



An
Bord
Pleanála

Inspector's Report ABP301381-18

Development	Permission for alterations to existing shopfront at O'Briens off-licence.
Location	105 Rathgar Road, Dublin 6.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	WEB1022/18.
Applicant	Brendan O'Brien.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellants	Rathgar Residents Association.
Observers	None.
Date of Site Inspection	12 th July, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP30381-18 relates to a third party appeal against the decision of Dublin City Council to alter an existing shopfront at O'Brien's Off-Licence on the Rathgar Road Dublin 6. The grounds of appeal argue that the proposed new shopfront is inappropriate from a visual point of view and will erode the established characteristics of Rathgar Village.

2.0 Site Location and Description

The subject site is located opposite the junction of the Rathgar Road and Highfield Road in Rathgar Village, approximately 4.5 kilometres south from Dublin City Centre. The subject site is located in the centre of the village on the northern side of the intersection between Rathgar Road and Highfield Road/Terenure Road. The row of buildings of which the subject site forms part comprises of two-storey red brick terraced buildings which accommodate commercial uses at ground floor level and mainly office/residential uses above. The front elevation of the subject site incorporates a slight kink to reflect the fact that the buildings follow the pattern of the road which turns south-west onto Terenure Road.

The building currently accommodates O'Brien's Off-Licence and incorporates a traditional wooden shopfront with wooden plinths, stall raisers, pilasters, fascias and brackets. The shopfront incorporates a central entrance with two rectangular windows with rounded arches on either side of the doorway. On the southern side of the elevation, a separate doorway provides access to the upper floor of the building. The two doorways on the shopfront incorporate similar designs. It would appear from my site inspection that the shopfront in question is not an original 19th century Victorian shopfront but a replica. The subject site is bounded on the northern side by a more contemporary shopfront accommodated by Boylesports. A travel agency is located at ground floor level on the building adjacent to the south.

3.0 Proposed Development

Planning permission is sought for the replacement of the traditional style shopfront with a more contemporary shopfront. It is proposed to retain the existing fascia board and lettering within the shopfront. However, it is proposed to change the existing doors and windows to incorporate a larger more contemporary new glazed window on either side of new frameless glass double doors. The stall raisers and pilasters adjacent to the doors are to comprise of pressed aluminium or similar material and black in colour. The outer pilasters on either side of the shopfront are likewise to be replaced with pressed aluminium and the drawings indicate that these are to retain the existing green colour. Details of the proposals are indicated on Drawing P03.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission for the proposed development subject to 3 conditions.

4.2. Planning Authority Assessment

- 4.2.1. The planning application was lodged with the Planning Authority on the 18th of January, 2018. A letter from the Rathgar Residents Association objecting to the proposal was submitted, the contents of which has been read and noted.
- 4.2.2. An internal report from the Engineering Department stated that there is no objection subject to standard conditions. The planner's report notes that there is an established varying shopfront design within the area and the proposed development would appear to maintain similar proportions and scale to that on site. It is considered that the existing design approach is pastiche and does not contribute positively to the overall character and setting of the area as there are a number of varying and modern shopfront designs located along the Rathgar Road. For this reason, it is recommended that planning permission be granted for the proposed development. In its decision dated 14th March, 2018 Dublin City Council issued notification to grant planning permission subject to seven conditions.

5.0 Planning History

The planner's report makes reference to one history file under Reg. Ref. 1160/94. Planning permission was granted for a new shopfront to an off-licence with a door to an apartment over and the provision of a two-bedroom self-contained apartment above.

6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission was appealed by the Rathgar Residents Association. The grounds of appeal are outlined below.

It is argued that it is very important that traditional style shopfronts in Rathgar Village be retained and maintained so that the existing historic and traditional character and pattern of the village is protected. The existing shopfront while not necessarily being the Victorian original, nevertheless is of a traditional ethos and pattern which sits well in the street and makes a positive contribution to the existing streetscape. It also sits appropriately within the terraced Victorian buildings on which it is located. It is noted that the City Development Plan seeks to retain and protect traditional and original shopfronts.

Rathgar Village has kept most of its traditional shopfronts thanks to the efforts of shop owners through the years. To allow the proposed changes would set an undesirable precedent for more of the same and it is considered unacceptable that this would occur.

Finally, from a business point of view, it is extremely difficult to see how the proposed changes in the shopfront will change the established business pattern and would benefit any of the individual businesses. For these reasons it is recommended that the decision be overturned and planning permission be refused.

7.0 Appeal Responses

- 7.1. It appears that Dublin City Council did not submit a response to the grounds of appeal.

- 7.2. A response on behalf of the applicant was submitted by Paul O'Brien and Associates and is summarised below.

It is stated that the existing imitation shopfront has had a number of additions made to it over the years and it is not an authentic traditional shopfront. It is argued that a new modern shopfront is well detailed and will have a positive effect on the existing streetscape in the area. Reference is made to the planner's report where it is considered that there is an established varying shopfront design which would appear to maintain similar proportions and scale. The planner's report also considers that the existing design approach is pastiche and does not contribute positively to the overall character and setting of the area. Also enclosed is a number of images showing the existing terraced streetscape and it is the applicant's contention that a modern shopfront will enhance the terrace, not diminish it. It is stated that there is a modern shopfront design adjoining the store to the left and right.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022 and the subject site is zoned Z4 which seeks to "provide for and improve mixed serviced facilities".
- 8.2. Policy RD15 seeks to require high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in the Dublin City Council's Shopfront Design Guidelines.
- 8.3. Section 16.24.2 specifically relates to shopfronts. The plan states that shopfronts are one of the most important elements in defining the character, quality and image of the streets in both the city centre and our urban villages/radial streets. Dublin City Council's seeks to protect and retain traditional and original shopfronts and to encourage new and contemporary shopfronts that are well designed. This will protect the local character and foster vibrant and successful retail centres. There should be a regular change and rhythm to shopfronts to create visible interest, preferably a new shopfront, or a change to the design of a long shopfront every five to eight metres.

8.4. New shopfronts or alterations to existing shopfronts should:

- Relate satisfactorily to the design, proportions, materials and details of the upper parts of the building.
- Complement their context and quality and character of adjoining shopfronts, especially where these form part of a consistent group of traditional shopfronts.
- Wherever possible be accessible to all and provide a level threshold to the entrance.
- Reinstate missing architectural detail where appropriate.
- Not harm or obscure original architectural details such as corbels, console brackets, fascias, pilasters and stallrisers or involve the removal of existing shopfronts of historic or architectural interest.
- Not involve the installation of solid or perforated external shutters.
- Not be entirely or largely openable.
- Be of good quality contemporary design where appropriate.

Shopfront signage should:

- Be located at fascia level.
- In the case of shop blinds comprise of traditional tractable canvas awnings.

9.0 Planning Assessment

9.1. The grounds of appeal express concerns that the existing traditional shopfront is being replaced with a more contemporary style shopfront and this is eroding and diluting the character of Rathgar Village which is Victorian in character. While the existing O'Brien's shopfront incorporates many of the features associated with traditional shopfronts including wooden fascia boards, stall raisers and pilasters, it is very apparent that the shopfront in question is not original and represents a replica or as the Planning Authority referred to "pastiche" shopfront.

- 9.2. Notwithstanding the fact that the shopfront in question is a replica shopfront, it does in my view contribute to the traditional Victorian character of the streetscape and adequately reflects the Victorian character of the terrace of buildings within which the off-licence is located. It should be borne in mind however that there is an array of shopfront styles throughout Rathgar Village including more modern type shopfronts such as Boylesports which is located immediately adjacent. The building at the corner of Rathgar Road and Orwell Road to the west of the subject site incorporates a modern shopfront (see Photo No. 3 in my report). There is therefore clearly a variety of shopfronts along this section of the Rathgar Road thus there is no uniformity of traditional/Victorian shopfront design within the village.
- 9.3. Furthermore, I do not consider that the proposed changes under the current application constitute a significant departure from the traditional shopfront character. It is proposed to retain the existing fascia board and signage panel together with the side pilasters. The incorporation of new lower stall risers and extensive glazing creates in my view a cleaner and less cluttered shopfront than that which exists at present. The new design in my view constitutes a more subtle and less fussy design than that currently on site. The proposal in my view successfully marries the traditional proportions of a shopfront with a simpler cleaner modern design. The proposed shopfront will not in my view take away or detract from the elevation of the building and will complement the context and character of adjoining shopfronts.

10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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 a European site.

11.0 **Conclusions and Recommendation**

Arising from my assessment above therefore I consider the proposed changes to be acceptable and will not detract from the visual amenities and character of the village.

I therefore recommend that planning permission be granted for the proposed development.

12.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Reasons and Considerations

It is considered that the proposed changes to the shopfront will not seriously injure the visual amenities of the area or detract from the character of Rathgar Village and would, subject to conditions set out below, be in accordance with the proper planning and sustainable development of the area.

14.0 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 the 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

3. The proposed shopfront shall be in accordance with the following requirements:-
 - (a) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (b) An external roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
 - (c) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

4. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, shopfront materials, roofing materials, windows, doors and gates shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate standard of development/conservation.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

Paul Caprani,
Senor Planning Inspector.
3rd September, 2018.