



An  
Bord  
Pleanála

## Inspector's Report ABP-301904-18

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<b>Development</b>	Alterations and extensions to Carrisbrook House.
<b>Location</b>	Carrisbrook House, 122, Pembroke Road, Dublin, 4.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2208/18
<b>Applicant(s)</b>	Spectre (Carrisbroke House) Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Embassy of Israel
<b>Observer(s)</b>	Pembroke Road Association
<b>Date of Site Inspection</b>	25 <sup>th</sup> September 2018
<b>Inspector</b>	Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Pembroke Road and Northumberland Road. On site is an eight storey over basement building which is hexagonal in form, with the top floor set back, and set in from the road frontages. There is basement level car parking with additional parking at surface level. There is a reception area at ground floor level. The Embassy of Israel occupies the fifth floor of the building. The remaining floors are vacant.
- 1.2. There is surface level access to the site from Pembroke Road and access to the basement is from Baggot Lane/Northumberland Road.
- 1.3. The surrounding area is a mixture of commercial, residential and embassy uses.

## 2.0 Proposed Development

- 2.1. The proposed development comprises external and internal alterations to the existing building comprising as follows:
  - Demolition of existing detached security hut and associated vehicular access/control infrastructure to the site and closure of existing vehicular access off Pembroke Road;
  - Reconfiguration of basement level to provide plant, attenuation tank, refuse storage and 19 No. car parking spaces;
  - Removal of all surface level car parking spaces at ground level (45 No. spaces) and provision of a new part 2, part 4, part 5 storey extension to the northern, southern and western sides of the existing building (including the provision of an infill extension to under-croft areas at ground floor level) and reconfiguration of existing floorspace to provide an additional 2,303 sq. m. of office floorspace at ground to 6<sup>th</sup> floor levels;
  - Provision of rooftop plant and terrace 4<sup>th</sup> floor level and another rooftop terrace at 5<sup>th</sup> floor level of the proposed extension;

- Provision of 3 No. bay window extensions at 7<sup>th</sup> floor level to provide an additional 63 sq. m. of office floorspace at 7<sup>th</sup> floor level, leading onto 3 terraces to the northern, southern and western sides of the building;
- Conversion and change of use of part of ground floor (134 sq. m) to Café unit;
- External alterations include a comprehensive refurbishment of the building though and treatment of all elevations together with the comprehensive hard and soft landscaping of the entire site (including the retention of some mature trees);
- Provision of 61 No. covered bicycle parking spaces to the north-west of the existing building at ground floor level;
- Removal of existing rooftop plant and provision of new rooftop plant with screening to match existing level of plant at a level of +33.5m together with all associated site works.

2.1.1. Overall, the proposal provides an additional 2,366 of office floorspace (GFA) and 134 sq. m. of Café floorspace (GFA) at ground floor level.

2.1.2. The application is accompanied by the following:

- Design Report
- Stage 1 Appropriate Assessment
- Flood Risk Assessment
- Drainage Report
- Daylight Analysis Report and Shadow Study
- Outline Construction and Construction Waste Management Plan
- Waste Management Statement for Demolition, Construction and Operational Phases of development.
- Transport, Services and Mobility Management Report
- Architectural Heritage Impact Assessment
- Sustainability/Energy Report
- Landscaping Report
- 3D Verified Views

- Arboricultural Assessment

2.1.3. The following documents were submitted at Further Information Stage:

- RFI – April 2018
- View Location Map
- Letter from CS Consulting Engineers

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Grant permission. There are no conditions of particular note.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Quantum of car parking acceptable.
- Provision of additional cycle parking welcomed.
- Principle of extending out the existing office building is considered to be reasonable.
- Proposed café is welcomed.
- Proposal to build up against the side gable of the Protected Structure is considered reasonable.
- Concern regarding the proposed granite screen louvres and in relation to the appearance of the panels as seen in 'Proposed view 7'.
- Further information was requested in relation to the following: (i) details of servicing proposals (ii) clarify if all vehicles can use the EV charging points (iii) details of refuse collection arrangements (iv) location of the access barrier (v) details of materials, including samples, of the new extension which connects to

the Georgian Terrace on Pembroke Road (vi) review of the northern façade treatment.

- The applicant's response to same was as follows:
  - Servicing – Ground level area to be used only by ESB Networks to service substation, existing ramp to basement to be used by other service vehicles.
  - EV Charging Spaces – Can be used by all vehicles.
  - Refuse – will be collected on Baggot Lane.
  - Access Barrier – Location will allow 2 incoming vehicles to wait on the ramp.
  - New extension – Justification provided for the approach taken.
  - Northern Façade – justification provided for materials/proposed to enlarge café to provide enhanced animation/revised CGI submitted.
- Additional information was considered acceptable and the recommendation was to grant permission.

#### 3.2.2. Other Technical Reports

Waste Management – No objection subject to conditions.

Roads and Traffic Planning Division – No objection subject to conditions.

Drainage – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

3.3.1. None.

### 3.4. **Third Party Observations**

3.4.1. Four submissions were received. The issues raised are as follows:

- Proposed entrance could be a traffic hazard.
- Request that a small public park be included in the development.
- Proposed façade treatment is not suitable.
- Lack of photographic representations.

- Lack of consultation.
- The existing building is without merit/a new build should be considered.
- Impact on daylight/sunlight/will result in overshadowing.
- Loss of privacy.
- Impact on the existing tenant, Embassy of Israel.
- Security concerns.

## 4.0 Planning History

- 4.1.1. There have been previous applications for minor development on the site but none of relevance to this appeal.

## 5.0 Policy Context

### 5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. From 16th February 2018, the National Planning Framework has replaced the National Spatial Strategy (NSS) and now represents the overarching national planning policy document. The National Planning Framework sets a new course for planning and development in Ireland, to achieve a shared set of goals for every community across the country, focused on ten National Strategic Outcomes.

### 5.2. Development Plan

- 5.2.1. The subject site is zoned objective Z6 – Employment/Enterprise under the Dublin City Development Plan 2016-2022. The zoning objective seeks ‘To provide for the creation and protection of enterprise and facilitate opportunities for employment creation’.
- 5.2.2. Section 16.7 of the Plan details the policy on building height within the city.
- 5.2.3. The subject site adjoins a Z2 zoned area to the west along Pembroke Road and a Z1 zoned area to the north along Baggot Lane. As such, the site is considered a Transitional Zone Area.

5.2.4. Relevant provisions of the Development Plan include:

- Chapter 6 City Economy and Enterprise including S.6.5.3 (provision of office space) – CEE1 (economy/competitiveness), CEE2 (economic impact), CEE3 (sustainability), CEE4 (innovation/promote Dublin internationally), CEE6 (equality/diversity), CEE7 (clean/green/safe), CEE11 (supply of office space).
- Policy SC25: promotes high quality design
- Chapter 11 Built Heritage and Culture – Policy CHC1 (concerning preservation of built heritage); Policy CHC4 and sections 11.1.5.4 to 11.1.5.6 refer to Conservation Areas. The site is adjacent to a residential conservation area; Policy CHC2/4 seeks to ensure the protection of the special interest of Protected Structures, and the special interest and character of all Conservation Areas is protected.
- Section 14.7 Transitional Zone Areas states it is important to avoid abrupt transitions in scale and use zones.
- Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design - s.16.2.1 Design Principles; s.16.2.1.2 Sustainable Design; s.16.2.1.3 Inclusive Design; s.16.3 Landscaping; s.16.4 Density Standards; s.16.5/6 Plot Ratio/Site Coverage s.16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development; s.16.8 Access for All;
- Appendix 4 Transport Assessments, Mobility Management and Travel Plans
- Appendix 10 Guidelines for Waste Storage Facilities
- Appendix 14 Safety and Security Design Guidelines
- Appendix 15 Access for all

**5.3. Natural Heritage Designations**

5.3.1. None.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A Third Party Appeal has been submitted on behalf of the Embassy of Israel. The Grounds of Appeal are summarised below:

#### Principle/Zoning/Use

- Planning Authority failed to make a policy distinction between the established use which is a balanced mix of embassy, office and general office and the proposed use which may, if permitted, be predominantly general office apart from a small ground floor café.
- Change of use from embassy office to general office would be a material change of use as an embassy has different privacy and security arrangements, serves members of visiting public – change from Class 2 to Class 3 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Outside the canal ring where office extensions are only ‘open for consideration’.
- Applicant should have clarified if it is proposed to retain the embassy office on the fifth floor – if it is not proposed to retain embassy it should have been advertised as a change of use.
- Should be no loss of privacy or security to the embassy.
- Should be no impact on the staff and visiting public as a result of noise, air quality, dust or vibration.
- Planning Authority should have given priority to the embassy office as the sole permissible use.
- Planning Authority needs to consider if the proposal is compatible with the overall policies and objectives for Z6 zoning and if it might adversely affect the continuation of the established embassy use.
- The conclusion in the planner’s report that the principle of extending the office use may be based on an incorrect assumption that general offices are designated as a ‘permissible use’ in the Z6 zoning for the site.
- Z6 zone seeks to create and protect enterprise.

- Applicant's Architectural Heritage Impact Assessment implicitly acknowledges the importance of retaining embassy uses.
- Do not consider proposal is compliant with the Z6 zoning.

#### Design/Layout

- Design of the proposed extensions also has the potential to adversely affect the privacy and security of the existing embassy use including the rooftop terrace, extension would close the gap between neighbouring buildings.
- No details of how terrace would be secured.
- Plant and equipment could facilitate access to the building.
- Sections do not show the relationship between the proposed extension and No. 120 Pembroke Street.
- Unauthorised access could be gained from 120 Pembroke Road.
- Board should require Applicant to submit additional sections and elevation to clarify interface between the proposal and the adjoining property at 120 Pembroke Road.
- Current proposal is inconsistent with Paragraph 16.2.2.3 of the Dublin City Development Plan.
- Proposal to extend the terrace and partially obscure the symmetry of the hexagon would result in a net loss to both structures from the conservation and urban design viewpoints.
- Board should consider whether the design of the proposed extensions should be amended to maintain a gap to 120 Pembroke Road.

## 6.2. Applicant Response

The First Party Response is summarised as follows:

#### General

- Existing office accommodation is dated and is in need of refurbishment and upgrading.
- The form and shape of the building and its existing staircore configuration results in inefficient space, sub-standard facilities and poor external space.

## Use

- Proposal is for a modest extension of an established and authorised office building on lands zoned for employment use.
- Use is a conforming use and has been determined by the planning authority to be compatible with the zoning objectives and with the provisions of the Development Plan.
- If the embassy uses required a change of use, there is no recorded of any grant of permission for this use.
- Embassy is statute barred from enforcement.
- A grant of permission for refurbishment and an extension does not change the status of that use, or extinguish that use.
- Accordingly the question of whether planning permission is required for the change of use is irrelevant to the determination of the application and the appeal.
- If it was determined through a separate process that permission was required, the appellant could exercise its right to apply for retention of the unauthorised use noting that embassy use is permitted in principle under the Z6 zoning objective.
- Appellant's submission did not make any reference to the status of the embassy use.
- Applicant has actively engaged with the embassy to identify mutually acceptable and appropriate solutions to retain the embassy as a tenant in the long term and to minimise disruption during construction.

## Design and Layout

- The level of intervention at 5<sup>th</sup> floor level is minimal.
- No external extension of the building or floorplan is sought at this level.
- Works to the 5<sup>th</sup> floor restricted to refurbishment of internal and central circulation core, external access doors to a terrace area which are only accessible internally, façade remodelling.
- Do not materially affect or change the current situation in respect of privacy and security to the fifth floor occupier.

- Only persons with sufficient security clearance to access the 5<sup>th</sup> floor can access the roof terrace/would provide a significant amenity/improvement to the fifth floor.
- If ABP consider it poses a security risk, a condition can be imposed requiring that it is not accessible/useable save for maintenance.
- No reason to believe there is an increased risk of unauthorised access as a result of the lower structures to the south and west of the building.
- Removal of the car parking and vehicular access at surface level is considered to improve the overall security and safety of the entire building.

### Conservation

- Submitted that the proposed scale and height of the infill extension is considered to be sympathetic to the protected terrace and that it would not result in any original features of No. 120 being obscured.
- Submitted that the current gable elevation of No. 120 is unattractive and appears visually prominent from a number of vantage points to the east and south-east.
- Proposal is in line with guidance of the City Development Plan, as outlined in Section 16.2.2.3.

### Construction Impacts

- The operational needs of the Embassy are noted. The impacts of the works are limited by the fact it is an extension and refurbishment and not new build/works to the 5<sup>th</sup> floor are limited.
- May be some inconvenience/may have to move to another part of the building or move to another suitable premises for a temporary period.
- Suitable and appropriate planning conditions to protect amenity.
- Landlord has engaged with tenant with a view to seeking a mutually acceptable solution/has facilitated a number of viewing of alternative properties.
- The possibility of retaining the embassy during the construction stage is also being explored.

### 6.3. **Planning Authority Response**

6.3.1. None.

### 6.4. **Observations**

6.4.1. One observation has been received from Pembroke Road Association. This is summarised below:

- Support the appeal of the Israeli embassy.
- Preference is that embassies would be facilitated and established in office buildings.
- Believe it is better to widen the gap between 120 Pembroke Road and Carisbrooke House.
- Good quality ironwork gate to serve the service area would substantially improve the street contribution and would be in keeping with the established pattern of the district.
- Successful reuse of a 1970's building at the Eaton building, at 30 Pembroke Road.
- Object to the use of translucent glass on Pembroke Road façade used to conceal the toilets – these should be located on a less prominent frontage.
- Object to the introduction of granite as a substantial façade element on Pembroke Road.
- Horizontal stringcourse at the junction between basement and hall level is an integral part of Pembroke Road - this has not been recognised in the design.
- Café should be located away from the busy road for health reasons.
- Café has the possibility to become a more pleasant and significant landmark.
- Outside space should form a pocket park that would be used as a public space.

### 6.5. **Further Responses**

6.5.1. A further response has been received from the appellant.

- Proposal to extend the existing floorspace by 70% cannot be described as modest.
- Due to the scale and nature of the works, the impact on the appellant would be comparable to the replacement of the existing structure.
- Section 143(1) of the Planning and Development Act requires the Board to have regard to the policies and objectives of the Government. This includes obligations of the Government under Article 22(2) of the Vienna Convention on Diplomatic Relations.
- Do not accept the applicants view that the planning authority has formally determined that the proposed use of the extension for general office use is consistent with the provisions of the City Development Plan.
- Do not accept that permission might be required to retain the embassy use.
- Issue of compliance with Section 14.4 of the CDP only applies to the use of the proposed extension and to the possible replacement of the established embassy with a general office use.
- Changes to the layout and design would be required to ensure that the embassy use can be accommodated during the construction and operational phases of the proposed development.
- Would be a significant impact on the 5<sup>th</sup> floor as a result of the works.

## 7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Use/Principle of Development
- Impact on Existing Occupiers
- Conservation and Design/Impact on Protected Structures
- Other Matters
- Appropriate Assessment

- Environment Impact Assessment

## 7.2. Use/Principle of Development

- 7.2.1. The appellant has raised the issue of the existing embassy use, and states that the applicant should have included a change of use from embassy to office within the development description. However, the applicant has stated that no change of use is proposed, and what is proposed is a refurbishment of the existing floorspace and extensions, which provide an additional 2,366 sq. m. of office floorspace as well as 134 sq. m. of café use. Furthermore, the applicant has stated it is envisaged that the embassy will remain within the redeveloped building in the long term, with a potential for a short-term relocation to another premises if the embassy cannot be accommodated on site during construction.
- 7.2.2. As such, I do not consider the matter of whether a change of use is required for a change of use for an embassy to an office, or vice versa, is relevant to this appeal, and furthermore, such issues are matters for other avenues of planning legislation. In my view the issue of re-accommodating the embassy is a matter between the landlord and tenant and is not a matter that can be, or should be, resolved through the planning process.
- 7.2.3. In relation to any potential unauthorised use, it is of note that the Board does not have a role in Enforcement, and as such, I do not wish to comment on this issue.
- 7.2.4. Other issues relating to the potential impact on the embassy including that of disturbance during construction, and security concerns are considered in Section 7.3 below.
- 7.2.5. In terms of the principle of development, the site is located in an area zoned Z6, the primary objective of which is 'to facilitate long term economic development in the city region'. Office use is 'open for consideration' in Z6 zoned areas. The site lies outside of the canal ring, where office use is 'open for consideration' on a Z6 zoned site. An 'open for consideration' use is one which may be permitted where the planning authority is satisfied that the proposal development would be compatible with the overall policies and objectives for the zone and would not have undesirable effects on the permitted uses.

- 7.2.6. The incorporation of other uses, such as residential, recreation and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby district centres.
- 7.2.7. In this instance, it is considered that office use, with a subsidiary café use, is in line with the Z6 zoning objectives and will not have any adverse impacts on existing permitted uses.
- 7.2.8. The Plan (section 6.5.2) also recognises that a choice of good quality and cost competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment. The need to encourage the high quality redevelopment of outdated office stock is also supported.
- 7.2.9. The proposal will upgrade an existing office building to modern day standards. It will result in an increase in the quantum of office space (2,366 sq. m) and accords with the zoning objective and other provisions of the plan in terms of improving the attractiveness of the city and creating the potential for employment opportunities. The plan also states that any redevelopment proposals on Z6 zoned land should ensure that the employment element should be in excess of that on site prior to redevelopment in terms of numbers employment and/or floorspace. The increase in the overall quantum of floorspace is in line with this aim.
- 7.2.10. The café use is a permissible use within the Z6 zoning and as such, the principle of same is acceptable.
- 7.2.11. Having regard to the zoning objectives for the area, I accept that the proposed development is consistent with the provisions of the development plan and is acceptable in principle in this location.

### **7.3. Impact on Existing Occupiers**

- 7.3.1. The main potential impacts are potential impacts during the construction stage, as well as potential security impacts on the embassy post-completion.
- 7.3.2. In relation to construction impacts, these are temporary and the resulting development will result in upgraded and improved facilities for the existing tenant. Notwithstanding this, it is likely the proposal will have some impacts on the existing tenants, should they remain in-situ during the redevelopment of the structure. It is



unfortunate that it appears no agreement has been reached as to the potential relocation of the embassy to a temporary premises, or to a different floor, during the refurbishment. Notwithstanding this lack of agreement, should the Board be minded to grant permission, I consider that a condition should be imposed requiring the applicant to set out in detail proposals to protect the amenity of the existing tenant, should the tenant remain in-situ during the construction process. These details should be included as part of a detailed construction management plan. I consider that this is sufficient to ensure that any temporary construction impacts are minimised, so far as is possible.

- 7.3.3. In terms of security issues, the appellants have stated that the extensions will facilitate easier access to the fifth floor, as will the proposed terrace area. However, I do not consider that access to the fifth floor would be easily facilitated by the extensions. Furthermore, the applicant has stated that the terraced area can only be accessed internally from the fifth floor. Furthermore, any additional security measures that the embassy sees fit to provide, subject to appropriate permissions, should ensure the continued safe operation of the embassy.

#### **7.4. Conservation and Design/Impact on Protected Structures**

- 7.4.1. A Design Report and an Architectural Heritage Assessment have been submitted and I have had regard to same.
- 7.4.2. While not a Protected Structure, the subject building is of considerable architectural interest, having regard to both to its unusual form and its prominent location on a main thoroughfare into and out of the city. The hexagonal form of the building is noteworthy and the building something of a landmark as one enters the city from the south.
- 7.4.3. The proposal involves extending the building to the line of the adjacent Georgian Terrace, at ground to third floor levels, effectively bringing the built form closer to the street, utilising the existing car parking space at ground floor levels. It is proposed to retain a significant amount of the existing structure, and preserve the hexagonal plan form at fifth and sixth floor levels.
- 7.4.4. In relation to height, the proposal does not result in an increase in height, over and above existing, and, as such, is in compliance with the height limitations as set out in the CDP.

- 7.4.5. In relation to the detailed design and materials, the façade design references the existing fenestration patterns, with Portland Stone cladding (or similar), anodized aluminium louvres and glazing as the main façade materials.
- 7.4.6. The proposal results in an improvement to the overall appearance of the building, which is somewhat tired and dated, while preserving those essential elements which make it of interest, which is achieved by way of preserving the hexagonal form at fifth and sixth floor levels. Should the Board be minded to grant permission, a condition should be imposed requiring samples of materials to be submitted to the planning authority, to ensure the use of appropriate materials, befitting of the sensitivity and prominence of the site.
- 7.4.7. The proposal also results in an enhanced public realm with a café provided at ground floor level facing onto Northumberland Road, providing an active street frontage. I note that a larger floor area was proposed for the café as part of the further information submission and is detailed in the 'RFI – April 2018' document submitted at further information stage. This enlarged unit provides additional animation and activity along Northumberland Road. No detailed plan or elevation has been submitted, however, and this should be requested by way of condition. Landscaping improvements also proposed creating a more attractive environment that that which is existing.
- 7.4.8. In terms of its impact on the adjacent Protected Structures, I note that virtually all of the properties to the west along Pembroke Road, to the north beyond the filling station and to the east beyond Lansdowne House and to the south on Pembroke Road are Protected Structures.
- 7.4.9. The submitted architectural assessment states that, as there is no increase in height, and as the new volumes associated with the development are at or below the parapet line of adjoining properties, there should be no impact on the setting of most of the protected structures.
- 7.4.10. The closest Protected Structure, at No. 120 Pembroke Road will now physically adjoin the proposed development, by way of a granite screen, and as such, it is this building that has the most potentially to be adversely impacted upon. The existing side elevation of No.120 has two brick buttresses and a 1960's gable which will no longer be visible once the development is complete. While there will be a significant

change to the setting of this building, and to others in the vicinity given the prominence of the building, the resultant change is positive. The continuation of the terrace line, in a contemporary form, combined with the use of high quality materials, results in an improvement over and above the existing situation. At present there is an unsatisfactory termination of the terrace on Pembroke Road by a surface level car park, with the existing built form of Carrisbrook House set in from the terrace and set back from the established building line. The proposal is more satisfactory from a streetscape perspective and has an overall positive impact on the setting of adjacent protected structures as well as the visual amenity of the area as a whole.

#### **7.5. Impact on Residential Amenity**

- 7.5.1. There are residential properties to the north of the site on Baggot Lane, which have the potential to be impacted upon. While not immediately obvious from the street, there is residential accommodation on the second and third floors at No. 120 Pembroke Road.<sup>1</sup> The main impacts are potential overlooking, impact on daylight and sunlight/overshadowing and loss of visual amenity.
- 7.5.2. In terms of overlooking, there is an existing office building which has windows facing over neighbouring gardens, and this is replicated in the proposed development. As such there will be no material increase in overlooking as a result of this proposal.
- 7.5.3. In terms of loss of daylight and sunlight, the application is accompanied by a daylight and sunlight assessment/shadow analysis. This considers the impact on those properties on Baggot Lane, which have windows which face south towards the appeal site. This identifies one window at No. 122 Baggot Lane which falls below BRE guidelines in terms of APSH. All other windows meet the guidelines for APSH and VSC.
- 7.5.4. In terms of the impact on 120 Pembroke Road, the residential units have windows which face north/north east at second and third floor levels. While there will be built form closer to these windows than existing, I do not consider that there will be a material impact on daylight levels, and no impact on sunlight levels given the existing orientation of the windows.

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<sup>1</sup> This property is currently for sale and the estate agent's website gives details of the internal accommodation, a copy of which has been placed on the appeal file.

7.5.5. I do not consider that the impact on surrounding properties is significant and concur with the conclusions of the daylight and sunlight report.

7.5.6. While the proposal brings built form closer to the gardens of Baggot Lane, and Pembroke Road, this is still set back significantly from the rear elevations of these properties and I do not consider that a loss of visual amenity would result.

#### 7.6. **Other Issues**

7.6.1. Transport - A Transport Services and Mobility Management Report has been submitted with the application. A minimal provision of car parking is proposed, 19 spaces in total, which is appropriate in this location which is well served by public transport. A sufficient provision of cycle parking is provided. Servicing of the development will be carried out on site at basement and ground floor level. Overall it is considered that the proposal would not have a material impact on the surrounding road network.

#### 7.7. **Appropriate Assessment**

7.7.1. A screening report for Appropriate Assessment has been submitted with the application and this concludes that which concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC.

7.7.2. The site is neither in nor near to a Natura 2000 site. The closest sites are the South Dublin Bay and River Tolka SPA and South Dublin Bay SAC which are 1.5km to the east of the site. I do not consider that the River Dodder, located 400m to the south-east of the appeal site, provides an obvious pathway to these sites, given the distance from the appeal site. There are no other apparent pathways exist to the above sites, nor to other Natura 2000 sites.

7.7.3. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **7.8. Environment Impact Assessment**

- 7.8.1. The nearest sensitive location is the Grand Canal pNHA, located 600m to the north-west of the appeal site. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced inner-urban location, and the proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016 to 2022, including the zoning objective for the area, and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not detract from the streetscape or the visual amenities of the area, would not impact adversely on the setting of adjacent Protected Structures, would not have an significant long-term impacts on the existing tenants of the building and would not lead to a reduction in the level of security of the existing tenants, and would not result in significant impacts on the residential amenity of residential 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, as amended by the

further plans and particulars submitted on the 1<sup>st</sup> Day of May 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. Prior to the commencement the applicant shall submit revised floorplans and elevations detailing the increased floor area of the café, as outlined in the further information submission received 1<sup>st</sup> Day of May 2018.

**Reason:** In the interest of visual amenity.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing, by the planning authority.

A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals.

**Reason:** In the interest of visual amenity.

4. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity

5. a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at

minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of provisions to protect the amenity of the existing occupiers of the premises, including protective measures to minimise noise and disturbance, as well as intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of orderly development.

7. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

8. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as

appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

9. The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

**Reason:** To safeguard the residential amenities of the surrounding area.

10. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element, shall be displayed or erected on the building or within the curtilage, or attached to the glazing, without the prior grant of planning permission.

**Reason:** In the interests of visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. The following requirements shall be complied with:

- (i) The applicant shall undertake to implement the measures outlined in the Mobility Management Framework/Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (ii) Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access should be required to bicycle



compounds. Cycle parking design shall allow both wheel and frame to be locked.

- (iii) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties. Reason: In the interest of the proper planning and sustainable development of the area. Reason: In the interest of the proper planning and sustainable development of the area.

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 satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and 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 agreement.

Reason: To ensure the satisfactory completion of the development.

14. 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.

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Ronan O'Connor  
Planning Inspector

27<sup>th</sup> September 2018