



An
Bord
Pleanála

Inspector's Report

ABP-305009-19

Development	The placement of street furniture outside of bar.
Location	59 South William Street, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	SF/578
Applicant(s)	Farrier & Draper.
Type of Application	Licence Application.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Farrier & Draper.
Observer(s)	None.
Date of Site Inspection	7 th October 2019.
Inspector	Bríd Maxwell

1.0 Introduction

1.1 This case relates to a first party appeal against the decision of Dublin City Council to refuse permission for the placement of street furniture outside of bar to the front of 59 South William Street, Dublin 2. The application is made under the provisions of Section 254 of the Planning and Development Act, 2000 (as amended).

2.0 Site Location and Description

2.1 The site of the proposed development is outside the premises occupied by Farrier and Draper within the Powerscourt Townhouse on South William Street in Dublin 2. The premises is on the eastern side of William Street South to the north east opposite its junction with Castle Market Street and between its junction with Wicklow Street and Coppinger Row. South William Street is an important historical city centre street with a number of protected structures including the Powerscourt Townhouse which is a key landmark building. The townhouse designed by Robert Mack c1771 in is a fine example of Dublin's Georgian Architecture. The main façade comprises an imposing classically arranged façade framed by diminutive side wings. The focal point of the main façade is accentuated by the large stone doorcase/entrance reached by a dramatic stone staircase from street level. To either side of the staircase, well-appointed paved basement areas are enclosed by stone balustrades.

2.2 South William Street accommodates a typical mixed-use development with a significant number of restaurants / bars many of which have outdoor seating areas. The area subject of the license application is to the north of the stone staircase adjacent to the stone balustrade. The public footpath fronting the appeal site has a number of features including lamp standards, bollards and a bin. It extends to 3.4m wide to the front of Powerscourt Townhouse and narrows abruptly to 1.5m to the north and south. The street surface is cobbled with shared surface separated by bollards. Photographs of the appeal site are attached as appendix to this report.

3.0 Proposed Development

3.1. The Section 254 license application refers to an area which is 7.8m in length and projects 1m out from the premises, forward of the balustrade. It is proposed to place furniture on the street over an area of 7.8 sq.m to include the following:

- 5 tables (1mx0.5m)
- 20 chairs
- Plain cream colour canvas screen 80cm high

4.0 **Planning Authority Decision**

4.1. **Decision**

4.1.1 By order of the Executive Manager dated 14th June 2019 Dublin City Council refused the license for street furniture on the grounds that the placing of street furniture at this location would constitute a hazard to pedestrians using this busy street.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

- Planning report asserts that the high levels of pedestrian footfall on South William Street, and indicates objection on grounds of pedestrian safety.

4.2.2. Other Technical Reports

- Assistant Chief Fire Officer indicates no objection from a fire safety perspective on condition that the location of the seating does not obstruct or reduce the width of escape route from the building or adjoining buildings. Use of gas heaters is not permitted without prior consultation with the Fire Service.
- Roads and Traffic Planning Division report notes that the footpath at the location of the proposed development is approximately 3.4m wide. With the street furniture in place the un-obstructed footpath space is approximately 2.4m. There is a high footfall of pedestrians along South William Street which is a shared surface with footpath separated by bollards. There are concerns that the placing of furniture on South William Street at this location will constitute a traffic hazard to pedestrians and

may result in pedestrians stepping from the dedicated footpath onto the shared surface. Refusal is recommended.

5.0 Planning History

5.1 No history files are provided on the appeal. I note the following more recent from review of historical record of www.dublincity.ie

- **D0124/00** Section 57 Declaration, 59 William Street South.
- **D0058/00** Section 57 Declaration. 12-13 Powerscourt Townhouse.
- **4331/16** Refusal of permission to retain canopies and structures at basement level to the front elevation of the existing premises.

I note the following recent decision of the Board in respect of No 63 South William Street.

300969-18 I note the Board overturned the decision of Dublin City Council and granted permission for retention of retractable steel glazed screen enclosing a seating area to the front of No 63 South William Street. The City Council had refused the retention on grounds of injury to the character of the streetscape within an Architectural Conservation Area.

6.0 Policy Context

6.1. Development Plan

6.1.1 The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is zoned Z5 “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”.

- 59 William Street South, Powerscourt House is Protected Structure Reference 8596.

- The site is located within a designated Conservation Area.
- Policy RD7 requires a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote and seek the principles of good shopfront design as set out in the Dublin City Council's Shopfront Design Guidelines.
- Section 11.1.5.1 relates to the Record of Protected Structures. **Policy CHC2:** *“To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:*
 - (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest*
 - (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances*
 - (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials*
 - (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure*
 - (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works*
 - (f) Have regard to ecological considerations for example, protection of species such as bats.”*
- In relation to Conservation Areas **Policy CHC4:** *“To protect the special interest and character of all Dublin’s Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:*
 - 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting*
 - 2. Re-instatement of missing architectural detail or other important features*
 - 3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns*

4. *Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area*

5. *The repair and retention of shop- and pub-fronts of architectural interest.*

Development will not:

1. *Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area*

2. *Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail*

3. *Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors*

4. *Harm the setting of a Conservation Area.”*

- *Development Standards are set out at Chapter 16. At 16.3 Street Furniture. “Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. These elements include newspaper stands, telephone kiosks, traffic and bus signs, tables and chairs, taxi and bus shelters as well as unauthorised A-frames and spinner stands erected by retailers. It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain. All outdoor furniture provided by private operators including retailers, publicans and restaurateurs, etc., and utility companies should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm and be so located to prevent any obstruction or clutter of all footpaths and paved areas including landings. In considering applications for outdoor tables and chairs, the planning authority shall have regard to the following:*
 - *Size and location of the facility*
 - *Concentration of existing street furniture in the area*
 - *The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens*
 - *Impact on the character of the streetscape*

- *The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance*
- *Impact on access and visibility.”*

6.2. EIA Screening

6.2.1 Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The appeal is submitted by Professor Cathal of Neill & Company Architects on behalf of the applicant and grounds are summarised as follows:

- Reason for refusal on basis that the proposal would constitute a hazard to pedestrians defies all logic.
- Note comparative size of proposed seating area 7.8sq.m – the size of a small family car.
- No account taken of the popularity of this area as an outdoor dining location.
- Clear width is 3.4m to the inside face of the line of granite bollards. The width is 3.7m if measured to kerb.
- Assessment of the Planning Authority is incomplete. Development Plan details the headings under which applications for street furniture must be assessed including visual impact, impact on character of the streetscape, impact on the amenities of adjoining premises and access and visibility. These matters were not addressed.

- Planning report fails to mention that the prevailing width of the footpaths on South William Street is much narrower than the recommended minimum and the widths of the pavement on the east side of the street immediately north and south of the proposed development area are 1.2m and 1.1m. It is not possible to create a bottleneck by narrowing a footpath if the footpaths leading into each end of the site area are already significantly narrower than the new width.
- No quantification provided of footfall.
- The concern that the establishment of a seating area would result in pedestrians going on to the shared surface is not demonstrated and in any case the use of the shared surface by pedestrians does not of itself constitute a hazard.
- The treatment of surface at this location has reduced traffic on the street to trickle movement. The constant stream of east west pedestrian traffic which is observed to be much heavier than north south pedestrian traffic effectively means that all vehicular traffic must stop at this junction.
- Proof that the area is wide enough for seating is that Dublin City Council itself erected a stone bench at this location as part of the recently implemented traffic calming shared surface design. It is understood that it was removed, not because of concerns for safety, but because it was vandalised beyond repair.
- Development Plan Policy acknowledges the importance of the restaurant sector.

7.2 Response of Dublin City Council to Appeal

7.2.1 The City Council did not respond to the appeal.

8.0 Assessment

8.1 Having regard to the city centre location of the site, the commercial uses in the Street and to the zoning objective of the Development Plan I would be generally

supportive of proposals to bring greater vibrancy and vitality to the street by way of creation of an outdoor seating area which has potential to positively contribute to the attractiveness and amenities of the area. However, such facilities should only be supported where there is no significant interference with pedestrian movement and having regard to the considerations of visual impact, impact on architectural heritage and impact on the amenities of the area.

8.2 The main considerations for assessment of proposals for street furniture as set out at 16.3 of the Development Plan include size and location of the facility, concentration of existing street furniture in the area, visual impact and impact on the character of the streetscape, and the effects on the amenities of adjoining premises and impact on access and visibility.

8.3 I note that there are a number of premises in the vicinity which are fronted by screened areas with street furniture particularly along the upper section of the street. As also noted within the grounds of appeal the footpath to the north and south of the Powerscourt Townhouse is significantly narrower 1.5m than at the site where the proposal would reduce the clear width (inside bollards) from 3.4m to 2.4m. On this basis the first party disputes the contention of the local authority that the proposal would give rise to a traffic hazard to pedestrians. However as noted within the report of the roads section the treatment of the roadway at this location with shared surface separated by bollards could give rise to pedestrians stepping out onto the roadway thereby endangering safety. I also note that the proposal has the potential to create hazard in terms of its proximity to the steps of the Powerscourt Townhouse Centre and the proposal creates obstacles particularly for the mobility impaired. I note that the volume of pedestrian movement in the vicinity is not quantified by the Local Authority, however all parties are in agreement that the volume is high. I consider that the placing of furniture on the footpath will significantly interfere with pedestrian movement and would be prejudicial to pedestrian safety. On this basis I consider that refusal on grounds of pedestrian safety and traffic hazard is warranted. As regards the first party contention of double standards given that the local authority previously provided a stone bench at this location, now removed due to vandalism, the two

features are not analogous on basis of scale and intensity and nature of use and effects arising.

8.4 On the matter of visual impact and impact on architectural heritage I note the status of the Powerscourt Townhouse as a protected structure. I consider that the proposal would give rise to clutter which would visually detract from and obscure the protected structure and create an imbalance in terms of the symmetry of the building. Accordingly, the proposal would be contrary to Policy CHC2 of Dublin City Development Plan which seeks to ensure that the special interest of protected structures is protected. I note that this is a new issue.

8.5 On the matter of appropriate assessment I note that 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.

9.0 **Recommendation**

I recommend that this appeal be disallowed and the licence refused for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the existing furniture, features and utilities on the street, the high volume of pedestrian movements, it is considered that the placing of furniture on the footpath would significantly interfere with pedestrian movement on this busy inner-city thoroughfare, would be prejudicial to pedestrian safety and would therefore be contrary to the proper planning and sustainable development of the area.

The proposed placement of street furniture is detrimental to the architectural significance, historic fabric and setting of the protected structure and would be contrary to policy CHC2 of the 2016 Dublin City Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector
15th October 2019