



An  
Bord  
Pleanála

## Inspector's Report PL29N.249334

---

<b>Development</b>	Safety enhancement to installation (gasworks)
<b>Location</b>	59 Dorset Street Lower, Dublin 1
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2255/17
<b>Applicant(s)</b>	Gas Networks Ireland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third party
<b>Appellant(s)</b>	Murray Rees & others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> December 2017
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

1.1. The appeal site is located on Dorset Street Lower approximately 1km north of Dublin city centre. Dorset Street Lower extends south-west from the location of the appeal site a Binn's Bridge to Bolton Street. Binn's Bridge (protected structure) carries this road (R132) over the Royal Canal and the mainline railway. The bridge is described in the National Inventory of Architectural Heritage as follows:

*“Single-arch bridge, erected c.1795, carrying road over Royal Canal. Rubble limestone parapet wall with dressed limestone string course, dressed granite copings and carved oval limestone plaque. Elliptical arch, springing from side walls of canal, with moulded granite voussoirs and vermiculated granite keystone. Water and gas pipes to east and west elevations. Abutting north side of bridge is double-arch stone rail bridge of c.1864. Snecked limestone wing walls with dressed granite copings.”*

1.2. The site comprises a rectangular area of 23.275 sq.m. situated at the south-eastern side of the bridge on the canal bank. There is an existing underground gas district regulator installation within chambers partly built into the canal bank. At surface level, the installation appears as a double set of access doors with concrete surrounds. There is a retaining type stone wall along the canal side of the installation and steps continue along the southern side. An abundance of railing, gates and fencing surround the installation. This includes “kissing” gates over the installation not currently in use.

## 2.0 Proposed Development

2.1. The proposed development comprises a safety enhancement to an existing Gas Networks Ireland installation within the curtilage of Binn's Bridge (protected structure) to include the following:

- Reconfiguration of gas pipework including removal of existing underground district regulator;
- Installation of an above ground enclosure (c. 5m long x 1.5m wide x 2.1m high);

- Associated vent flue (overall height up to 2.2m to vent flue tip);
- Associates site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Dublin City Council issued notification of decision to grant permission subject to four conditions.
- 3.1.2. Condition 3 requires the developer to confirm that the works are in accordance with the Royal Canal Greenway cycling and pedestrian route. It is a requirement under Condition 4 that the works are carried out under the supervision of a conservation expert.

### **3.2. Planning Authority Reports**

- 3.2.1. The recommendation to grant permission, as noted in the Planner's Report, reflects the decision of the Planning Authority to grant permission.
- 3.2.2. Under the assessment of the application, it is noted that a public service installation is listed as a permissible land use under the Z9 zoning for the site.
- 3.2.3. The Case Planner understands that numerous improvements are proposed for this location, with the introduction of the Royal Canal Greenway and the removal of railing clutter and a wall. There are also questions regarding the consideration of alternatives and mitigation measures.
- 3.2.4. Further information was requested from the applicant on the impact of the proposed development on the protected structure. The applicant was asked to consider measures to reduce the ground level and height of the proposed development, and to prepare photomontages to illustrate the proposal within its existing context.
- 3.2.5. The further information response was considered acceptable by the Planning Authority and while it is acknowledged that the installation is not the most visually pleasing, it is considered that it will not be detrimental to the amenity of the area, protected bridge or proposed greenway.

- 3.2.6. The Conservation Division and Traffic Planning Division have no objections to the proposal subject to mitigation conditions.

## 4.0 Planning History

### Part 8 Planning Ref: 2870/15

- 4.1. Part 8 application approved for the proposed Grand Canal Greenway. The application falls within Phase 3 of this proposal which includes the construction of a c. 2.1km cycle and pedestrian route from North Strand Road (Newcomen Bridge – protected structure) to Phibsborough Road. The route will traverse past Clarke’s Bridge and Binn’s Bridge.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The appeal site is zoned ‘Z9’ where the objective is *‘to preserve, provide and improve recreational amenity and open space and green networks.’*
- 5.1.2. The site is located within the Royal Canal Conservation Area and within curtilage of Binn’s Bridge protected structure.

### 5.2. Natural Heritage Designations

- 5.2.1. The site is located within the Royal Canal proposed Natural Heritage Area.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A third party appeal against the Council’s decision was lodged by Murray Rees and others, The Mountjoy Square Society, 25 Mountjoy Square. The grounds of appeal and main points raised in this submission are summarised as follows:
- Planning application failed to address the design, form, scale, etc. of the above-ground structure with the existing, complex public realm.

- Development will have a permanent, grossly detrimental effect on a number of levels.
- Presentation of the southern side of Binn's Bridge is very poor – bridge is a high quality piece of industrial heritage infrastructure that would be a significant asset if presented correctly.
- Installation is the most basic plastic and is completely inappropriate to this historic setting. Site requires a carefully considered architectural expression.
- Structure will form corners and gaps for rubbish to accumulate. Smooth plastic walls will be a target for graffiti.
- Reasons for discounting other sites nearby are vague – current choice appears to be led by functional requirements.
- Proposal is at odds with numerous policies of the Development Plan (Policy SC7, SC28, CHC2, CHC4 and Section 16.30).

## 6.2. Planning Authority Response

- 6.2.1. It is stated in response to the third party appeal that the Planner's Report deals fully with all the issues raised and justifies the decision.

## 7.0 Assessment

- 7.1. I consider that this appeal should be assessed under the following headings:

- Development principle;
- Visual impact and impact on heritage designations;
- Consideration of alternatives; and
- Appropriate Assessment.

## 7.2. Development principle

- 7.2.1. The appeal site is zoned 'Z9' - *'to preserve, provide and improve recreational amenity and open space and green networks.'* A public service installation is a

permissible use under this zoning category. The proposed development would therefore be acceptable in principle at this location.

### **7.3. Visual impact and impact on heritage designations**

- 7.3.1. The proposed development will be located next to Binn's Bridge, a protected structure, dating from 1795. The site is also within the Royal Canal Conservation Area and proposed Natural Heritage Area. It is noteworthy that a Part 8 application was recently approved for the proposed Grand Canal Greenway to include an upgrade of the existing tow path and installation of a 'toucan' crossing on Dorset Street Lower. The pedestrian pathway of the greenway will pass by the proposed installation and a cycle gateway is also proposed at this location. The railing, plinth and steps on the eastern boundary of the installation, the existing kissing gate and lamp standard, and the stonewall on the western boundary of the installation will all be removed as part of the greenway works.
- 7.3.2. From the outset, I would be of the opinion that the proposed development should be assessed within the context of what is proposed in the surrounding area rather than the existing appearance of the bridge when viewed from the east along the tow path and from the street. As noted by the appellant, the presentation of the southern side of Binn's Bridge is currently very poor and the installation of a piece of utility infrastructure of this scale is unlikely to give rise to any serious diminution of aesthetic quality. However, the proposed greenway works will result in improvements to the public realm, as well as the opening up of views west towards the bridge and east along the canal. It is also probable that the greenway will see increased pedestrian and cycle usage.
- 7.3.3. The Architectural Heritage Report accompanying the planning application recognises that the proposed installation will be a more visually prominent and significant new element within the setting of the canal bridge and canal landscape. The Planning Authority had concerns regarding the nature of the proposed installation, its impact on the protected structure, conservation area and Z9 zoned lands. Further information was requested from the applicant to include consideration of reducing the ground level and height of the structure and illustration of the proposal in its existing context and in the context of the proposed Royal Canal Greenway by way of photomontages.

- 7.3.4. Photomontages were submitted as further information to show the front elevation only of the proposed structure. The photomontage of the proposed installation in the context of the greenway shows the existing wall to the west removed. However, no photomontage is included to show the side view of the proposed installation from Dorset Street Lower and this makes it difficult to establish the extent to which the structure will interrupt views of the canal or appear as an obtrusive feature from the street. The photomontages do, however, demonstrate the impact of the structure on the bridge itself from the towpath. It should be noted that the structure will appear at eye level when one moves up the ramp to street level and may therefore block views of the bridge.
- 7.3.5. The appellant has concerns that the installation will comprise a basic plastic finish that is completely inappropriate to this historic setting. It is considered that the bridge is a high quality piece of industrial heritage infrastructure and the proposal fails to address the design, form, scale, etc. of the above-ground structure within the existing, complex public realm.
- 7.3.6. I would be in agreement that the proposed installation will adversely impact on the setting of the protected structure and would therefore be inconsistent with Development Plan Policy CHC2. The structure will interfere with key views of the bridge when ascending up the tow path ramp at a location that is due to be enhanced when works commence on the Grand Canal Greenway. Furthermore, the installation will form an obtrusive feature when viewed from Dorset Street Lower where views are available along the canal as far as Croke Park. I concur with the appellant that a carefully considered architectural expression is required if the installation is to be developed above ground level at this location. However, as noted below, greater consideration of alternative proposals or indeed locations may be more appropriate.

#### **7.4. Consideration of alternatives**

- 7.4.1. The applicant responded to the further information request by commenting that alternative measures to reduce the height of the proposed development would involve substantial civil works, including concrete breaking, excavation and temporary works (excavation support), and this could have an impact on the bridge.

The applicant also has concerns regarding personal safety having regard to anti-social behaviour and proximity to the waterbody itself.

- 7.4.2. The applicant sets out a number of reasons for the replacement of the underground district regulator installation with an above ground structure. Ventilation, water ingress and the requirement to work in a confined space are the main reasons that would be overcome with the construction of the proposed development.
- 7.4.3. It should be noted that the existing installation is not completely underground, as the northern side comprises a wall facing onto the canal. I would not be fully satisfied that the necessity for certain civil works justifies the proposal for the structure completely above ground. The applicant would appear to suggest that there are safety and security issues with accessing the installation from a lower level on the canal bank. In my opinion, safety railing could be installed at this location that would be less conspicuous than existing railing and fencing at this location. In addition, the applicant has not provided any photographic evidence of the internal condition of the structure to demonstrate that a partial lowering of the structure is not possible. I am also not convinced that the potential level of civil works required to lower the structure would have a detrimental impact on the protected structure.
- 7.4.4. The appellant considers that the applicant's reasons for discounting other sites nearby are vague and that the current choice appears to be led by functional requirements. The applicant submits that the arterial strategic supply mains continues along Drumcondra Road Lower and Dorset Street Lower and radial mains is located along the canal. Binn's Bridge is therefore a suitable location for the district regulation installation at the meeting point between pressure tiers. A number of other locations were examined around Binn's Bridge; however, there is an available footprint at the appeal site and the strategic distribution mains are already in situ.
- 7.4.5. I accept that the proposed location would be the least disruptive; however, I consider that alternatives for the district regulation installation could have been better considered at this location.
- 7.4.6. I would highlight that there is precedence for the Board to refuse permission for an above ground natural gas pressure reduction unit for reasons relating to impact on



visual amenity (PL06S.248353). In my opinion, the Royal Canal site is a more sensitive location than the Rathfarnham site.

## **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of development proposed and to the 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.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## **9.0 Reasons and Considerations**

The proposed development is located adjacent to Binn's Bridge (protect structure) and within the Royal Canal Conservation Area and proposed Natural Heritage Area. Having regard to its nature, scale, design and siting, the Board considers that the proposed structure would form an obtrusive feature that would adversely impact on the visual amenities, character and setting of the protected structure and would fail to integrate in a satisfactory manner with its sensitive receiving environment. The proposed development would, therefore, be contrary to Development Plan Policies CHC2 and CHC4 and the proper planning and sustainable development of the area.

---

Donal Donnelly  
Planning Inspector

13<sup>th</sup> December 2017