



An
Bord
Pleanála

Inspector's Report ABP-302151-18

Development	Demolition of derelict 3 storey building and construction of a 3 bedroom dwelling and associated site works as a revision to previous planning approvals granted (Planning Refs: 3030/16, 2778/10 & 2778/10x1).
Location	41, Pleasants Street, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2542/18
Applicant(s)	David Harte.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	David Harte.
Observer(s)	Transport infrastructure Ireland
Date of Site Inspection	25 th of October 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site includes a three storey derelict building and associated single storey outbuilding, located along the southern side of Pleasants Street which radiates off Camden Street, Dublin 8. There is an existing three storey warehouse building along the rear of the site which directly abuts the building with northern windows along this elevation facing onto the site. Previous planning approvals were granted (Reg Ref 3030/16, 2778/10 & 2778/10x1) for the redevelopment of the site for a similar development.

2.0 Proposed Development

2.1. The proposed development would comprise of the following:

- Demolition, reconstruction & extension of derelict 3 storey building,
- Construction of a 3 bedroom mews dwelling, with demolition & rebuilding of front facade, with new roof & parapet, windows, facade alterations, a 1st floor screened terrace with bin store, demolition of external WC & associated site
- Works are a revision to previous planning approvals granted (Planning Refs: 3030/16, 2778/10 & 2778/10x1).

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 11 no. conditions of which the following are of note:

C 2 - Section 49 levy in respect of the LUAS Cross City Scheme

C 3 - Submission of revised plans to include:

(a) The first floor screened terrace to the side and also the living wall shall be omitted.

(b) The proposed stair core shall be omitted from this development and revised drawings showing the stairs relocated within the footprint of the existing dwelling.

C 11- Compliance with the terms and conditions of the original development issued under Reg Ref 3030/15 & 2278/10 (as extended under 2778/10 x1).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information on the following:

- Submission of accurate drawings to illustrate the correct location of windows on the ground and first floor which adjoin the boundary of the applicant's site and reference to the permission on the adjoining site at 41A Pleasant Street (Reg Ref 3075/16) which does not include the windows. In addition, photographic evidence is submitted showing the existing windows blocked up.

The report of the planner noted the submission of the additional information which did not address the concerns in relation to the impact of the proposal on the adjoining site and having regard to an existing application before the Board (Reg Ref 4637/17) considered it necessary to include a condition requiring the removal of living room wall, raised deck and new stair core.

3.2.2. Other Technical Reports

Traffic Department- No objection to proposal

Drainage Department- No objection subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) - No objection subject to the inclusion of a Section 49 Levey for the LUAS Cross City Scheme

3.4. Third Party Observations

None received.

4.0 Planning History

Reg Ref 3030/16

Permission granted for the renovation and extension of an existing derelict 3 storey building to provide for a three bedroom mews dwelling with a new roof, new windows, alterations to the ground floor façade, a window and door added to the gable with new 1st floor screened terrace to the side, garden and WC. Alterations to previous permissions Reg Ref 2778/10 & 2778/10.

Reg Ref 2778/10

Permission granted for the renovation and extension of an existing derelict 3 storey building (GFA 86.6m²) to provide for a shop (32.2m²) at ground floor level and a one bed study apartment (c. 61.4m²) on the floors above, with new roof and cornice, new windows, alterations to ground floor façade, window and door added to the gable end with apartment access via a new screened terrace and garden with WC and bin store.

Extension of duration Reg Ref 2778/10 x1 granted until 22/03/ 2021

Adjoining Site to the rear

PL29S.247172 (Reg Ref 3075/16)

Permission granted for the redevelopment No 75, 75A and 76 Camden Street, Dublin 2 and 41 A Pleasant Street Dublin 8 which includes the change of use of the ground floor level of number 41A Pleasants Street from a former service garage/car sales to shop (to accommodate use Class 1 of Schedule 2, Part 4 of the Planning and Development Regulations 2001-2015) (circa 359.3m² net floor area).

ABP 301266-18 (Reg Ref 4637/18)

Permission was granted by the Planning Authority for a change of use at 76 Camden Street and the proposal included a change of use for 41A Pleasant Street from a car service/ car sales outlet for use as part of a restaurant associated with No 76.

The application is currently on appeal with the Board.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022.

The site is zoned in Z 1 *“To protect and/or improve the amenities of residential amenities”*.

Extension to dwellings.

Section 16.2.2.3: Alterations and extensions (general)

- Extensions will be sympathetic to the existing building and adjoining occupiers,
- Alterations and extensions to roof will respect the scale, elevational proportion and architectural form of the building.

Section 16.10.12: Extensions and Alterations to Dwellings

Relates to alterations and extensions to dwellings and states that development will only be granted where it will not have an adverse impact on the scale and character of the area and will not adversely affect amenities enjoyed by occupants of adjacent buildings.

Appendix 17 of the Plan sets out design guidance with regard to residential extensions.

5.2. Natural Heritage Designations

None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant in relation to Condition No 3 of the grant of permission and the issues are raised are summarised below:

- Condition No 3 (a) requires the omission of a first-floor screen and terrace area.

- Two previous permissions on the site have already been granted with a first floor screened area, Reg Ref 3030/16 and Reg Ref 2778/10.
- There have been no observations submitted from the adjoining land owners.
- Photographs submitted as part of the additional information illustrate the boarded up windows and gap between the buildings for the buttress/ piers.
- Extracts from the permission granted on the adjoining site (Reg Ref 3075/16) illustrate the removal of the windows on the adjoining property.
- Photographs submitted illustrate the existing wall of 41 Pleasants Street approximately half way up the ground floor windows with No 41A Pleasants Street.
- The proposed 1st floor screened terrace will be constructed in front of but will not block the existing low-level windows, as the deck area will be below the existing cill level.
- It is proposed to omit the green wall which would obstruct/ block the low level windows.
- It is proposed to construct the proposed stair core, which contains the new staircase within the footprint of the existing single storey return.
- The proposal to construct the proposed stair core with a contemporary design will distinguish from the existing building, clearly defining the old and new.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

One Observation was received from Transport Infrastructure Ireland requesting the inclusion of a Section 49 Levey for the LUAS Cross City Scheme within any grant of permission.

7.0 Assessment

7.1. The first party has appealed Condition No 3 (a) only. Having regard to the, previous planning permissions on the site Reg Ref 3030/16 and Reg Ref 2778/10 (as extended) the fact that the site is located within Dublin City Centre on lands zoned for residential development in the development plan and generally in line with the requirements of the Development Plan, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition No 3.

7.2. The issues of the appeal can be dealt with under the following headings:

- Planning History
- Condition No 3 (a)
- Appropriate Assessment
- Environmental Impact Assessment

Planning History

7.3. The proposed development includes for the renovation to an existing three storey derelict dwelling and the construction and rebuild of an existing single storey side outbuilding along the west of the site. A modest contemporary extension is proposed along the west of the existing dwelling, on top of the single storey aspect to accommodate a terrace on the first floor and stair core to the upper floors. Condition No. 3 requires alterations to this proposed extension, further discussed below. The grounds of appeal argue these aspects of the proposed development are currently permitted under Reg Ref 3030/16 and Reg Ref 2778/10 (extended until 2021). I have assessed the development permitted within these permitted applications and I note that the open space area was located on the ground floor in Reg Ref 2778/10 and whilst there was permitted access to a terrace on the first floor in Reg Ref 3030/16 the area between the terrace and No 41A, along the south, consisted of an elevated ivy wall supported by a mesh fence and neither permission included any extension along the west similar to the proposed development. Therefore, I do not consider the proposed development is the same as previously granted.

- 7.4. The report of the area planner also referenced the current permission on the adjoining site, PL29S.247171 (Reg Ref no 3075/16) which includes for the redevelopment of the adjoining site (75,75A and 76 Camden Street, Dublin 2 and 41 A Pleasant Street Dublin 8). I note Drawing CS75/BC/010 of this application illustrates the proposed elevation facing onto Pleasants Place, building to the rear of the subject site and does not propose any change to the windows along the ground floor. In addition, it is noted that the windows on the first floor adjoining the proposed extension serve stairs, landing and circulation space associated with an office development. Reference is also provided within the application to a proposal currently before the Board ABP 301266-18, granted permission by the Planning Authority (Reg Ref 4637/18) for a change of use from retail to restaurant at No 76 Camden Street and No 41A Pleasants Lane. This proposal does not have any significant implications for the proposal to extend the existing dwelling.
- 7.5. Having regard to the proposals included in the previous permissions on the subject site which differ from the proposed development granted in this application I do not consider the grant of any previous permission would preclude the Planning Authority from including Condition No 3 on any grant of permission. In addition, having regard to the permissions on the adjoining dwelling and the location of the proposed extension I consider there is only one window on the first floor of No 41A Pleasant Place which may be impacted by the extension, currently and proposed in the future, further discussed below.

Condition No 3

- 7.6. The report of the planner considered the inclusion of Condition No 3 necessary to reasonably address the impact of the proposed development on the windows along the first floor of No 41A Pleasants Place, southern boundary ,as detailed below:
- (a) The first floor screened terrace to the side and also the living wall shall be omitted from the development,
 - (b) The proposed stair core shall be omitted from this development and revised drawings shall be relocated within the footprint of the existing house.

The report of the area planner noted Section 16.10.10 of the development plan for infill sites and had regard to the restrictive nature of the site considered it reasonable to relax normal planning standards, such as open space and parking.

- 7.7. As stated above the applicant considers the proposal is in keeping with the planning history on the site and will therefore have no negative impact although, it is of note that an amended design submitted with the grounds of appeal includes a proposal to remove the green wall along the south of the site which adjoins the window of No 41A and the integration of the stair core into footprint of the existing dwelling. No amended plans have accompanied the grounds of appeal to illustrate these proposed amendments.
- 7.8. I note the location of the proposed extension along the west of the existing dwelling which accommodates the stair core. I consider the overall design of this extension compliments the overall development and aside from one window on the first floor I do not consider the extension has any impact on No 41A Pleasant Street. I note the deck level for the proposed first floor terrace is below the cill level of the adjoining window and in light of the current and proposed use of the area behind the window as circulation space I consider the main potential impact would be loss of light into the stairwell of the adjoining property. The terrace will not cause any overlooking. I consider the removal of the solid wall in front of this window and replacement with a transparent glazed finish would ensure the retention of light into this area and prevent any significant negative impact.
- 7.9. Therefore, having regard to the size of the window along No 41A Pleasant Street and the use of the associated area, the overall design of the extension of the proposed development, subject to an alteration of the proposed material adjoining the window on the first floor, I do not consider the overall side extension would have a serious negative impact on the surrounding area and consider Condition No 3 should be amended to reflect this assessment.

Appropriate Assessment

- 7.10. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development

would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

Environmental Impact Assessment

- 7.11. Having regard to the nature and scale of the proposed development 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. Having regard to the nature of the condition the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 as amended, to **AMEND** Condition No 3 as follows:

- 8.2. The proposed development shall be amended as follows:

- a) The materials on the first floor of the proposed extension to the west of the existing dwelling shall be fitted with translucent materials which will allow light to penetrate through the first floor window of No 41A Pleasant St.

Full details shall be submitted to and agreed with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination

Reason: To protect the amenities of property in the vicinity and in the interest of proper planning and sustainable development of the area.

9.0 Reasons and Considerations

Having regard to:

- (a) the Z1, Residential zoning on the site and the provisions of the Dublin City Development 2016-2022,
- (b) the modest size of the site and location within an urban setting of Dublin City,
- (c) the nature, scale and orientation of the development proposed, and
- (d) the pattern of development in the area,

it is considered that the inclusion of those amendments required in Condition No 3 should be amended which would be allow the refurbishment and extension of an existing dwelling, protect the amenities of an adjoining properties and the proper planning and sustainable development of the area.

Karen Hamilton
Planning Inspector

30th of October 2018