



An
Bord
Pleanála

Inspector's Report ABP-300828-18

Development	Change of use from existing commercial use to an aparthotel. Protected Structures.
Location	42/43 Blessington Street & rear of 42/43, with frontage onto Blessington Lane, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4194/17
Applicant(s)	Deck Building Services DAC
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Deck Building Services DAC
Observer(s)	Blend Residents' Association; Nora O'Connor
Date of Site Inspection	21 st June 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the southern side of Blessington Street in Dublin City Centre, which is predominantly a residential street. The site is at the western end of Blessington Street, 15m east of the entrance to Blessington Street Basin park, which terminates the street.
- 1.2. The site, which has a stated area of 520sqm, comprises two buildings, no. 42 and no. 43, which are three-storey over basement terraced houses, of late eighteenth/early nineteenth century origin and which are designated protected structures. The buildings are linked internally and were previously used as a motors factors business. The buildings have rear access from Blessington Lane, where a number of mews buildings and garages have been developed in the rear gardens of neighbouring properties. In the rear garden of no. 42 and no. 43 is a large single storey light industrial/warehouse type unit.
- 1.3. The site is bounded to the east by no. 44 Blessington Street, which is an existing three-storey over basement house, and to the west by an existing four-storey over basement house at No. 41. At the elevation to Blessington Lane, the site is bounded by two semi-detached two-storey mews dwellings to the rear of No. 41 and 41A and a single storey large garage type building comprising a car repair business to the rear of No. 44.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Change of use from commercial use to Aparthotel. 28 rooms are proposed, 10 of which will be in the existing protected structures and 18 in a proposed extension.
 - Internal modifications and alterations to the protected structures.
 - Demolition of single storey light industrial building (227 sqm) to rear of the site.

- Construction of a new two-three storey rear extension, incorporating a glazed link and lift.
- The floor area of the new build is stated to be 556sqm and the floor area of the buildings to be retained is 562 sqm, giving a total floor area for the proposed development of 1118 sqm.
- Proposed plot ratio is 1.8 and site coverage is 83.4%.
- Supporting Documentation: Conservation Report, Architectural Design Statement, Structural Report, Structural Timber Report, Planning Mechanical and Electrical Report, Construction and Demolition Waste Management Plan, Operational Waste Management Plan for an Aparthotel, Screening report for AA, and Drainage Report.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for two reasons, which are summarised as follows:

R1: Inadequate size and mix of unit types and sizes, resulting in an over-intensive use in the two protected structures and a poor standard of amenity to occupants...Adverse impact on the character and structural integrity of the two protected structures...

R2: The extension occupying the majority of the rear site would seriously compromise and adversely affect the architectural significance and setting of the protected structures and adjoining terrace...The scale and bulk of the proposed extension would also adversely impact on the residential amenities and privacy of adjoining dwellings...

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division: No objection. The proposal will have no adverse impact on the surrounding road network in terms of traffic.

Engineering Department, Drainage Division: No objection, subject to conditions.

Conservation Officer: Refusal recommended. The proposed works will have a detrimental impact on the protected structures because of alterations to the original plan form and the intensification of drainage, plumbing and ventilation services and associated fire safety services and structural upgrade works relating to the proposed en-suite and kitchenette accommodation for each bedroom; the proposed lowering of the entire basement floor level and associated underpinning(although the exact extent and scope of works is not definitive), and the proposed lowering of the floors within the rear return would destabilise the existing building and also have an impact on the adjoining buildings Nos. 41 and 44; the proposed new two-storey and three-storey extension occupying the majority of the rear site would seriously compromise and adversely affect the architectural significance and setting of the protected structures and adjoining terrace, leaving almost no external space for the amenity of the buildings, contrary to Policy CHC2 (d).

3.3. Prescribed Bodies

Transport Infrastructure Ireland: The proposed development falls within the area set out in the Section 49 Levy Scheme Luas Cross City (St Stephen's Green to Broombridge Line) Contribution Scheme. A condition should be attached in this regard, unless the development is exempt under the scheme.

3.4. Third Party Observations

A number of submissions were made during the course of the application. The issues raised are covered in the observations to the appeal.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Policy

Guidelines for Planning Authorities on Architectural Heritage Protection published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (2011).

5.2. Dublin City Development Plan 2016-2022

5.3. The site is zoned Z8, 'Georgian Conservation Area', the objective of which is 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective'. Hotel is a permissible use.

5.3.1. The following policies are of note:

- Policy 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.
- Policy 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
 - (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
 - (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
 - (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure

(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works

(f) Have regard to ecological considerations for example, protection of species such as bats.

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

- Policy CEE12 (i): To promote and facilitate tourism ... and to support the provision of necessary significant increase in facilities such as hotels, apart hotels...
- Policy CEE13 (iii): To promote and support the development of additional tourism accommodation at appropriate locations throughout the City.

5.3.2. Section 11.1.5.3: Protected Structures – Policy Application.

5.3.3. Appendix 16: Guidance on Aparthotels.

5.4. **Natural Heritage Designations**

The site is not located within or adjacent to a Natura 2000 site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal as submitted by the applicant is summarised as follows:

Works to the Protected Structures

- The building was last occupied by a Motor Factors business and has been in light industrial or commercial use for most of the twentieth century, which has had a negative impact on the protected structures, including removal of internal walls, alteration of the original plan form, inappropriate render on building, replacement of original windows, floor coverings, fixtures and fittings.
- The proposed works will restore the building to its original internal layout, particularly at entrance level. Sash-windows will be reinstated and surviving

fireplaces, existing staircases, door cases, doors and cornices will be repaired.

- Any use of the building including as apartments or as a hotel would require upgrade and modernisation, similar to what is proposed by this use, therefore the suitability of this proposed use should not form a key tenet of the reason for refusal.
- The applicant should have been afforded an opportunity to develop the conservation proposals by way of condition and not through requirement of opening up in advance, which is contrary to best conservation practice. A condition in this regard, as has been attached to other conservation projects by DCC, is appropriate.
- To address conservation concerns, the applicant proposes as part of this appeal to alter the design as follows:
 - The ground and first floor plans have been redesigned to better preserve the original plan form and to preserve the decorative plaster and joinery at these levels.
 - The partitions between the hall and front reception rooms will be reinstated and doors in their original positions restored. The number of new partitions has been reduced.
 - Alterations at first floor level to include the provision of two enlarged suites in place of the four previously proposed, will reinstate the original plan form of the houses. This change also results in larger units addressing the Planning Officers comments in relation to the sizes of the units.
- The use is a viable use, given the under provision of tourist accommodation, and will result in the protected structures being restored and conserved.
- A report from Cathal Crimmins Conservation Architect is also submitted with the grounds of appeal and is supportive of the design approach.

Rear Extension

- Blessington Lane comprises buildings ranging in height from single storey to four storey, therefore there is precedence for a height greater than the three

storey proposed. The proposal is three storey onto Blessington Lane, however a minimal (approx. 50mm) increase in height over the adjoining two storey mews on Blessington Lane is proposed.

- The depth of the three storey proposal corresponds to the footprint of the original mews, while the height corresponds to the adjoining sites.
- The difference between this proposal and other mews proposals, is the built link from the mews to the protected structures in this application. The link is only two storeys and in this inner urban brownfield context cannot be considered overbearing or dominant.
- The transparency of the link structure allows the rear wall of the protected structure to be visible.
- Precedence exists for 100% site coverage to the rear of protected structures, ref 3352/17 at Westland Row.
- To address concerns raised by the Planner/Conservation Officer the applicant hereby amends the application by way of this appeal as follows:
 - The two storey link element has been set further back from the western boundary, increasing the width of the courtyard from 1.96m to 5.58m, reducing any potential to be overbearing. Given the height of the boundary wall there is no opportunity for overlooking. The courtyard is now 103sqm in area. The site coverage has been reduced from 83.4% to 76%.
 - The reduced width and simplified form of the link building now picks up the line of the original plot boundary between no. 42 and 43 with the open space corresponding to the original garden of no.43. This is a dramatic improvement on the extension as originally proposed in this application.
 - The rear courtyard window at first floor level has been obviated to overlook the courtyard and prevent any overlooking to the west.
 - The reduced link building now allows appreciation of the original extent and form of the Protected Structure.

- The rear extension as now proposed is entirely appropriate within the context of the curtilage of the Protected Structure and will significantly improve the visual interest and architectural integrity of the site.

Aparthotel Use

- To change the use to a hotel or apartments would require a similar level of intervention, if not more. The use is an appropriate use at this location.
- A range of room sizes are proposed from 15sqm to 45sqm, with the average room being 21.5sqm, which is larger than average hotel room size of 12sqm and is entirely appropriate for aparthotel use.
- Amendments proposed in this appeal provide for two larger units in place of four of the units, addressing concerns raised in relation to the scale of the units.

Finish to Front Façade

- The existing cement render on the front elevation is thick and appears to be extremely hard. It was not proposed to remove it as it could irreversibly damage the underlying brickwork. However in response to comments from the Conservation Officer, it is now proposed to remove a small sample section in a discrete location to allow the condition of the underlying brickwork to be assessed and agreement to be reached with the planning authority about whether to proceed with removal of the render.
- Other improvements to the façade are now proposed as part of this appeal, including repairing the front railings, removal of inappropriate replacement sections and removal of the paint from the front plinth, removal of cement surface from front steps, replacing the fanlight to no. 42 to match no. 43, replacement of plastic rainwater goods and repairing of the parapet coping stones.

6.2. Planning Authority Response

None.

6.3. Observations

A number of observations to the appeal were received from Blend Residents' Association and from the occupant of no. 40 Blessington Street which is located opposite the appeal site. The observations are summarised as follows:

- The proposed development provides little recreational/living space, providing neither the generosity of a full scale hotel nor the accompanying services of a hotel.
- The development will result in the destruction of the original protected structures, as highlight by DCC Conservation Officer.
- The aparthotel development does not meet development plan requirements for aparthotels in relation to the design and layout.
- The area needs decent affordable housing for families. The buildings could be divided into high quality units, as exists on Lower Blessington Street's South site and the North and South sides of Upper Blessington Street.
- As per the planner's report, the 'design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure'. While relaxation of standards is allowed in certain circumstance, this should not be applied in this instance as the proposed works would have an adverse impact on the character of the protected structures, on the site itself, on adjoining apartments and houses, and on the building and the intensification of drainage, plumbing, ventilation services and associated fire safety measures along with the structural upgrade works necessary to provide kitchen and bathroom facilities. The proposal would be severely detrimental to the character and structural integrity of the two buildings. Overarching conservation objectives are not achieved with this development.
- Rear extension, even though reduced, will still adversely affect the architectural significant and setting of the protected structures and the adjoining terrace.

- The proposal is contrary to section 11.1.5.4 of the development plan, given the scale and bulk of the development and adverse impact on the residential amenities and privacy of adjoining buildings.
- The proposal given its height, density and bulk would seriously injure the public amenity associated with the use of Blessington Basin.
- The proposal represents a significant intensification of use and overdevelopment of the site.
- The proposed given its nature, scale and massing will seriously injure the residential amenities of property in the vicinity.
- The proposal as amended is still occupying a significant portion of the curtilage of the site and site coverage at 76% represents an unacceptable intrusion into the curtilage of the two structures and will impact on residential amenity of dwellings on Blessington Lane.
- The proposed development on Blessington Lane is incongruous with existing lower scale development on the Lane and would seriously injure the amenities of properties on the Lane, contrary to section 16.10.4 and 14.8.1/14.8.2 in relation to Mews Dwellings, where such buildings are limited to one and two storey, to respect the original Georgian buildings.
- References to student accommodation and potential for Mater patient usage is not relevant.
- Proposal will result in disruption to residents from construction and from long term use.
- Bicycle parking not sufficient and no parking on site will result in over-spill parking of the surrounding area.
- Reference is made to previous DCC refusal for similar large scale apartment development in 2007 at no. 41a and no. 42.
- The altering of floor levels and scale of the extension is insensitive to the surroundings and inappropriate.
- The proposal would set an undesirable precedent for other Georgian buildings in the area.

6.4. Further Responses

None.

7.0 Assessment

- 7.1. The proposed development is to convert and extend two existing protected structures for Aparthotel use. No. 42 and 43 Blessington Street are protected structures (RPS no. 806 and 807) and each building is defined in the RPS as 'georgian-style house and original railings steps (excluding modification)'.
- 7.2. This application for conversion and extension for an Aparthotel use was amended as part of the applicant's grounds of appeal. It is this amended application which I am assessing within this report.
- 7.3. The amendments are summarised as follows:
- The total number of bedrooms within the Aparthotel has been reduced from 28 to 24.
 - The layout of the ground and first floor level of the protected structures has been amended. The ground floor will comprise two front lounge rooms in each building which will be inter-connected via one ope. The rear room in no. 43 will comprise a reception room, with the original window reinstated and the rear room in no. 42 will become an office and kitchenette with the rear window reinstated. The reception room in no. 43 and office in no.42 will be connected via one opening. There will be one aparthotel unit at the first floor level of each building, in place of the two per building previously proposed. The first floor apartments are not shown to be interlinked, therefore the two front entrance doors to the two buildings will be functional (albeit I note the layout plan appears to state in error that the entrance to no. 43 will be for emergency/staff access only). Each apartment will comprise a bedroom in the front room with connection via the existing original archways to a kitchen/dining area to the rear. The second floor layout comprising four aparthotel units (two per building) as previously proposed remains the same.
 - The rear two-storey building, which links the protected structure at no. 43 to the new three-storey build to the rear of the site, has been reduced in width

and the form simplified, with resultant reduction of two aparthotel units. The width of this two-storey section aligns with the original garden boundary between no. 42 and no. 43, with the area to the immediate rear of no. 42 becoming a landscaped courtyard/garden, providing for a separation from no. 42 and the three-storey building at the end of the garden/site.

- Improvements are proposed to the front and rear external façades and also the front boundary railings and steps of the protected structures. Provision are proposed to allow further assessment of how to treat the render on the front façade.

- Revised site coverage of 76% (reduced from 83.4%)

7.4. The following assessment sets out my considerations of the key planning issues. The primary issues for assessment include:

- Policy
- Impact of Change of Use on the Interiors and Facades of the Protected Structures
- Impact of Extension on Protected Structures
- Impact on Residential Amenity of the Area
- Appropriate Assessment

Policy

7.5. The subject site is located within zoning objective Z8, the objective for which is ‘to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective’ (Protected structure). The aim of the Z8 zoning is to protect the architectural character/design and overall setting of these areas. No. 42 and 43 Blessington Street are protected structures (RPS no. 806 and 807) and, as noted by the Conservation Officer of Dublin City Council, have been assigned a regional rating in the NIAH, and are considered to be of special architectural and artistic interest. The existing buildings are considered to make an important contribution to the streetscape of Blessington Street, this street being an integral part of the Gardiner Estate masterplan for the north Georgian core, planned as an extension to the public space formerly known as Gardiner’s Mall,

which terminated with the Blessington Street basin. These houses are examples of the typical house typology on the street and although they have lost many of their original features, their contribution to the street is significant given the importance of the context.

- 7.6. Aparthotel use is not listed as a separate use in the development plan, however, I consider this use to come within the definition of a hotel use. The use proposed is therefore compatible in principle with the land use zoning objective of the site, subject to assessment in relation to impact on the protected structures, character of the area and residential amenity of the area, as explored further in the assessment hereunder.
- 7.7. The indicative plot ratio standard within zoning objective Z8 is 1.5 and the site coverage standard is 50%. The applicant states in the grounds of appeal that the revised site coverage is 74% (was 83.4%). The observers contend that the proposed development would represent over development of the site. I note under section 11.1.5.3 of the development plan there is provision for the relaxation of standards in certain circumstances. It states 'in finding the optimum viable use for protected structures, other land-use policies and site development standards may need to be relaxed to achieve long-term conservation'. I am of the view that the site coverage and plot ratio are in this instance acceptable in principle, subject to the proposal overall being acceptable in terms of its impact on the character of the protected structures and the area, as assessed further hereunder.

Aparthotel Use

- 7.8. Concerns have been raised in the observations to the appeal that the aparthotel development does not meet development plan requirements for aparthotels in relation to the design and layout.
- 7.9. The applicant has amended the layout of the aparthotel use, particularly at ground and first floor level of the protected structures, with the four units proposed at first floor level reduced to two units to allow the layout to better reflect the original plan form of the protected structures, while also providing for variation in proposed room sizes. The upper floor and basement are considered to be of limited value and the scale of the rooms at these levels remain the same, with the floor level of the basement amended to allow for floor-to-ceiling heights.

- 7.10. In considering the proposed use, I have had regard to the document Guidelines for Planning Authorities on Architectural Heritage Protection (2011), which states that in considering an application for the material change of use of a protected structure, a balance will need to be struck between its continuing economic viability if the change is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted, which is further supported by Policy CHC2 of the Dublin City Development Plan 2016-2022.
- 7.11. I am of the view that the use as proposed is acceptable and in accordance, in principle, with the uses permissible under the zoning objective for the area. Overall, the proposed change of use will bring back into use the buildings and proposes to restore the character of the protected structures, which are at present in a very poor condition. The development plan is not prescriptive in terms of the exact room sizes required for an aparthotel, but states a range of different unit styles and sizes will be required in order to cater for the needs of visitors and the design and layout of the aparthotel units should be such to enable the amalgamation of individual units to cater for the needs of visitors especially families. I note the majority of rooms proposed are small studio type units. The amended design however, submitted with the grounds of appeal, does provide for two larger apartment type units at first floor level within the protected structures, which caters for larger family sizes. All units accommodate a basic cooking area and while a dining area is not provided for in most of the units (with the exception of first floor units in the protected structures), there would appear to be potential space for a small table and chair in most units. The layout and scale of units as now proposed is in my view acceptable.
- 7.12. Overall, the economic viability of the proposed change of use will aid in keeping these structures in an active, but appropriate use, helping to prolong their life and sustainability.
- 7.13. I consider further hereunder the impact of the internal amendments proposed on the character of the protected structures.

Impact of the Change of Use on the Interiors and Facades of the Protected Structures

- 7.14. The observation to the appeal contends that the proposed development will have an adverse impact on the character of the protected structures given the level of internal

works required. Overarching conservation objectives are not considered to have been achieved in this development.

- 7.15. The applicant considers the change of use to an aparthotel will bring back to life and restore the character of the original buildings and the works proposed, as amended within the grounds of appeal, will restore the building to its original internal layout, particularly at entrance level. Interventions required in the buildings are of a similar level to what would be required if the change of use proposed was for apartment use or hotel use.
- 7.16. The works to the protected structures are detailed in the application documentation, and floor plans. The two properties are linked internally and were previously in use as one commercial unit as a motor factors with no. 42 being in this use since 1952. An amalgamation of the motor factors with no. 43 occurred in 1967. Significant amendments to the interiors have taken place as a result, with loss of internal walls, new rooms created, connections between buildings created at all levels and amendments to the interiors including floor and ceiling finishes. Records show both buildings had mews buildings fronting onto Blessington Lane, with these replaced with sheds in the late twentieth century. Some features within the buildings at ground and first floor level remain and the applicant states these will be restored where feasible, namely decorative ceilings in the entrance halls, stairs, ballustrades, handrails, decorative cornices in the principle rooms, decorative surrounds to arches, some fireplaces and some historic joinery. The layout of the basement and second floors are stated to have no surviving decorative features on these levels, with the upper floor having lost most of its original walls and ceiling. Historically it is stated that these levels would have been secondary to the principal interiors on the ground and first floors.
- 7.17. I am of the view that there is sufficient information submitted with this application to consider the impact of the proposed development on the protected structures and where any further alterations are proposed in the future, for example alterations to accord with fire safety requirements etc, which do not form part of this application, these will by necessity require a further planning application. The amended plans submitted by the applicant include a revised layout plan for the ground and first floors to better reflect the original plan form of the protected structures resulting in two of the aparthotel units in the main building being omitted with provision for one

apartment on the first floor of each building. These changes to the plan form of the buildings are welcomed and will significantly aid in the restoration of the character of the building, subject to condition in relation to the methodology, investigative and repair works required. The applicant has also provided further detail and clarification in relation to what improvement works to the Blessington Street façade and boundary are being proposed, including investigation works relating to the Portland cement render to the front elevation to see if it can be removed without damage to the bricks, proposals for replacement windows etc. The clarity proposed in this regard is also welcomed, with a greater commitment demonstrated to the restoration of the buildings to their original historic form.

- 7.18. The applicant proposes to alter the level of the basement to allow for standard floor to ceiling heights. I note the unevenness of the basement floor as it exists, the low heights and lack of features of interest. While the Conservation Officer expressed concerns in relation to the underpinning of adjoining buildings and potential impact on the structures themselves and adjoining structures, I am satisfied that subject to appropriate engineering/construction standards and supervision by a conservation architect, the proposed alterations of the levels within the basement can be accommodated without impacting on the overall character and integrity of the structure. This issue can be addressed by way of condition, should the Board be minded to grant permission.
- 7.19. I have considered overall the level of works proposed to the internal layout as revised within the grounds of appeal, as well as the necessary provision of services for the proposed use. I am of the view that the level of intervention proposed to accommodate this change of use, and restoration works proposed to the fabric of the building, are acceptable and in accordance with the primary aim of the zoning objective to protect the architectural character/design and overall settings of these Georgian areas. Should the Board be minded to grant permission, a condition will be required to address in detail with the Dublin City Council Conservation Officer the exact methodology and extent of repair works being undertaken to ensure the works are undertaken in accordance with the Guidelines for Planning Authorities on Architectural Heritage Protection published by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (2011).

Impact of Extension on the Protected Structures

- 7.20. Policy CHC2 states that to ensure that ‘the special interest of protected structures is protected, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure’. In relation to development within the curtilage of protected structures, the development plan states ‘the traditional proportionate relationship in scale between buildings, returns, gardens and mews structures should be retained..... A garden size appropriate to that of the structure should be retained’. With regard to mews dwellings, the development plan states ‘Development will generally be confined to two-storey buildings. In certain circumstances, three-storey mews developments incorporating apartments will be acceptable, where the proposed mews building is subordinate in height and scale to the main building, where there is sufficient depth between the main building and the proposed mews building to ensure privacy...’
- 7.21. The observers contend the proposed extension as amended will impact negatively on the setting of the protected structures by virtue of its scale, height and massing.
- 7.22. The applicant has submitted additional drawings amending the scale of the extension and states the amended design, which increases the courtyard area and aligns the extension to the original garden boundary between no. 42 and 43, leaving a separation between no. 42 and the rear mews type building is a significant improvement to the design as originally proposed. It is contended that the scale of the extension to the rear of no. 43, given the inner city brownfield context of the site, cannot be considered overbearing or dominant and the proposal overall is a conservation gain.
- 7.23. The applicant proposes to replace the later addition two-storey return to the rear of no. 43 with a two-storey return of similar scale, which is in my view acceptable. It is proposed to add a further two storey building adjoining this return with an increased width to accommodate two aparthotel units at ground level and a further two at first floor level, with the first floor level (beyond the new rear return) set approx. 1.7m off the boundary with the adjoining property. This two storey element then links into a three storey structure which extends across the width of the site and takes the form of a mews building.
- 7.24. The two-storey element of the extension, beyond the new return and glazed link, has been reduced in width as part of the grounds of appeal, to allow for the restoration of

the external amenity space between the original rear wall of no. 42 and the proposed three storey mews type structure to the rear. I consider the revision to the design submitted with the grounds of appeal as it relates to the rear of no. 42 is a significant improvement for no. 42, however the scale of the development to the rear of no. 43, which in effect extends from the rear wall of no. 43 to the boundary with Blessington Lane, would result in practically 100% site coverage of the original plot relating to no. 43. This is contrary to the traditional pattern of development to the rear of protected structures on this primarily residential street, whereby there is a separation between mews buildings and the main buildings. This element of the proposal would therefore have a significant impact on the character of the protected structures.

7.25. While I note that the development is overall an improvement to the existing situation where the existing pre-1963 warehouse unit covers the site, I am cognisant of the development plan policy which seeks to protect the curtilage of protected structures and the context of the other buildings on this residential street where the pattern is for detached mews/other structures separate from the main buildings. I am of the view that the two storey link between the rear return and the three storey mews should be omitted by way of condition in order to protect the setting of the protected structures and the setting of the terrace as a whole, while still allowing for a change of use which will bring back into life the protected structures on site with increased intensification of use within the structures and the addition of a significant mews structure to the rear. I further assess the mews structure hereunder.

7.26. The mews element is three storey and finished with a mansard type roof. The footprint is quite deep compared to other mews developments further east on the laneway and the roof plan is more dominant, however the footprint is largely the same depth as the neighbouring mews to the west. I note that the original rear garden depth to the protected structures are the longest at this end of the street/laneway, therefore a larger footprint to the mews structures can be accommodated without detriment to the main buildings. Should the Board be minded to grant permission, I am of the view that the large mews type structure to the rear can be accommodated on site without detriment to the protected structures or the adjoining mews development.

- 7.27. The design approach overall offers a solution that restores the existing protected structures with interventions which in my opinion are acceptable, removes a large inappropriate warehouse unit from the site, re-establishes the boundary and part of the original garden to no. 42 and provides for a clear break between the existing and proposed building to the rear of no. 42. To facilitate the restoration of the character of no. 43 in the same way requires in my opinion the removal of a section of the two storey extension, comprising aparthotel units 1.01 to 1.04, which if the Board is minded to grant permission, can be achieved by way of condition. I note from the layout that the elevator is required to serve the three floors of the protected structure and from the floor plans is not required to serve the proposed aparthotel units to the rear of the property. The glazed elevator structure is acceptable.
- 7.28. The applicant quotes precedent for 100% site coverage to the rear of a protected structure along Westland Row. Every application is assessed on its own merits and regard must be had to the context of the protected structures in this instance and the established pattern of development.

Impact on Residential Amenity of the Area

- 7.29. Observers to the appeal raise concerns in relation to the impact of the extensions on the residential amenity and privacy of adjoining buildings on Blessington Street and also on Blessington Lane, where the scale of mews buildings is limited to one and two storeys.
- 7.30. The aparthotel units at first floor level within the two storey rear extension and their associated bedroom windows are approx. 5.8m from the boundary with the neighbouring mews dwelling to the west. While the applicant states the existing boundary wall at 5.95m would prevent overlooking, I am of the view that the depth as well as the height of the proposal when viewed from the properties to the west would result in perception of increased overlooking and loss of privacy. While the extension is positioned 1.7m from the boundary with the adjoining plot to the east, the two storey extension does extend along the entire adjoining boundary and therefore would have an impact in terms of outlook and the amenity of the property. Should the Board be minded to grant permission, I am of the view that the removal of the two storey section comprising aparthotel units 1.01, 1.02, 1.03 and 1.04 would be sufficient to mitigate the impact of the development on the neighbouring properties and, as set out above, would be appropriate from a design and conservation

perspective to restore and protect the character of the protected structures in this terrace.

- 7.31. I have examined the impact of the proposed three storey element of the development, which is located at the end of the site and extends across the width of no. 42 and 43. This section of new build takes the form of a mews structure, similar to the form and pattern of mews dwellings which have been developed in an ad hoc fashion along this laneway. I am of the view that given the footprint of the proposed three storey building follows the building line at first floor level (with a slightly larger ground floor) of the neighbouring building and given the overall height is only marginally higher than that of the neighbouring dwelling, the proposed three storey element of the development would not impact negatively on the amenity of the mews dwellings to the east on Blessington Lane.

Other Matters

- 7.32. It is noted that the proposed development does not propose to provide any off street parking. Given the central location of the site in close proximity to public transport routes and termini it is not considered necessary that off street parking would be required for the aparthotel.
- 7.33. Given the narrowness of Blessington Lane and the presence of commercial car repair/garage businesses adjoining and opposite the site, as well as mews dwellings, a construction management plan will be required to ensure that construction access is managed in a way that does not hinder significantly access by other residents/business users of Blessington Lane. This issue can be addressed by way of condition, should the Board be minded to grant permission.
- 7.34. The Section 49 Luas Cross City Supplementary Development Contribution Scheme applies to the appeal site. I note that exemptions exist for 'works to, and change of use from residential use to commercial and vice versa, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual structure(s) and does not include development within its curtilage'. Should the Board be minded to grant permission a condition should be attached in relation to Section 49 Scheme.

Conclusion

- 7.35. The subject site is located on Blessington Street, within the historic Georgian core of Dublin City. The site is centrally located and served by high quality public transport

and is an appropriate site for a well-designed aparthotel use, with this economic use being supportive of the restoration and maintenance of these protected structures. I am satisfied that the concerns raised in relation to the impact on the character and quality of the protected structures due to the scale of the extension proposed within the curtilage of these protected structures can be satisfactorily addressed by means of amendments by condition.

Appropriate Assessment

- 7.36. An Appropriate Assessment Screening Report was submitted with the planning application (dated October 2017).
- 7.37. North Dublin Bay SAC (0210), North Bull Island SPA, South Dublin Bay SAC (0206), South Dublin Bay and Tolka Estuary SPA (04024) and the Poulaphouca Reservoir SPA (004063) are considered to fall within the zone of influence of the project and have been considered.
- 7.38. The appeal site is a serviced site within Dublin City Centre, comprising hard surfaces within a built up area. The site is not located within or adjacent a Natura 2000 site. There are limited relevant pathways between the development and the aforementioned sites. I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction. I consider that adequate attenuation is proposed within the site during the operational phase and therefore the potential for impact on the water quality within the designated sites is remote. In addition, the proposal for connection to the public foul network would mitigate any potential for impacts from wastewater.
- 7.39. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No.0210 (North Dublin Bay SAC), 0206 (South Dublin Bay SAC) and 04204 (South Dublin Bay and Tolka Estuary SPA), 004063 (Poulaphouca Reservoir SPA) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. It is recommended that permission is granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and aparthotel use would not adversely impact on the character of the protected structures or overall setting of the area and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 5th day of February, 2018, 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 proposed development shall be amended as follows:
 - (a) The two-storey rear extension comprising aparthotel units 1.01, 1.02, 1.03 and 1.04 and associated corridor shall be omitted and in its place a landscaped garden/courtyard shall be provided to provide adequate separation from the main building with associated two storey rear return and the three storey mews type building at the end of the plot.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that the integrity of the retained protected structures is maintained and in the interests of visual and residential amenity.

3. The aparthotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Appendix 16 of the Dublin City Development Plan 2016-2022. In addition, the aparthotel shall be managed by a reception facility on the ground floor with twenty four hour reception and security facilities. The aparthotel units shall not be used as independent and separate self-contained permanent residential units.

Reason: In the interest of orderly development and to protect residential amenities.

4. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades structure and/or fabric.

(b) Detailed proposals of all works to the protected structures, including works to the facades, internal repairs and provision of services, as well as works at basement level and consideration of adjoining buildings, shall be agreed in writing with the planning authority and shall include, inter alia, proposals regarding pre and post construction condition surveys and structural surveys, detailed survey works, and comprehensive monitoring proposals.

(c) All works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ,

including structural elements, plasterwork (plain and decorative) and joinery, and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(d) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

(e) All repair works to the rainwater goods, external wall render, window frames and sashes and front entrance external doors and door cases shall be carried out in accordance with the recommendations of the accompanying conservation report on 'a repair rather than replace basis' and matching 'like for like' materials.

Reason: To safeguard the special architectural interest of the protected structure and ensure that the integrity of the protected structures is maintained and the structures are protected from unnecessary damage or loss of fabric.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including landscaping of the courtyard/amenity areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Water supply and drainage arrangements including the 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.

8. 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 residential amenities of property in the vicinity.

9. (a) 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.

(b) The plan shall include a detailed method statement to mitigate potential nuisance including noise and dust. The plan shall outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction.

Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.

10. 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 including access and use of Blessington Lane, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority or management company of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Una O'Neill
Senior Planning Inspector

25th June 2018