



An
Bord
Pleanála

Inspector's Report ABP302135-18

Development

PROTECTED STRUCTURE:

Permission for the alteration of No 41 Belvedere Place from 10 no bedsits to 4 apartments and a 1 bed mews house to the rear and associated site works.

Location

41 Belvedere Place, Dublin 1.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4327/17.

Applicant

Mike Horgan.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

First Party -v- Condition.

Appellants

Mike Horgan

Observers

TII.

Date of Site Inspection

9th December, 2018.

Inspector

Rachel Kenny.

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1.0 Introduction

ABP 302135-18 relates to a first party appeal by Mike Horgan against Dublin City Councils decision to impose Condition 2a as part of its decision to issue notification to grant planning permission for the alterations to No 41 Belvedere Place, Dublin 1 including the construction of a mews house. The grounds of appeal argue that the omission by way of condition 2a of the proposed mews house is unnecessary and that the impact of the mews on the protected structure is acceptable and does not detract but in fact enhances its character. It is suggested that the mews will act as a buffer between the Protected Structure and a commercial building to the rear as well as bringing evening activity and passive surveillance to the rear of the Protected Structures in the terrace. It is also argued that it is designed to a very high standard. The appeal states that this will ensure the viability of this project to restore a Georgian House in poor condition and the renewal of the Mountjoy Square Architectural Conservation Area.

2.0 Site Location and Description

- 2.1. No. 41 Belvedere Place is located within a terrace of 4 storey over basement Georgian Houses on the western side of Belvedere Place just North of Mountjoy Square. The subject site incorporates a small rear garden/yard to the west approximately 9m metres in depth. The building is a Protected Structure and in an Architectural Conservation Area.
- 2.2. The rear of the house backs onto a large open area with commercial buildings to the west.

3.0 Proposed Development

The application seeks permission for the restoration of the main house into 4 apartments, 1 no 3 bed and 3 no 1 bed units from its current condition which included up to 10 bedsits. It is also proposed to construct a mews unit to act as a fifth

1 bed apartment in the rear yard which would be connected to and accessed from No 41 by a return containing a storage area.

It is also proposed to carry out alterations to the existing return building , including wall repairs and a replacement roof, repairs and repointing to the front elevation, rear elevation, restoration of existing windows and the restoration of the existing roof including the replacement of roof coverings. The thrust-out WC to the rear is to be removed at 1st floor half landing level and a window reinstated. The garden is proposed to be landscaped.

4.0 Planning Authority's Decision

4.1. Decision

Dublin City Council's decision dated 26th June, 2018 issued notification to grant planning permission subject to 12 conditions.

4.2. Assessment by Planning Authority

The case planner considered that the proposed restoration of the Protected Structure was acceptable and consistent with the Z8 zoning where residential use is a permissible use. However, concern was expressed about the principle of 5 residential apartments given the lack of private open space for 4 of the 5 units and the inadequate level of communal open space and further information was sought.

It was considered that no AA issues arose.

4.3. Observations

4.3.1. TII stated that the site was subject to a Section 49 development levy.

4.4. Additional Information Request

4.4.1. The planning report sought additional information as follows:

- It was considered that the provision of a roof terrace over the mews apartment raised concerns of overlooking and privacy issues and impacted on residential

amenity. The omission of the mews apartment was considered warranted to overcome these concerns and to protect the character of the Protected Structure.

- It was further noted that the storage space provision was deficient and should be reconsidered.
- A detailed schedule and drawings of all existing original and replacement sash windows, identifying historic glass, and repairs proposed to the windows.
- Schedules of historic fabric, panelling, staircases, cornices and plastering,
- Details of all works required to address fire safety requirements and all services installations.
- Details of all upgrading works and details of repointing of brickwork and details of the proposed access staircase and adjustments to existing railings.
- Cycle parking facilities to be provided for all apartments.
- Details showing how bin storage area complies with guidelines.

4.5. Further Information Response

4.5.1. Further information was submitted on 31st May, 2018 which is briefly summarised below:

- The apartment scheme has been redesigned to address all points raised
- All internal conservation issues are addressed however the 5th apartment is not proposed to be omitted. A history of contact with the area planner and the previous conservation officer is set out whereby the principle of the 5th apartment was agreed.

4.6. Planning Authority's Decision

A further planner's report concludes that the applicants had not entirely addressed the issues raised at further information adequately. The applicant had however attempted to address the development standards conservation issues raised and it was considered that a certain amount of flexibility was warranted particularly in the case of historic buildings however the conservation officers concerns were taken into

account. It is considered that the proposed restoration of the protected structure was a positive and to be welcomed and encouraged and subject to conditions including the omission of the mews apartment (under appeal) and to certain other changes (as outlined in condition no 2) the proposed development was acceptable.

On foot of this assessment Dublin City Council issued notification to grant planning permission.

5.0 Planning History

Four relevant planning history files are attached.

3948/17: Invalid application.

0419/17: Grant social housing exemption certificate

3433/16: Refusal. Refurbishment of 9 existing residential units

0449/16: Section 5 Referral. Not exempt.

6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission for the proposed dwellinghouse was the subject of a first party appeal against a condition by Mike Horgan. The grounds of appeal are outlined below:

- It is argued that the building had previously been subdivided into 9 inferior bedsits and has been empty for 5 years.
- The applicant purchased the property 2 years ago and wishes to replace the bedsits with apartments which respect the character and significance of the Protected Structure.
- Originally it was proposed to have 5 apartments in the building however DCC were not favourable to the idea and preferred a family apartment at the upper levels of the building. In order to gain the 5 units needed the applicant proposed a mews units in the rear yard.
- It is considered that 5 units are required to make the project viable

- The applicant has made every effort to cooperate with the Planning authority and considers that the proposal brings many benefits to the building and the ACA.
- It is noted that there have been no observations to the proposal.
- The proposal is a reflection of the Planning authorities preference for apartments over hostels and access to the mews is via the rear yard as per the Pas preference.
- It is considered that the mews will not have a negative impact on the protected structure
- It is suggested that the mews will in fact act as a buffer between the Protected Structure and a commercial building to the rear as well as bringing evening activity and passive surveillance to the rear of the Protected Structures in the terrace.
- It is also argued that it is a designed to a very high standard and will ensure the viability of this project to restore a Georgian House in poor condition and the renewal of the Mountjoy Square Architectural Conservation Area.
- Reference is made to the apartment standards and the issue of flexibility is cited. Examples of precedent cases are given in the area.
- It is reiterated that this proposal will assist in reversing the decline of the area.
- The board is requested to omit condition 2(a) and to make the necessary follow on amendment to condition 2(c)

6.1. Response from Dublin City Council

- 6.1.1. The Planning authority has not responded to the Grounds of Appeal.

7.0 Development Plan Policy

- 7.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.

The subject site is zoned 'Z8'

The following policies are of note:

- **Policy CHC1:** To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- **Policy CHC2:** To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage...
- **Policy QH1:** To have regard to the national guidelines relating to residential development...
- **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- **Policy QH18:** Promote high quality apartments and amenity within individual apartments and within each apartment development...
- **Policy CHC1:** To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

8.0 Assessment

I have read the entire contents of the file, visited the site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and the planning history .as this is a first party appeal against a condition I have decided to treat it under Section 139 of the PDA 2000 and confine my assessment to the condition under appeal. I do not consider it necessary to consider the case “de novo”.

I consider that the pertinent issues in determining the current application and appeal are as follows:

- Impact on the Protected Structure and ACA
- Impact on residential amenities of the area.
- AA

9.1 Impact on the Protected Structure and ACA

9.1.1. The overall proposal includes the restoration and rehabilitation of a fine example of a Georgian merchant's house from the Gardiner Estate which form part of the Mountjoy Architectural Conservation Area. The Planning authority has welcomed the intervention to No 41 Belvedere Place having regard to its severely degraded condition.

I agree with the Planning Authority in this regard and also welcome the proposed works and consider that the proposal to convert the house into 4 apartments is acceptable and welcomed.

The Planning Authority have omitted the mews based on its impact on the protected structure noting its proximity to it and the inclusion of a roof terrace and consider it to be effectively overdevelopment which impacts negatively in the character and setting of the Protected Structure and the residential amenity of the area.

I disagree with this analysis and consider that the proposed mews apartment has been sensitively designed to void any negative impact on its surroundings and on adjoining properties and I agree with the appellants argument in the grounds of appeal that in fact the proposed mews will provide a welcome and beneficial buffer to the unsightly commercial infill development to the rear of the yard. The mews presents as an attractive backstop to the plot and is tied in carefully to the parent structure.

It is my recommendation that condition 2 be omitted and condition 2 c be amended to reflect its omission.

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 I consider the decision of Dublin City Council to omit the proposed mews house by condition should be overturned in this instance as it is considered that the proposed development will not adversely impact the character or setting of the Protected Structure or the ACA, would respect the character of the area, would not set a negative precedent and would therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Reasons and Considerations

Having regard to the zoning objectives for the area and the pattern of development in the area it is considered that, the proposed mews would not adversely impact the character or setting of the Protected Structure or the ACA and would not seriously injure the amenities of the area or property in the vicinity, would not set a negative precedent for similar developments, and would therefore be in accordance with the proper planning and sustainable development of the area.

The planning authority shall be directed to omit Condition 2a from its Order.

Rachel Kenny,
Director of Planning .

25th November 2018.