



An
Bord
Pleanála

Inspector's Report
301534-18

Development	Change of use from retail storage to doctor's surgery at basement level
Location	156 Parnell Street, Dublin 1
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2274/18
Applicant(s)	Dr. Hussain
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellants	North Great Georges Street Preservation Society
Date of Site Inspection	12 th July 2018
Inspector	Suzanne Kehely

1.0 **Site Location and Description**

- 1.1. The development site relates to the basement level of a mid-terraced four storey over basement Georgian property on the north side of Parnell Street. It is located adjacent to the Luas 'Parnell' stop. The ground floor unit has a new timber façade which has not been yet finished and is presently vacant. A door to the side provides independent access to the remainder of the building which is laid out in multiple bedsit accommodation throughout. The stairs are at the end of the hallway and return down to the basement in two flights to a lobby from which an apartment is accessed as generally indicated in drawings. There was a row of seats and fridge freezer plugged in this communal area. The subject site is laid out with a kitchenette and two separate rooms are off this and there is a bathroom. The rooms are fitted out and partly furnished. There were no windows nor any obvious source of natural light or ventilation.
- 1.2. The layout plans submitted do not reflect the existing structure and layout at basement level. Externally, to the rear, the curtilage of site has been excavated to below the original ground level. Although there are doors opening into this area, there is presently no safe means of access. The building is in a state of considerable disrepair. Some partial refurbishment has been carried out such as the new windows. The original chimney has been replaced with a bare breeze block construction. The elevation drawings and plans submitted do not reflect the existing structure and layout as viewed externally.
- 1.3. While the brick detailing at upper levels is relatively intact, the façade has otherwise been visually degraded by various interventions such as asymmetrical side hung outward opening windows, alterations to chimney profile and general clutter by an array of rusting alarm boxes, a satellite dish, signage, cables and security razor type wiring at sill and parapet levels.

2.0 **Proposed Development**

- 2.1. The proposed development is for a change of use from what is described as retail storage use to a doctor's surgery comprising a reception area, a waiting room with bathroom and a surgery. No works are proposed and it is proposed to retain the apartment at the same level.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority issued a notification of a decision to grant permission subject to 7 conditions.

Condition 1 relates to compliance with drawings.

Condition 2 relates to signage and shopfront/fascia.

Condition 3 restricts advertisements, banners and such like.

Condition 4, 5 and 7 relate to construction stage.

Condition 6 relates to drainage.

3.2. **Planning Authority Reports**

3.2.1. The planning report refers to:

- Consistency of medical use with the objective for the area 'to provide and improve mixed-services facilities'
- Not a protected structure
- It is in the NIAH and within the Scheme of Special Planning Control being within the O'Connell Street Architectural Conservation Area. In this scheme the land use policy seeks more intensive use of the upper floor and basement levels of buildings in the area
- Section 16.13 permits partial conversion of a dwelling for the medical care uses.
- Alleged unauthorised works are a matter for enforcement,
- City centre location and luas proximity does not necessitate car or bicycle parking.
- Final signage should be agreed.
- Advises a condition clarifying that permission does not include the basement apartment which appears substandard. This was not added.

3.2.2. Other Technical Reports

Drainage: no objection subject to conditions

3.2.3. Objections

- North Great Georges Street Preservation Society objects to inappropriate development further to the replacement of sash windows with uPVC windows in the upper floors.

3.3. Prescribed Bodies

No response from Irish Water, DoAHG, an Taisce, Heritage Council, Arts Council, Failte Ireland or NTA.

TII: No observations to make.

4.0 History

4.1. The site:

Planning Authority ref 2107/15 refers to outline permission for change of use from retail to restaurant and new entrance and signage with lighting.

Planning Authority web1157/15 refers to refusal for 2 storey over basement residential unit with link bridge,

Planning Authority web3392/14 refers to refusal for change of use from retail to restaurant and residential to hostel on upper floors and a 4 storey over basement extension to rear, new brick cladding to front, signage and lighting.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is zoned 'to provide and improve mixed-services facilities'

5.1.2. Built Heritage

It is a key objective of the core strategy to protect and enhance the special characteristics of the city's built and natural heritage. The principal measures enabling the City Council to achieve this objective are the Record of Protected

Structures and the designation of Architectural Conservation Areas. The City Council has identified priority areas of special historic and architectural interest and within these

areas will review the Record of Protected Structures, consider the recommendations of the National Inventory of Architectural Heritage and, where required, designate Architectural Conservation Areas. In this context the site is within the Scheme of Special Planning Control being within the O'Connell Street Architectural Conservation Area I compliance with this policy. In this scheme the land use policy seeks more intensive use of the upper floor and basement levels of buildings in the area

5.1.3. Chapter 11: This chapter sets out a detailed policy approach to managing the built heritage.

- 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.
- Section 11.1.5.4 refers to Architectural Conservation Areas and Conservation Areas: seeks to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards.
- CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- Enhancement opportunities may include:
 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
 2. Re-instatement of missing architectural detail or other important features

3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
 5. The repair and retention of shop- and pub-fronts of architectural interest.
- It is the Policy of Dublin City Council that Development will not:
 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area
 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shop-fronts, doors, windows and other decorative detail
 3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
 4. Harm the setting of a Conservation Area
 5. Constitute a visually obtrusive or dominant form.
 - Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of Conservation Areas and their settings. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability.
 - It is not only visual elements that contribute to the character of a Conservation Area, land-uses and activities are fundamental to the character and appearance of Dublin's Conservation Areas. Certain uses are of historic importance to specific areas and some are of national or international importance; these have influenced the evolution and built form within the area and may continue to have a strong effect on its character at present.
 - Different users of buildings and spaces also change and shape their character over time and some conservation areas are strongly influenced by the communities which occupy them. In considering applications for change of use, the contribution of uses to the character of areas needs to

be considered, the value that the local community places on particular buildings or uses is also important.

- 5.1.4. Chapter 16 provides a range of guidance for residential development, whether new build, infill, subdivision or provided by way of extension and all are relevant to this mews proposal.

5.2. Conservation

- 5.2.1. The scheme of Special Planning Control for O'Connell Street and Environs 2016 applies. In the original O'Connell Street Architectural Area scheme the features of interest in the site were identified:

'156-163 Parnell Street constitute a continuous run of the original building stock and are all intact. It has been suggested that some modifications have been carried out to the external appearance of nos. 157-158, which may originally have been 'dutch billys'. The value of these buildings to the streetscape lies in their collective value. The priority will be to retain and refurbish these buildings and to retain as retail/retail service outlets at ground floor level, with offices or apartments on the upper floors.'

- 5.2.2. Key objectives of the Scheme of Special Planning Control include:

- To protect and promote uses that contribute to the special interest or character of specific premises.
- To promote an appropriate mix and balance of uses
- To seek more intensive use of upper floors and basement levels
- To redress the decline in quality and presentation of buildings and shopfronts
- Control advertisements structures and exhibition of advertisements
- To secure the retention of historic fabric

- 5.2.3. The premises are in the NIAH.

6.0 Grounds of Appeal

- 6.1. The decision to grant is appealed on conservation grounds having regard to the following considerations:

- The building entity should be considered in this application having regard to the building type and its location in a conservation area, in this regard it is pointed out that works to date are detracting from the architectural character and developments should contribute to sustaining this. It is argued that there should be planning gain.
- The works demonstrate a lack of respect for the historic nature and location of the building.
- Permission disregards policy that states ‘Development will contribute positively to the character and distinctiveness enhancement may include replacement or improvement of features.’
- Permission should be based on the development respecting the objective that development will not harm buildings that contribute to the special interest of the conservation area... will nor involve the loss of traditional, historic or important building features including windows... will not introduce materials such as upvc and aluminium and inappropriately designed or dimensioned windows and doors.
- Reinstatement of original sash windows should be a condition of permission.

6.2. Planning Authority Response

No further comments

7.0 Assessment

7.1. Issues

7.1.1. This appeal relates to a proposed change of use at basement level of a historic building of conservation interest in the north inner city. The building has undergone some changes not in keeping with its original character and the appellant raises concerns in this regard in the context of conservation policy while the planning authority has confined its consideration to the issue of land-use as no works are proposed. Accordingly, I consider the issues centre on:

- Principal of development and land use
- Impact on premises in a conservation area.

- 7.1.2. The principle of a medical surgery is supported strategically in the development plan policies which specifically advocate mixed facilities in the city and the use of basements as well as upper floors which are generally underutilised in the O'Connell Street Area. The building however also forms part of a designated Architectural Conservation Area for which there are specific policies in the development plan and more specifically as set out in the current Scheme of Special Planning Control for O'Connell Street and Environs (2016) in respect of how to manage development in this form of built heritage in the City. While promoting use of the underused parts of buildings, it also seeks to ensure types of development including change of use is appropriate in terms of the impact this may have.
- 7.1.3. There are I consider issues with the compatibility of the use with the building both in terms of uses and in terms of its physical manifestation in a building of conservation interest.
- 7.1.4. In the first instance the proposed surgery shares communal space with the residents of a premises that has been described as being in multiple bedsits considered substandard in a previous assessment by the planning authority. This statement is supported by the fact that there is no apparent communal space for the exclusive use of occupants. The external area is a building site with much rubble and evidence of extensive works being carried out over a long period of time. Internally the accommodation appears cramped with clothes drying/hanging out the windows in the upper level and at basement level furniture in the hall and a working fridge in the communal space intended as a lobby that would be shared with passing clients of the intended surgery.
- 7.1.5. Secondly the surgery area has no windows and no apparent means of direct ventilation. This would be unsuitable for sick people to congregate as well as being unfit as a place of employment.
- 7.1.6. Aside from the nature of the use generating staffing and visitors and suitability of this basement area, the introduction of a further independent use is likely to add to visual clutter externally on the building. In view of its visually sensitive location in a conservation area, an overall cohesive approach to the façade treatment would be a more appropriate way to manage the intensification of use of these premises. I say this also having regard to the fact that the permitted restaurant use may put pressure

for additional external features – such as ventilation and extraction in a manner that is not intrusive to the residents. While I note the objective for increasing basement use this is not wholly relevant in view of the apparent intensity of use.

7.1.7. In view of the foregoing I do not consider the proposed use would be an appropriate mix or balance of uses. Nor am I satisfied that the proposed use would contribute to the intrinsic character of the premises. Nor are there any measures proposed to address the decline in quality and presentation of the building. It is difficult therefore to conclude that the proposed development complies with the planning scheme for the architectural conservation area of which it is an intrinsic part.

7.1.8. I would also draw the Board's attention to the inaccuracy of the drawings and elevations with the structure as it presently stands. This is apparent on comparison of the photographs with the drawings and as referred to in the site description section of this report. If the Board is of mind to consider permission a complete set of drawings and preferably a report from a conservation architect on the original features and planned restoration of the building, considering uses and demands on the building, would be appropriate in the context of the premises falling under the special planning scheme in this conservation area.

7.1.9. In the absence of an overall understanding of the facilities for the premises and of demonstration that the proposed development does not contribute to substandard development or does not compromise the integrity of a building of historical architectural interest by itself or as part of a terrace, I recommend a refusal of permission.

8.0 **Appropriate Assessment**

8.1. In view of the relatively modest scale and nature of the proposed development which involves a change of use in an urban area, I do not consider the issue of appropriate assessment arises.

9.0 **Recommendation**

9.1. Refusal of permission.

10.0 Reasons and Considerations

- 1 The proposed development is in a partitioned basement removed from any window or source of natural light or direct ventilation and is therefore considered to be unsuitable as a health care facility or use other than an ancillary area to the existing uses in the premises. Furthermore, the proposed development by itself and as a part of premises with multiple uses would constitute an unacceptable intensification of use in a building where there is extensive residential accommodation including at basement level as indicated in the submitted drawings and in premises for which there is no evidence of communal facilities or amenities in the overall site. The proposed development would accordingly, constitute by itself and contribute to, substandard development and thereby detract from the amenities of premises in residential use. The proposed development would, therefore be contrary to the proper planning and development of the area.

- 2 It is considered that the further intensification of use by way of the introduction of an additional independent use of the nature proposed would result in a further manifestation of alterations to a façade that has already been altered in a manner that undermines the integrity of a building of conservation interest being part a terrace adjacent to protected structures and being within the O'Connell Street and Environs Architectural Conservation Area. The proposed development would therefore be contrary to the provisions of the Scheme of Special Planning Control for the area which seek to redress the decline in quality and presentation of buildings and shopfronts within this area. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Suzanne Kehely

Senior Planning Inspector

25th July 2018