



An  
Bord  
Pleanála

## Inspector's Report ABP-303482-19

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<b>Development</b>	Construction of a 3-storey over basement building comprising 13 no. apartments.
<b>Location</b>	No's. 49-51 Amiens Street, Dublin 1 (protected structure)
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3637/18
<b>Applicant(s)</b>	Trenthall Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Trenthall Ltd.
<b>Observer(s)</b>	Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	31 <sup>st</sup> May 2019
<b>Inspector</b>	Donal Donnelly

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at No's. 49-51 Amiens Street to the east of Dublin city centre. Amiens Street (R105) acts as one of the main accesses to the city centre from the north-east. The street commences at the junction with Seville Place/ Portland Row and extends approximately 700m to Memorial Road. There are a mix of uses throughout, with retail/ commercial generally on ground floors to the south-west and offices and residential uses to the north-eastern end of the street.
- 1.2. No's. 49, 50 and 51 comprise a vacant site, a retained façade and a dilapidated protected structure respectively. The existing building and façade are 3 bay 3-storey over basement structures. Burke's Bar (c.1890) adjoins the site to south and to the north is a hairdressing salon. The site can be accessed to the rear from Frankfort Cottages off Killarney Street. There is also a gated access to Frankfort Cottages through the entryway between No's. 52 & 53 Amiens Street. The stated area of the site is 292.5 sq.m.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the following:
  - Reconstruction at No. 49 & 50 Amiens Street to provide a 3-storey over basement building, with a 4<sup>th</sup> storey stepped back penthouse and comprising 9 no. apartments (8 no. 1-beds and 1 no. studio);
  - Private courtyard to basement studio and terrace to penthouse apartments;
  - Refurbishment, extension and repair at No. 51 Amiens Street to provide 4 no. 1-bed apartments to include new courtyard to serve basement apartment;
  - Landscaped communal courtyard to rear, together with bin storage, bicycle parking, SuDS drainage and all ancillary works;
  - Floor area of building to be retained on site is 224 sq.m. and floor area of new build is 580.5 sq.m. (total gross floor area: 804.5 sq.m.).

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for three reasons. The first reason states that the proposal consisting of residential units at street level with windows to habitable rooms fronting directly onto the footpath, would not provide for an appropriate mix of uses or sufficient animation at street level.
- 3.1.2. The second reason states that the proposal would not provide an acceptable standard of living accommodation due to the lack of private open space for the residential units at ground, 1<sup>st</sup> and 2<sup>nd</sup> floor level, as well as the provision of living rooms that are substandard in terms of area and facing directly onto the street with no setback.
- 3.1.3. Under the third reason for refusal, it is stated that the proposal would seriously injure the special architectural character of the adjoining protected structures and the historic urban grain of this already compromised area. It is also considered that the elevations are inappropriately composed.

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the final Planner's Report reflects the decision of the Planning Authority. The main points raised under the evaluation of the proposal in the initial Planner's Report are as follows:
- No objection in principle to residential use on site; however, active use at street level would be preferred and there is concern regarding the residential amenities of ground floor apartments fronting the footpath.
  - Proposal provides for a plot ratio of 3.2 and site coverage of 58% - indicative plot ratio for Z5 zonings is between 2.5 & 3 and indicative site coverage is 90%.
  - Density of c. 300 dwellings per hectare is relatively high but could be considered subject to good design and residential amenity considerations.
  - Proposed studio with floor area of 63 sq.m. is significantly above the floor area requirement for this unit type.

- Sunlight and daylight assessment shows that daylight to the bedroom to the front of the 1-bed apartment within No. 51 would be below the minimum recommended in the BRE Guidelines; however, living room would benefit from high levels of light.
- Notes that guidelines allow compensatory factors to be taken into account where levels of daylight are below the minimum – in this case, the refurbishment of protected structure and regeneration of two derelict sites.
- 1-bed apartments in protected structure are below minimum area required with no internal storage proposed.
- Aggregate area of living space within new build apartments appears inadequate (minimum in Guidelines is 23 sq.m).
- No private open space provided to a number of apartments at ground, 1<sup>st</sup> floor and 2<sup>nd</sup> floor levels.
- Floor area of 1-bed apartment at top level is below minimum and aggregate living area of both units is not stated but appears inadequate. No internal storage space is provided within these units.
- Recognises constraints posed by protected structures and the desirability of securing the refurbishment of two vacant derelict sites, and the justification for relaxation of normal standards.
- Concerns in relation to the balance between living and bedroom accommodation, lack of designated private open space, storage provision and the provision of residential accommodation at street level.
- Notes that from a conservation and heritage point of view, the site forms an integral part of the 19<sup>th</sup> century axial route north of the historic city and the proposed remaking of the streetscape is considered positive, as current site has significant negative impact.
- The Conservation Report outlines concern regarding the need to have regard to the original plan form, restoration of character and architectural form, conservation led design and layout, landscaping and subdivision of historic floor plan.

- The Transportation Division consider that the proposal to provide no car parking is acceptable in this city centre location having regard to the proximity to public transport and provision of cycle parking.

3.2.2. Further information was sought from the applicant to include a detailed schedule of apartment floor areas; a schedule of communal and private open space; proposals for addressing concerns regarding the provision of residential units at street level; investigative works to assess the structural integrity of No. 51 and the extent of original fabric within No. 49 & 50; and revised design to take account of original floor plans of No. 51 and the elevational treatment with the view to being more closely aligned to the original.

3.2.3. The main points raised in the Case Planner's subsequent assessment are summarised as follows:

- Schedule of floor areas confirms that a number of units fall significantly short in terms of the balance between living and bedroom space provided.
- Breakdown of the provision of private and communal open space between the units does not appear to have been submitted – proposal provides 109 sq.m. of external open space.
- Only 4 units would have private open space and c. 56 sq.m. to the rear would be considered communal open space.
- Standards may be relaxed to secure the refurbishment of the protected structure subject to an acceptable standard of residential amenity and standard of development in conservation terms.
- Revised ground floor plan provides bedrooms to the rear and living rooms to the front – notes that there is no void space in front of No's. 49 & 50 and it would not be possible to provide a setback, as area in front is outside site boundary.
- Issue of compliance with zoning objective is not addressed – proposal still provides for residential units with windows to habitable rooms facing directly onto the public footpath.
- Consideration should be given to reuse and revision of the design of apartments in No. 51 taking into account original floor plans, as well as a

determination of extent of original fabric in No's. 49 & 50, and provision of separate entrances, staircase and lift to each of No's. 49 & 50.

- Revised plans for protected structure appear to show circulation space outside the units so that apartments are not self-contained.
- Façade of new building has been revised to provide two separate front doors at No's. 49 & 50, thus reinstating the original grain of the buildings and rhythm of the street.
- Pastiche nature of the proposal is appropriate in providing a strong relationship between the proposed building and the existing streetscape.
- Conservation Section report states as follows:
  - Aspects of the design approach have not been satisfactorily resolved – restoration of overall architectural form should be the best conservation and planning outcome, including retention and use of each of the entrances and vertical circulation.
  - Conservation led approach to protect original grain and architectural heritage may allow waivers from Building Regulations.
  - Recommend subdivision of floors to provide one apartment per floor.
  - Individual staircases could be provided with minimal impact on the size of units.
  - Removal of individual entrance to No. 49 and significant alteration to original room layout and plan form, together with the removal of traditional vertical circulation and floor plan arrangement to No's. 49 & 50, would result in a confusion of the overall internal logic and relationship with the street.
  - Proposed elevations are inappropriately composed, unsympathetically detailed and will compromise the architectural character of the terrace.
- Case Planner notes that 3 of the proposed 4 units in the protected structure fall short of minimum floor area standards and this would be replicated if each of No's. 49 & 50 were treated as a separate house with own staircase and lift.

- Previously granted permission considered superior as it provided retail units at ground level and retained the original grain.
- Revised roof line or a greater setback of the top storey are considered more appropriate.
- Limited information provided in relation to landscaping and the location and size of the bike shelters, bin stores and gas meters.
- While proposed refurbishment of protected structure and reconstruction of the two units at No's. 49 & 50 are welcome, the proposal does not represent the most appropriate solution for the site in respect of use mix, design and residential amenity.

## 4.0 Planning History

Dublin City Council Reg. Ref: 2336/17

- 4.1. Permission sought to rebuild No's. 49 & 50 with an additional 4<sup>th</sup> storey penthouse level setback from the front building line, and also to refurbish and repair No. 51 Amiens Street, (protected structure), to form a new apartment development consisting of 8 no. apartments in total (6 No. 1 bed and 2 No. 2 bed), over a basement area containing ancillary plant, storage and bicycle parking.
- 4.2. Further information was requested from the applicant on issues relating to the proposed interventions to the protected structure, the overall height and prominence of the additional 4<sup>th</sup> storey and the applicant's legal interest in the site.
- 4.3. The application was deemed to be withdrawn on 19<sup>th</sup> April 2018.

Dublin City Council Reg. Ref: 6111/04

- 4.4. Permission granted in November 2005 at No's. 49-51 for 9 residential units and 152 sq.m. of retail/commercial space.



## 5.0 Policy Context

### 5.1. National Framework Plan

- 5.1.1. The NPF seeks to encourage compact growth and better use of under-utilised land and buildings, including ‘infill’, ‘brownfield’ and vacant and under-occupied sites for higher housing and job densities, better served by existing facilities and public transport. A greater proportion of future housing development is targeted to be within and close to the existing ‘footprint’ of built-up areas.

### 5.2. Dublin City Development Plan, 2016-2022

- 5.2.1. The majority of the site to the front is zoned “Z5” where the objective is *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”* The rear part of the site has a “Z2” zoning: *“to protect and/ or improve the amenities of residential conservation areas.”*
- 5.2.2. No. 51 Amiens Street is a protected structure and described on the Record of Protected Structures as a “commercial premises”.
- 5.2.3. Standards for residential accommodation are set out in Section 16.10. Section 16.10.10 addresses infill housing.
- 5.2.4. It is stated under Section 14.5 that *“in certain limited cases, and to ensure the long-term viability of a protected structure, it may be appropriate not to stringently apply city-wide zoning restrictions including site development standards, provided the protected structure is being restored to the highest standard; the special interest, character and setting of the building is protected; and the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.”*

### 5.3. Natural Heritage Designations

- 5.3.1. The South Dublin Bay and River Tolka Estuary SPA is approximately 1.45km north-east of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal against the Council's decision was submitted on behalf of the applicant. The grounds of appeal and main points raised in this submission are summarised as follows:

- Proposal comprises a modest residential development that takes a cognitive approach to increasing city centre housing stock with a scale and design that avoids any loss of amenity or integrity of adjoining properties.
- Proposal directly aligns with Development Plan objectives to provide a dynamic mix of uses within Z5 zones that is capable of sustaining the vitality of the inner city.
- Proposed residential use is permissible at this location in the context of replacing an existing brownfield site and the secondary nature of Amiens Street with regards to the provision of retail/ commercial units.
- Creation of an additional retail/ commercial unit at ground floor level would not be economically viable and would result in the provision of another low-grade retail unit, which will further compromise the visual amenity of Amiens Street.
- Residential units are appropriate in the context of providing passive surveillance towards the street.
- Approval of development under Reg. Ref: 3014/18 at Blackhall Street on Z5 zoned land provides precedent for ground floor residential units.
- Proposal has been revised within the appeal response to meet applicable minimum standards set out in Guidelines.
- Proposal represents a marked improvement on the visual amenity of a site which has remained derelict for more than 10 years. Design has due regard to the architectural character of the adjoining protected structures within this historic terrace.

- No's. 49 & 50 will be restored to their former state through building height continuity, sashed windows, plinth railings and a new stairwell to match the previous form and shape.
- Design of the proposed scheme is of sufficient quality to allow for the relaxation of private amenity space requirements for the 3 no. ground floor units.
- Unit No. 4 is only 0.5m below the aggregate living/ kitchen/ dining area standard and No. 5 is within the protected structure – Section 11.1.5.3 of the Development Plan states as follows: *“In finding the optimum viable use for protected structures, other land-use policies and site development standards may need to be relaxed to achieve long-term conservation.”*
- Proposal seeks to restore the architectural integrity of the terrace through infill development, refurbishment, restoration and pastiche design that considers the historic grain of the site and visual amenity of the wider street section.
- Proposal complies with National Planning Framework with regards to appropriate increase in density within underutilised urban sites.

## 6.2. Planning Authority Response

6.2.1. No response

## 6.3. Observations

6.3.1. Transport Infrastructure Ireland submitted an observation stating that if the notified decision of the Council is overturned on appeal, and the development is not exempt, it is recommended that a Section 49 Luas Red Line Docklands Extension (Luas C1) Contribution Scheme levy be included in the schedule of conditions.

## 6.4. Further Responses

6.4.1. Correspondence was received on behalf the applicant highlighting that the proposal is for 13 no. apartments when there is currently a housing crisis in Dublin. It is also noted that the site has been derelict for several years and is on the Derelict Sites Register (DS914).

## 7.0 Assessment

7.1. I consider that the key issues in determining this appeal are as follows:

- Development principle;
- Impact on residential amenity;
- Visual impact and impact on built heritage;
- Appropriate Assessment.

### 7.2. Development Principle

7.2.1. The majority of the appeal site to the front is zoned “Z5” where the objective is “to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” A part of the site to the rear is zoned “Z2 - to protect and/ or improve the amenities of residential conservation areas” and No’s. 51 is a protected structure.

7.2.2. It is stated under the Council’s first reason for refusal that the proposed development, consisting of residential units at street level with windows to habitable rooms fronting directly onto the public footpath, would not provide for an appropriate mix of uses or sufficient animation at street level. Reference is made to Section 14.8.5 of the Development Plan (City Centre – Zone Z5), which states that a mix of uses should ideally occur both vertically through the floors and horizontally along the street frontage, with retail being the predominant use at ground floor level on principal shopping streets.

7.2.3. I would be in agreement that the presence of habitable room windows facing directly onto the footpath without any degree of separation is undesirable from a residential amenity viewpoint. This issue only occurs with the proposed ground floor units within No’s. 49 and 50, as the existing protected structure at No. 51 contains a void space at ground level above basement courtyard to the front. The applicant attempted to address the issue at No’s. 49 and 50 at further information stage by relocating the bedrooms to the rear and living/ dining/ kitchen area to the front. However, habitable rooms are still located directly onto the street.

- 7.2.4. Permission was granted previously on site under Reg. Ref: 6111/04 for the redevelopment of the site to include 9 no. residential units and 152 sq.m. of retail/ commercial space occupying the three ground floor units. A withdrawn proposal on site under Reg. Ref: 2336/17 included a buffer terrace at ground level to the front of three proposed residential units. The applicant was requested at further information stage to submit evidence of their legal interest in the lands to the front of the building line at street level. It is now apparent that the applicant does not own the lands to the front of No. 49 and 50 on which the buffer terrace was previously proposed.
- 7.2.5. The applicant submits with regards to the current proposal that the creation of an additional retail/ commercial unit at ground floor level would not be economically viable and would result in the provision of another low-grade retail unit, which will further compromise the visual amenity of Amiens Street. Reference is made to a proposal granted by the Council under Reg. Ref: 3014/18 at Blackhall Street on Z5 zoned land that is considered to provide precedent for ground floor residential units. I note, however, that the character of Blackhall Street is different to Amiens Street in terms of the proportion of residential frontages, traffic and its secondary nature as an access route.
- 7.2.6. There are ground floor residences in proximity to the appeal site, albeit with a degree of setback from the footpath. In my opinion, there may be scope to design the ground floor apartments within No's. 49 and 50 as live-work units or artist's studio spaces that are adaptable for future commercial street-fronting use. The ground floor unit to No. 49 includes a false doorway that could be opened up in future to provide direct street access to an emerging business.
- 7.2.7. Overall, I would be in agreement that the current proposal for ground floor residential units at No's. 49 and 50 is unacceptable from a residential amenity and streetscape animation viewpoint. The Board may wish to consider inviting the applicant to redesign the ground floor units within No's. 49 & 50 accordingly. However, I am not satisfied that the proposal, as currently formulated, is acceptable in principle under the Z5 zoning objective for the site.

### 7.3. Impact on residential amenity

- 7.3.1. The second reason for refusal also refers to the provision of living rooms directly onto the public street; the lack of private open space at ground, 1<sup>st</sup> and 2<sup>nd</sup> floor levels; and the failure of a number of living rooms to meet the minimum standards for aggregate living areas as set out in the “Quality Housing for Sustainable Communities” guidelines.
- 7.3.2. The applicant has submitted revised proposals with the appeal submission that provides for additional private amenity space and an improved balance between living and bedroom areas in certain units. Reference is made to Section 11.1.5.3 of the Development Plan which states that *“in finding the optimum viable use for protected structures, other land-use policies and site development standards may need to be relaxed to achieve long-term conservation.”*
- 7.3.3. The minimum floor area standards set out under Specific Planning Policy Requirement 3 of the ‘Sustainable Urban Housing: Design Standards for Apartments’ is 37 sq.m. for studio apartments and 45 sq.m. for 1-bed apartments. The amended proposal includes a 71 sq.m. studio at the basement level of No’s. 49/50 and a 62.4 sq.m. 1 bed apartment to the basement of No. 51 (protected structure). The ground floor of No’s. 49/50 contains 2 no. 1-bed units with floor areas of 45 sq.m. and 46.1 sq.m. and the ground floor of the protected structure comprises a 35.5 sq.m. 1-bed unit. Units within the 1<sup>st</sup> and 2<sup>nd</sup> floors of No’s. 49/50 are 49.7 sq.m. and 50.8 sq.m. respectively and within No. 51 the floor areas of the 1-bed units on these levels are both 42.5 sq.m. Finally, the proposed 3<sup>rd</sup> floor units within No’s. 49/50 will have floor areas of 50.8 sq.m. and 49.7 sq.m. respectively.
- 7.3.4. The Quality Housing Guidelines for Sustainable Communities includes recommendations on space provision and room sizes for typical dwellings. The ratio in terms of aggregate living area and aggregate bedroom area is 23 sq.m. and 11 sq.m. respectively for a 1-bed apartment. The proposed ground floor Unit 4 within No’s. 49/50 is marginally below the 23 sq.m. standard by 0.5m. Unit 5 within the ground floor of the protected structure falls below the aggregate living area by 5.4 sq.m. and the upper units in No. 51 are slightly substandard in terms of bedroom floor areas.

- 7.3.5. It should be noted that the proposed increase in floor area of the apartments at 3<sup>rd</sup> floor level is facilitated by extending the glazed frontage out to the parapet wall when the previous proposal included a terrace to the front. It is also noteworthy that the previously permitted terrace at roof level under Reg Ref: 6111/04 was set back from the front building line by distance of 3.57m.
- 7.3.6. The required minimum floor areas for private amenity spaces in the 'Sustainable Urban Housing: Design Standards for Apartments' for studios and 1-bed apartments is 4 sq.m. and 5 sq.m. respectively. The amended proposal submitted with the first party appeal includes new 5 sq.m. balconies serving Units 6, 7, 9, 10, 11 and 12 within No's. 49/50. This leaves the 3 no. ground floor units and the 2 no. upper floor units within the protected structure without any dedicated private open space. There is a ground floor communal space to the rear that would be directly accessible to the ground floor units and there may be potential to attach balconies to the rear of the upper floor apartments in the protected structure accessed from the bedroom. It may be less desirable when balconies do not adjoin or do not have a functional relationship with the main living areas of an apartment. In my opinion, however, a balcony to a bedroom may be considered more acceptable within 1-bed units.
- 7.3.7. The proposed development is provided with 106 sq.m. of communal space that includes bicycle parking, bin storage and access. The Guidelines state that there should be a minimum provision for studios and 1-bed units of 4 sq.m. and 5 sq.m. respectively. The proposed development would therefore require a provision of 64 sq.m. of communal space.
- 7.3.8. In terms of storage space, the minimum requirement in the Guidelines is 3 sq.m. for both studios and 1-bed units. There is ample storage for the proposed units in No's. 49 and 51 within the units themselves and in 7 no. stores at basement level. However, the units within the protected structure are underprovided for in terms of storage and there does not appear to be any access to the basement stores for these units
- 7.3.9. Overall, I would be of the opinion that there are certain imbalances in terms of space throughout the development that could be improved with a reconfigured layout. The basement unit within No. 49/50 is unduly large for a studio and associated private amenity space with total area of 93 sq.m. The basement unit within the protected

structure is also well above the minimum floor area for a 1-bed unit, whilst ground floor and above ground floor units are under the minimum and without adequate storage. There may be scope to reconfigure the basement and ground floor so that there is a better distribution of space and access to remote storage for all units, with larger storage spaces allocated to smaller apartments. Furthermore, as noted above, the ground floor units within No's. 49/50 would be better suited to live/ work or studio space, possibly with direct basement access.

- 7.3.10. Notwithstanding the above, the proposed units for the most part, provide a decent standard of internal residential amenity. The substandard units are within the protected structure where a dispensation may be considered reasonable in the case of the protected structure “...being restored to the highest standard; the special interest, character and setting of the building is protected; and the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.” (Dublin City Development Plan, 2016-2022, Section 14.5).

#### **7.4. Visual impact and impact on built heritage**

- 7.4.1. It is stated under the third reason for refusal that the proposal would seriously injure the special architectural character of the adjoining protected structures and the historic urban grain of this already compromised site. The elevations are considered to be inappropriately composed and would seriously compromise and injure the architectural character of the historic terrace comprising wholly of protected structures.
- 7.4.2. The reason for refusal refers to Section 11.1.5.1 and Policy CHC2 (a),(b),(c) & (d), which seek to ensure that the special interest of protected structures is protected through protection/ restoration of form, features and fabric; incorporation of high standards of craftsmanship using traditional materials in most circumstances; sensitivity to the special interest of the interior; and causing of no harm to the curtilage of the structure.
- 7.4.3. The report of the conservation section on the further information response expresses support for the redevelopment of the site for long term residential use; however, it is considered that aspects of the design have not been adequately resolved from



architectural conservation and heritage viewpoints. It is highlighted that the site is an integral part of the 19<sup>th</sup> Century axial route from the northern fringes of the city and therefore the elevational treatment is significant. The remaking of the street is supported on the one hand but the significant deviation from the historic floor plans and elevations is not supported. The proposed elevations are considered to be inappropriately composed and unsympathetically detailed.

- 7.4.4. I would be in agreement that a balance has to be struck between the replication of layouts within the pre-existing buildings and the provision of residential units that meet current standards. In this regard, it is pointed out in the Planner's Report that the shortfall in residential standards within No. 51 is likely to be replicated if No's. 49 & 50 are treated as separate houses. I would therefore have no objection to fact that the internal floor layouts of No's. 49 and 50 are being brought together and served by a single staircase and lift.
- 7.4.5. The conservation section also submitted that the previously granted scheme under Reg. Ref: 6111/04 was a superior scheme that provided retail units at ground level. Furthermore, concerns are noted with respect to the overall height and prominence of the proposed 4<sup>th</sup> floor. In this regard, it is advised that any additional floor should be subordinate in scale and with a greater degree of setback.
- 7.4.6. I consider that the proposed elevational treatment, for the most part, is appropriate and reinstates the vertical emphasis and rhythm of the street, notwithstanding the internal layout of No's. 49 and 50. A shopfront or business type ground floor elevation may be more appropriate if the applicant was minded to amend the ground floor to a live-work/ artist's studio use type in any subsequent planning application. I would share the concerns regarding the prominence of the 4<sup>th</sup> floor, which is now shown in drawings submitted with the appeal as being flush with the front elevation. It may be more appropriate to have a single penthouse apartment at this level with front terrace set back a similar distance to that proposed under Reg. Ref: 6111/04.

## 7.5. Conclusion

- 7.5.1. In the current case, I consider that it may be acceptable to relax normal planning standards with respect to conservation, internal space standards and uses to ensure that vacant, derelict and under-utilised land in the inner city is developed as stated under Section 16.10.10 of the Development Plan. Furthermore, Section 11.1.5.3 of the Development Plan states that *“in finding the optimum viable use for protected structures, other land-use policies and site development standards may need to be relaxed to achieve long-term conservation.”* Notwithstanding this, I consider that there is room to improve the scheme by redistributing internal space, providing more active frontages to the street and reducing the visual impact on historic fabric, particularly from the proposed additional storey.

## 7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

The appeal site is located in an area zoned “Z5” in the Dublin City Development Plan 2016-2022, where the objective is *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”* This objective is considered reasonable. The proposed residential development, comprising of apartment units at street level without any degree of separation from the footpath, would not provide for an appropriate street edge at this location with sufficient animation at street level and a mix of uses within the scheme. Furthermore, the presence of habitable rooms fronting directly onto the public footpath would create an unacceptable standard of residential amenity. The

proposed development, including new fourth storey without any setback from the front elevation, would seriously injure the visual amenities of the historic streetscape and residential amenities for future occupants of the scheme and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Donal Donnelly  
Planning Inspector

7<sup>th</sup> June 2019