



An
Bord
Pleanála

Inspector's Report ABP-301273-18

Development	The development will consist of alterations to development consisting of one additional storey to the permitted 6 storey rear (southern) block.
Location	10, Usher's Island and 32 Island Street, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4611/17
Applicant(s)	Danny O' Malley.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Danny O' Malley.
Observer(s)	None.
Date of Site Inspection	13 th of July 2018
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site consists of a bike shop which fronts onto Usher's Island to the north of Island Street, along the Liffey River, Dublin 8. The shop is used for cycle sales, rental and repair and extends from Ushers Island, through to Island Street at the rear. The building is in poor state of repair and the sheds to the rear of the site are near collapse. The properties along the west of the site, fronting onto Usher's Island consist mainly of five storey buildings and there is a large 2 storey day centre located within its own grounds to the east of the site.

2.0 Proposed Development

2.1. The proposed development would comprise:

- Alterations to recently granted permission PL29S.247837, to include an additional storey to the rear (southern block) to increase the height of the building from six (c. 19m) storeys to seven (c. 22m).

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for the following reasons:

- Having regard to the Liberties LAP and SDRA- 16 of the development plan,
- The previous planning history on the site (Reg Ref 2466/17 and 3503/16 ABP29S.247837),

- The pattern of development, restricted width and elongated nature of the site,

The proposed development is out of character with the pattern of development on Island Street and due to its visual prominence, contrary to the protection of the visual amenity of the Liffey Quays Conservation Area.

The additional shadow cast by the proposed development would negatively affect the existing residential amenity and prejudice development potential of the neighbouring sites.

The scale of the proposed development, by reason of its visually obstructive character does not enhance the River Liffey, contrary to Section 16.2.1 (Respecting and Enhancing Character and Context) of the Development Plan.

The proposed development does not compliment the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape as set out in Section 16.2.2.2 (Infill Development) of the Development Plan.

Therefore, the proposed development, in itself and by precedent it would set for similar excessively scaled development in the area, would be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

- The previous refusal on the site for Reg Ref 3466/17 for a similar proposal including an addition 66th floor on the rear of the proposal along Island Street and Condition No 2 of the decision granted by the Board PL29S.247837 which required the removal of the fifth floor facing onto Ushers Island (apartment number 5).
- The additional floor would mean the height would exceed to the adjoining building by to floors, which is out of scale.

The application is accompanied by the following:

- Shadow study drawings.
- Photomontage illustrations.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division- Request for further information in relation to the DART submission on underground loading.

Drainage Division- No objection to proposal.

3.3. Prescribed Bodies

DART Underground Office- The issues relating to the previous application (3503/16) still apply and requires a structural assessment to be sought to confirm the surcharge loading over the proposed DART Underground tunnels.

3.4. Third Party Observations

None received

4.0 Planning History

Reg Ref 3466/17

Permission for a similar development, 6th storey to the rear (southern end), refused for the same reasons as this application which is before the Board for determination.

PL29S.247837 (Reg Ref 3503/16)

Permission granted for demolition of disused buildings and sheds, construction of 10 by 2 bedroom apartments with balconies in two six- storey blocks and associated facilities.

Condition No 2 required the omission of the fifth floor facing Usher's Island (apartment 5), the building line along the front of Island Street to be set back by 0.5m, the floor to ceiling height of the proposed entrance lobby increased to 3.0m, the projecting balcony of apartment No 3 omitted and the elevation of all balconies on Usher's Island elevation and spandrel panels finished in brick.

5.0 Policy Context

5.1. Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018).

5.2. Dublin City Development 2016-2022.

The site is zoned as Z5 "City Centre" where it is an objective *"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity"*

Urban Design

Section 16.2.1.1 Respecting and Enhancing Character and Context- New development should protect and enhanced the natural landscape features of the River Liffey.

Section 16.2.2.2 Infill Development- Infill development must respect and complement the prevailing scale, architectural quality and degree of uniformity in the surrounding townscape.

Section 16.5- Plot Ratio Z5, City Centre 2.5-3.0

Section 16.7.2- Building Heights

- Low Rise Inner City- Up to 24m residential

The site is located within a **Conservation Area**, therefore the following polices apply:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development will contribute positively to the character and distinctiveness of the appearance and setting.

The site forms part of the **Liberties Local Area Plan** and the Strategic Development Regeneration Area 16 (SDRA- Liberties and Newmarket) therefore the following policies apply:

Section 5.1.2-The site is located in the "Quays/ Bridgefoot Street/ Oliver Bond" character area where key objectives relating to the site include:

- Create river frontage with a consistent scale and grain along the entire length of the Quays with buildings of around four to five storeys
- Promote sensitive infill along Ushers's Island, Usher's Quay and Merchant's Quay with refurbishment of buildings with heritage value.

SDRA 16- Liberties (including Newmarket and Digital Hub)

Overall key objectives relevant to the proposed development include the promotion of good urban design, high-quality buildings and protect the distinctive heritage.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal is submitted by the applicant in relation to the refusal and may be summarised below:

- The site has unique characteristics which make it capable to accommodate an additional storey.
- The vertical nature of the site will give an elegant appearance to the building.
- The pattern of development in the area is fractured and varies in height.
- The current buildings in the vicinity have a large footprint and poor frontage.
- Section 16.2.2 of the development plan, infill development, seeks that new development respects the architectural quality of the surrounding townscape, there is no uniformity at present.
- A large number of sites within the Digital Hub will emerge which are mid-rise, up to 50m in height.
- The impact on the Liffey Quays, in the planner's report, is overstated as the building will be partially visible, it will not interfere with any views or architectural interest.
- The extant permission has a plot ratio of 3.43 which is already above the recommended 2.0-3.0 for the landuse zoning.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

None received.

6.4. Observations

None received.

7.0 Assessment

The main issues of the appeal can be dealt under the following headings:

- Principle of development
- Visual and Residential Amenity
- Built Heritage
- Appropriate Assessment

Principle of development

- 7.1. The subject site fronts onto Usher's Island to the north and extends to the rear, south to face onto Island Street. The site is located on lands zoned Z5, City Centre, in the development plan, where residential is a permissible use.
- 7.2. The proposal includes alterations to a recently permitted development, PL29S.247837 (Reg Ref 3503/16) for the redevelopment as an apartment development. The existing permission includes two tall blocks, one along Usher's Island and one along Island Street, interconnected by a lower block for a courtyard and storage units in the central area. The proposed development includes an increase the height of the rear building fronting onto Island Street from 6 storeys to 7 storeys. Condition No. 3 restricted the height of the apartment development along Usher's Island to 4 storeys. No restrictions on height were included for the rear apartment block along Island Street, which the Inspector considered was similar to the prevailing height to Usher's Island and within the development plan height restriction of 24m for residential schemes. I note the reason for refusal for the proposed development references the planning history. I have assessed the conditions included in PL29S.247837 and do not consider they preclude any proposal for an additional floor along Island Street, as the height restriction in condition No. 3 only related to the apartment block along Ushers Island.
- 7.3. Therefore, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Visual and Residential Amenity

- 7.4. The subject site is located to the west of a row of 5 storey apartment blocks (Atrium Apartments) fronting onto Island Street. The current permitted apartment development on the site is c.2m higher than the adjoining building. The proposed development includes an additional apartment (c. 107m²) on the seventh floor. The reason for refusal refers to the excessive plot ratio, excessive height and the additional apartment which was considered out of character with the pattern of development in the vicinity. The grounds of appeal consider the additional apartment is in keeping with the development in the surrounding area, particularly the development proposed in the Digital Hub, along the south of the site, which permits up to 50m high buildings.
- 7.5. Plot Ratio- Section 16.5 includes a plot ratio guidance of 2.5-3.0 for development on lands zoned Z5. The grounds of appeal refer to the permitted development which has a plot ratio of 3.43 and the revised plot ratio is 3.63. I note the previous plot ratio which is higher than the recommended ratio has already been justified by the Board in granting the existing permission and I consider the increase will not have a significant impact on the development of the site.
- 7.6. Building Height- The proposed additional floor is c. 3m above the permitted apartment development, c.22m in total. The height of the proposed building will exceed the adjoining 5 storey apartment development by c. 5m. Section 16.7.2 of the development plan provides an assessment criteria for higher buildings, the maximum height permitted for inner city is 24m and all proposals for mid- rise and taller buildings must have a relationship to the context including topography, built form, and skyline and need to protect important views, landmarks, prospects and vistas. The height of the proposed apartment building complies with the development plan standards although when considering the additional assessment criteria and the significant difference in height of the proposed building to the highest buildings in the vicinity of the site, I do not consider the additional height provides a satisfactory relationship to the surrounding area or respect the existing skyline. I consider the additional height will dominate the streetscape along Island Street.
- 7.7. Liberties Local Area Plan- The subject site is included within the character area “Quays/ Bridgefoot Street/ Oliver Bond” in the Liberties LAP and the Strategic

Development Regeneration Area 16 (SDRA 16) of the development plan. Key Objectives for the area include a consistent scale of four to five storeys along the river frontage and the sensitive infill of sites along Usher's Quay. Having regard to the assessment above, where I consider the additional height is out of character to the surrounding area, I do not consider the proposal would comply with the requirement for sensitive infill. Therefore I do not consider the proposed development would comply with the key objectives in the Liberties LAP.

- 7.8. Residential Amenity- The adjoining apartment development to the west of the site has balconies along the façade, facing onto Island Street and open space on the fifth floor. Shadow cast drawings submitted with the planning application illustrate overshadowing on this building during the morning and mid-day. I consider the inclusion of an additional storey and increase in height will increase the shadow cast on this building, which will have a negative impact on the amenity of the residents. I note the size of the apartment and consider the overall design complies with the standards in the national guidance, Design Standards for New Apartments - Guidelines for Planning Authorities.
- 7.9. Having regard to the character of the buildings in the vicinity of the site and along Island Street and the overall design and increase in height of the building, I consider the proposed development will dominate the streetscape and therefore does not comply with the key objectives in Liberties LAP and the urban design guidance in the development plan.

Built Heritage

- 7.1. The site is partially located within a Conservation Area which encompasses a significant area of land along each side of the Liffey River. The reason for refusal refers to the undesirable impact on the River Liffey. The grounds of appeal argue this reason for refusal is not justified as the site is not visible from the Liffey and will not have an impact on the Conservation Area.
- 7.2. The proposed development includes an increase in the height of the building from 6 storeys to 7 storeys along the rear section of the site fronting onto Island Street. Policy CHC4 of the development plan requires that all new development respects the special interest of the Conservation Areas. In this instance, I consider the setting of the River Liffey the feature of interest. In addition, Section 16.2.1.1 of the

development plan, Respecting and Enhancing Character and Context, requires new developments to protect and enhance the natural landscape features of the River Liffey.

- 7.3. I note the existing building to be demolished is a disused shed with no distinctive features of special interest and the impact of its removal has already been determined by the Board in the previous application. The permitted development will be visible from along the River Liffey and having regard to the assessment above and the negative impact on the surrounding area I consider the increase in height would have a negative impact on the River Liffey Conservation Area.
- 7.4. Therefore, based on the design and height of the additional proposal onto an already tall building and the location adjacent to a conservation area and distance from the edge of the River Liffey, I consider the proposed development would have a negative impact on the character and setting of the Conservation Area.

Appropriate Assessment

- 7.5. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that permission refused for the reasons and considerations below.

9.0 Reasons and Considerations

Having regard to the established built form and character of the surrounding area, the location of the site within the Liberties Local Area Plan with key objectives to promote sensitive infill, on lands zoned, Z5, where it is an objective *“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 policies and objective of the Dublin City Development Plan 2016-2022, in particular Section 16.7.2, criteria for higher buildings , it is considered that the excessive height relative

to surrounding buildings would be incongruous in terms of its design, which would be out of character with the streetscape and the River Liffey Conservation Area and would set an undesirable precedent for future development in this area. Accordingly, it is considered the proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area

Karen Hamilton
Planning Inspector

02nd of August 2018