



An
Bord
Pleanála

Inspector's Report

ABP-300721-18

Development	Single-storey extension, internal and external alterations and all associated site works (to a PROTECTED STRUCTURE)
Location	49 Seville Place, North Wall, Dublin 1
Planning Authority	Dublin City.
Planning Authority Reg. Ref.	4115/17
Applicant(s)	Fr Robert Colclough
Type of Application	For permission
Planning Authority Decision	GRANT with conditions
Type of Appeal	Third party against decision
Appellant(s)	Elaine Dooley
Observer(s)	North Wall Community Association
Date of Site Inspection	23/05/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to an imposing 3-bay, 3-storey over pediment basement dwelling dating from the 1870's, built as a presbytery associated with the neighbouring church, convent and school and which has been listed as a Protected Structure under the City Development Plan. The building is stated as in use as parochial house and community building.
- 1.2. The building is situated on a corner site at the junction of Seville Place and St Laurence Place East, within the North Wall area of the city, c.1.2km east of O'Connell Street and c.150m northeast of the North Lotts (and Grand Canal Dock) SDZ and the Royal Canal. Seville Place is a heavily traffic route connecting the North Circular Road and Amiens Street to Samuel Beckett Bridge. St Laurence Place East is a vehicular cul-de-sac serving only the religious and educational buildings related to the presbytery, but with pedestrian permeability with Sheriff Street Lower to the south.
- 1.3. The building is double-fronted, with formal elevations and entrances presented onto both streets behind a c.6m setback which comprise formal gardens. Its street-facing elevations are finished in redbrick, with granite basement, entrance steps and quoins. The site area is sated as 520-sq.m and the gross floor area of the dwelling as almost 600-sq.m. The area to the rear (southwest) comprises a utilitarian hard-surfaced space for parking and uses ancillary to the presbytery, with vehicular access via St Laurence Place East.
- 1.4. The immediate area is dominated by religious and educational buildings structures associated with the presbytery. The adjacent property to the rear (southwest) is a convent building dating probably from the late 1800's. The adjacent property to the side (northwest) is a mid-terrace 2-storey dwelling with rear garden. A national school is located on the opposite side of St Laurence Place East. The wider area contains a mix of terraced dwellings, single, two or three-storey with a range of small to moderate setbacks, or directly fronting onto the public street.

2.0 Proposed Development

2.1. The proposed development may be summarised as follow:

- Erect a single-storey, 97-sq.m extension to the rear
- Minor internal alterations including the removal and blocking up of two door openings, the introduction of new fire doors and screens, the subdivision of one room and alterations to toilet room layouts and associated works;
- Ancillary site works included alterations to side entrance gates to St Laurence Place east;

All to facilitate the accommodation of an *information and advocacy service* run by the Diocesan Charity Crosscare.

3.0 Planning Authority Decision

3.1. Decision

GRANT permissions subject to 8no conditions, all being standard type conditions except no.8 which requires the retention in situ of original panelled door, frame and architrave to a principal room.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report considered the proposed development to be acceptable, being compatible with the uses permitted in land use zone Z1 under the Development Plan – however the site is actually zoned Z2, a not dissimilar residential zoning. The report considered the proposed development not to adversely impact on the character or the setting of a Protected Structure. The report is consistent with the decision of the planning authority.

3.2.2. Other Technical Reports:

Drainage Division – No objection subject to standard conditions (23/11/17).

Conservation Officer – No objection subject to conditions (01/12/17).

3.2.3. Prescribed bodies

TII – S.49 Luas Red Line Docklands Extension Levy applies unless exempt applies (16/11/17).

3.2.4. Observations

Three letters of observation were received to the application from Elaine Dooley and Sheriff Street Community (20/11/17), Gerry Fay and North Wall Community Association (24/11/17), and from Marina McGarvey (24/11/17). The main points raised are repeated in the grounds of appeal and observations on the appeal.

4.0 **Planning History**

None located.

5.0 **Policy Context**

5.1. **Development Plan**

Dublin City Development Plan 2016-2022

Land use zoning objective Z2 '*to protect and/or improve the amenities of residential conservation areas*'.

Chapter 11 Built Heritage and Culture

Chapter 12 Sustainable Communities and Neighbourhoods

Chapter 14 Land Use Zoning

5.2. **Natural Heritage Designations**

The nearest European site is the South Dublin Bay and River Tolka SPA site code 004024 c.1.2km to the north east.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal against the decision, submitted by Elaine Dooley, a local resident, on behalf of members of the local community, may be summarised as follow:

- Crosscare does not benefit the local community.
- It will attract transients into a community already affected by strangers coming to buy drugs at all hours.
- The existing creche, in operation in the basement of the subject building for 17 years (9no. staff and 32no. children) will be displaced, which will be a major loss to the community.
- Adjacent the site (at no.48) is an aftercare recovery group for recovering addicts; around the corner is an Oasis and Deora counselling services; and a residential home for teens at risk (but listed as support for men in addition) is located across the road.
- Two primary schools are located facing the site.
- The existing numbers of transients frequenting the area is unknown, but will be added to with the proposed development, further adding to the already desperate community conditions, with a detrimental impact on the community.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None.

6.4. Observations

Summary of the main points raised in the North Wall Community Association observation (received 13/02/18):

- If permission is granted it should be clearly limited to information and advocacy services only.
- Will result in loss of existing creche use, with no alternative location for same.
- The Mulvey plan highlights the need for more education facilities, including preschool and after school jobs and training needed to reverse 30 years social deprivation.
- The preschool and afterschool services should be ringfenced until alternative suitable accommodation is secured for them.

7.0 Assessment

The issues arising in this case may be addressed under the following headings:

- 7.1 Policy / principle
- 7.2 Impact on amenities
- 7.3 Impact on a Protected Structure
- 7.4 Roads issues
- 7.4 Roads issues
- 7.5 Other issues
- 7.6 Appropriate assessment

7.1. Policy / principle

- 7.1.1. The site is zoned Z2 '*to protect and/or improve the amenities of residential conservation areas*', within which zone permissible uses include buildings for the health, safety and welfare of the public, childcare facility and medical and related consultants. The proposed use is stated as *an information and advocacy service* operated by Crosscare (the Diocesan Charity). The applicant's cover letter explains that the facility would provide a community based resource for individuals and

families, giving advice and assistance in respect of housing, social welfare, integration and migration matters. I am satisfied that the proposed use would fall within the definition of building for the health, safety and welfare of the public and therefore is permitted in principle with land use zone Z2.

7.2. Impact on amenities

- 7.2.1. The proposed development, which constitutes social infrastructure, can be considered a positive impact on the amenities of this inner city residential location. The proposed development will, however also have an adverse impact on local amenities in that it will displace existing essential social infrastructure – creche and afterschool services – currently accommodated within the basement level of no.49 Seville Place. The applicant and cover letter makes only cursory reference to the existing creche, but it is apparent from the proposed plans that no provision has been made to retain the facility within the building and there is no indication that it is to be accommodated elsewhere in the community. The loss of the creche is undesirable and will have a negative impact on local amenities, but is acceptable within the context of the application. In this regard there is no relevant policy or other provisions under the City Development Plan that would require the retention of creche, pre-school or afterschool facilities.
- 7.2.2. Having regard to the observations on file requesting that use of the building be limited to that proposed in the application – i.e. as *an information and advocacy service* - I do not consider it appropriate to further limit the use of the property by condition.
- 7.2.3. The proposed development provides 2no. roof terraces at upper ground floor level, above the proposed ground floor rear extension. The 3-D images (drawings no.PL18), rear elevations (PL16) and sections (PL17) show that the proposed terrace would overlook the private rear garden of the neighbouring residential property to the west, albeit over a single storey structure on that property. This would adversely impact the amenities of the said property. It is possible that that neighbouring property owner is not aware of the potential for overlooking as the proposed roof terraces are not referred to in the public notices. This issue can satisfactorily be resolved by condition requiring the reduction in extent of the westernmost terrace, setting it back to align with the southern end of the enclosed

ground-floor courtyard (i.e. c.3.1m beyond the proposed access doors), with the remaining roof amended to form a continuation of the adjacent proposed sloping metal roof area. The Board may consider this a **NEW ISSUE**.

- 7.2.4. There would be no significant impact on the adjacent property to the south which accommodates the convent building.

7.3. Impact on a Protected Structure

- 7.3.1. I would agree with the assessment of the Council's Conservation Officer that the proposed development would not materially affect the character and setting of a Protected Structure. Regarding the CO's concerns about the proposal to close up a door from the hall way to principal reception room at upper ground floor level (I assume this refers to the proposed corner 'meeting room'), it was not clear to the CO as to whether or not the door was original to the building. She advised that it be retained in situ if it was original to the building. The wording of condition no.8 should be amended to reflect this uncertainty, rather than require the unnecessary retention of a non-original element.

7.4. Roads issues

- 7.4.1. The applicant proposes to amend the existing vehicular entrance to St Laurence Place East, setting back the proposed entrance gates c.1m behind the boundary line, with outward opening double-width entrance gates. No onsite parking is indicated in the revised scheme.
- 7.4.2. It is not obvious as to why the entrance is proposed to be recessed, other than to accommodate outward opening gates without encroaching on the public footpath. There is no obvious reason why outward opening gates are necessary.
- 7.4.3. The recessed entrance may encourage unauthorised parking across the public footpath, would also be visually discordant and is unnecessary. I would recommend that the proposed new entrance gates be set flush with the boundary and be designed to be inward opening onto the property only. This issue should be addressed by condition. The Board may consider this a **NEW ISSUE**.

7.5. Other issues:

- 7.5.1. As noted in the TII submission, the site falls within the boundary of the s.49 Luas Docklands Extension Scheme. The scheme provides exemptions for certain development, including '*f. Development to be used for social, recreational or religious purposes and not to be used for profit or gain*' which would appear to apply in this case. A similar exemption is provided for under the s.48 DCS. The Planning Authority applied no s.48 or s.49 development contribution conditions. I am satisfied that the proposed development is exempt from contributions under the relevant schemes.

7.6. Appropriate assessment

- 7.6.1. Having regard to the relatively small-scale nature of the proposed development located within the existing built up area, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** subject to the conditions set out under section 10.0.

9.0 Reasons and Considerations

Having regard to the nature, scale and location of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would be consistent with the zoning objective pertaining to the site, Z2 '*To protect and/or improve amenities of residential conservation areas*' and to the other provisions of the Dublin City Development Plan 2016-2022 and would be in accordance with the proper planning and sustainable development of the area, subject to compliance with conditions set out below.

10.0 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. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, revised drawings showing the westernmost proposed roof patio, at upper ground floor level of the proposed extension, amended so as not to extend beyond the southern boundary to the lower ground floor courtyard. That portion of the said proposed roof patio area to the south of the said courtyard shall be amended to a sloped metal roof design, similar to the adjacent proposed metal roof, and access to same shall be prevented by an appropriately designed railing or similar feature to accord with the character of the proposed extension.

Reason: To prevent undue overlooking / intrusion and protect the amenities of the neighbouring residential property to the west in accordance with the zoning objective.

3. The proposed entrance gates to St Laurence Place East shall be set flush with the site boundary wall and the said gates shall be amended to be open inward opening only onto the application property only and shall not open out onto the public road.

Reason: In the interest of visual amenities of the Protected Structure and the area and to protect pedestrian amenities of the area.

4. 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: In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

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 the amenities of property in the vicinity.

6. (a) All repair / restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

(b) Prior to the commencement of development, the developer shall submit for the written agreement with the planning authority detailed proposals for the existing door (and associated features) to principal reception room at upper ground floor level, which shall be retained in situ if it is an original feature to the protected structure.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

John Desmond

Senior Planning Inspector

23rd May 2018