the issues regarding heat loss and rising damp are addressed and that the floor levels between the original building and the annex will coincide and improve circulation and permeability between the two sections of the building. The proposed development will therefore have a positive impact on the protected structure in terms of maintaining it in active use and accordingly, I recommend that permission be granted for the development.

### **3. Impacts on continued operation of the gallery**

The appellant operates the art gallery located in the annex to the rear of the site. The issues raised regarding disruption of business arising from vacation of building during construction, prematurity of application vis-a vis appellant's tenancy arrangements etc are legal matters between the appellant and the landlord, and are outside the jurisdiction of the Board.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the location of the development within a built up area, the nature and scale of the development and the separation distance from the Natura 2000 sites, I consider that the proposed development, either alone or in combination with other plans or projects, does not have the potential to impact adversely on the qualifying interests of any Natura 2000 site. Stage 2 Appropriate Assessment is not therefore required.

## 9.0 Recommendation

- 9.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the zoning provisions for the area ‘ *To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*’, and the works proposed which will facilitate the sustainable use of the existing building, it is considered that subject to compliance with the conditions set out below, the proposed development will not detract from the character or setting of the Protected Structure or the character of the Conservation Area, would not impact on the visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of November, 2016, 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 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 interests of clarity.

- 2 Details of the materials, colours and textures of all the external finishes to be proposed development shall be submitted to, and agreed in

writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4 A suitably qualified conservation expert shall be employed to manage, monitor and implement works on the site and ensure adequate protection of historic fabric during the works. All permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

The works shall be carried out in accordance with best conservation practice as detailed in the 'Architectural Heritage Protection Guidelines for Planning Authorities (DOEHLG, 2011). Items that have to be removed for repair shall be recorded, catalogued and numbered prior to removal to allow for authentic reinstatement. All original features not part of the works shall be protected during the refurbishment.

**Reason:** To ensure that the integrity of the protected structure is maintained and protected from unnecessary damage or loss of fabric.

5. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment.

**Reason:** In the interest of visual amenity

7. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise/vibration monitoring and management and traffic management measures.

**Reason:** In the interests of public safety and residential amenity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in

July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

10. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

---

Breda Gannon  
Planning Inspector



---

28<sup>th</sup> April, 2017