



An
Bord
Pleanála

Inspector's Report 305733-19

Development	Roof garden with sunroom to permitted apartment unit
Location	Apartment 2, Unit 3, Parnell Court, 1 Granby Row, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3667/19
Applicant(s)	PIM Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	PIM Investments Ltd.
Observer(s)	None
Date of Site Inspection	6 th February 2020
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1.1. The subject site is located on the northern side of Granby Row, proximate to the junction with Parnell Square North, Dublin 1. No. 1 Granby Row is designated as a Protected Structure (RPS Ref. 3268) and comprises a 3-storey over basement building fronting onto Granby Row, with a 3-storey return and single storey extension arranged around a central courtyard space to the rear.
- 1.1.2. This application relates to the north-westerly element of the 3-storey return (apartment no. 2 in unit 3), which is partially visible from Bethesda Place, a cul-de-sac located to the rear of the site.
- 1.1.3. The surrounding land uses at this location include a hotel, educational, residential and cultural uses.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a roof garden (11 m²) with a sunroom (21 m²) to provide amenity open space for apartment no. 2 in unit 3 at Parnell Court, 1 Granby Row, Dublin 1.
- 2.2. The roof garden will be enclosed by an opaque glass balustrade (1.8 m) and the roof garden and sunroom will be accessed by a new internal stairs from apartment no. 2.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued Notification of the Decision to Refuse Permission on 25th September 2019 for 2 no. reasons on the basis that the proposed development would:
 - (i) erode the special interest and seriously injure the architectural character of the Protected Structure and would contravene policy CHC2(b) and (d) of the development plan; and,
 - (ii) materially contravene condition no. 3(a) of Planning Reg. Ref. 4049/18 which required the sunroom and roof terrace to be omitted in its entirety.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority's decision.

3.2.3. Dublin City Council's Planning Officer considered that the proposed sunroom and roof terrace, due to their combined bulk and location, would be unsympathetic and seriously injurious to the character of the protected structure.

3.2.4. **Other Technical Reports**

3.2.5. **Conservation Officer:** Recommended that planning permission be refused on the basis that the proposed sunroom and roof terrace would erode the special interest and seriously injure the architectural character of the Protected Structure.

3.2.6. **Engineering Department – Drainage Division:** No objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.3.2. **Transport Infrastructure Ireland:** No observations. Recommends that a S. 49 development contribution be attached to a grant of permission if applicable.

3.3.3. **An Taisce:** None received.

3.3.4. **Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs:** None received.

3.3.5. **Fáilte Ireland:** None received.

3.3.6. **An Chomhairle Ealaíon:** None received.

3.3.7. **Heritage Council:** None received.

3.3.8. **National Transport Authority:** None received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 Planning History

- 4.1.1. **Planning Authority Reg. Ref. 4049/18:** Planning permission granted on 9th January 2019 for the change of use of a three-storey building known as Unit 3, Parnell Court, Granby Row, Dublin 1, previously in office/educational use to accommodate, *inter alia*, a one-bedroom apartment at the first and second floor levels. Private open space is to be provided for apartment no. 1 by way of a new roof garden at level 1 and for apartment no. 2 by a new sunroom on the roof of the building, to be accessed by a new internal stairs.
- 4.1.2. Condition no. 3 (a) of this permission required the omission of the proposed roof terrace, sunroom and associated stairway which was intended to serve the proposed apartment unit on the second floor.
- 4.1.3. **Planning Authority Reg. Ref. 3603/16:** Planning permission granted on 2nd December 2016 for 1 no. 2-bedroom apartment and 2 no. 2-bedroom apartments in a three-storey building previously in office/educational use at Parnell Court, 1 Granby Row, Dublin 1.
- 4.1.4. **Planning Authority Reg. Ref. 1901/08:** Planning permission granted on 10th June 2008 for a change of use from office use to education use of a 3-storey building at Unit 2, Granby Place, Granby Row, Dublin 1.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Zoning

- 5.2.1. The site is subject to land use zoning “Z8” (Georgian Conservation Areas) which has the objective “to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”. Residential uses are permissible on Z8 zoned lands.

5.3. Conservation Designations

- 5.3.1. The site is located within a Zone of Archaeological Interest. The southern portion of the overall site is also located within a Conservation Area.

5.4. Protected Structures – Policy Application

- 5.4.1. Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure.
- 5.4.2. Where possible, existing detailing, fabric and features of the structure should be preserved, repaired or, if missing or obscured, should be reinstated or revealed. In almost all cases, the materials used for alterations, extensions or repairs should match the original and the use of non-traditional materials will not normally be acceptable. Original and historic fabric should be retained and protected, wherever possible.
- 5.4.3. **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.
- 5.4.4. **Policy CH2:** 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. Change of use of Protected Structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.
- 5.4.5. **Policy CH4:** 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.

5.5. Residential Development

- 5.5.1. **Policy QH18:** To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- 5.5.2. **Policy QH19:** To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods, supported by appropriate social and other infrastructure.

Residential Quality Standards – Apartments

- 5.5.3. The standards for apartment developments are set out in the *Design Standards for New Apartments – Guidelines for Planning Authorities* (March 2018). The minimum private amenity space requirement for a 1-bedroom apartment unit is 5 m². For building refurbishment schemes on sites of any size, this minimum requirement may be relaxed on a case-by-case basis.

5.6. Natural Heritage Designations

- 5.6.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been lodged on behalf of the applicant by Manahan Planners Town Planning Consultants, the grounds of which can be summarised as follows:
- The design of the proposed development has been amended to address the concerns raised in relation to the earlier development as proposed under PA Reg. Ref. 4049/18;

- The objective of the proposed development is to provide amenity open space for apartment no. 2 to provide a high standard of accommodation for its future residents;
- The proposal has been designed to ensure the heritage character of the protected structure is maintained;
- While Dublin City Council's Planning Officer objected to the increased floor area of the sunroom compared with the earlier proposal under PA Reg. Ref. 4049/18; the principal reason for the increased floor area was to create a more appropriate design to the existing building;
- While the proposed development is slightly taller than the ridge height of the host building, it is screened by taller buildings adjoining the site and the recently permitted City Library buildings;
- The assessment of Dublin City Council's Planning Officer has not had sufficient regard to national planning policy concerning building heights;
- The assessment of Dublin City Council's Conservation Officer fails to take account of the sensitive refurbishment works undertaken to apartments 1, 2 and 3 in the adjoining Protected Structure as undertaken by the applicant, which included undoing unsympathetic past alterations;
- The current treatment of the flat roof is not original, but a much later altered extension which does not contribute to the special character of the building. The proposed development does not interfere with the pitched slated roofs;
- The applicant's conservation assessment notes that the proposal does not have any negative impacts on the character of the surrounding protected structures or historic area;
- The decision to refuse permission is inconsistent with the permitted expansion of the Maldron Hotel into Nos. 3-5 Granby Row (Protected Structures), whereby a rear courtyard was infilled to construct a glass roofed lounge;
- The provision of private amenity space for the apartment unit is an important feature to the success of city living;

- The materials to be used are contemporary, durable and lightweight, which will mitigate against overlooking and add to the structure's viability and sustainability;
- The impact of the development is justified by the daily utilisation of the building, which is generally the most important factor in the survival of historic buildings;
- The cumulative impact of the works in this proposal is neutral, moderate and long-term and is in the long-term interest of the protected structure;
- The proposal is consistent with best conservation practice, the development plan and the proper planning and sustainable development of the area.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None received.

7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Impacts on the Protected Structure
- Planning History
- Residential Amenity
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. **Impacts on the Protected Structure**

7.3.1. In assessing the proposed development, Dublin City Council's Conservation Officer noted that the building is identified on the NIAH as being of Architectural and Artistic Interest and has been afforded a Regional rating (NIAH Ref. 50010653).

- 7.3.2. The Conservation Officer considered that the construction of a new zinc-clad sunroom/roof terrace with opaque glazing to the perimeter of the roof would have a significant and detrimental impact on the legibility of the architectural character of the Protected Structure. It was further considered that the proposed sunroom extension sits uncomfortably on top of the flat roof and part pitch-roof element of the Protected Structure in a manner that is unsympathetic to its extant form. As such, it was concluded that the proposed development would contravene Section 11.1.5.1 CHC2(b) and (d) of the Dublin City Development Plan 2016-2022.
- 7.3.3. The applicant's conservation assessment states that the architectural quality of No. 1 Granby Row arises from the front elevation and the courtyard elevations, their scale and proportion. The assessment notes that the flat-roofed, much-altered projection to the rear, does not have any architectural or artistic value and does not contribute to the character of the Protected Structure. The addition of the sunroom is considered to have no impact on the qualities that give the Protected Structure its category of interest and no negative impact on the character of the surrounding Protected Structures or historic area.
- 7.3.4. In considering the foregoing, it is noted that the proposed sunroom and roof terrace are proposed on the north-westerly element of the 3-storey return. This part of the building is not visible in public views of the site from Granby Row to the south or Parnell Square North to the south-east. It is also not visible in northerly or north-westerly views from within the internal courtyard, whereby it is screened by the pitched roof element of the return.
- 7.3.5. While it is noted that the height of the proposed sunroom will extend beyond the height of the pitched roof which adjoins its southern façade by between 0.53 – 0.83 m (as illustrated on Drawing No. 108: Front Elevation of Unit 3 – Proposed), it is considered that the top of the sunroom will not be readily discernible from within the internal courtyard space, given the restricted views which are available from this location. As such, it is considered that the proposed sunroom and roof terrace will have a limited impact on the character and setting of the Protected Structure, given that it will not be easily identifiable within the site and will be screened by the adjacent pitched roof structure.

7.3.6. A small section of the north-westerly façade of the building and the top of the existing rooflight is visible from Bethesda Place, a cul-de-sac located to the north/northwest of the site. The proposed sunroom will extend to a depth of 4.045 m across the existing roof and to a height of 2.7 m, and as such, will be partially visible in views of the building from this adjoining street. However, given the limited extent of the views of the proposed development from Bethesda Place, the contemporary design of the proposed sunroom comprising large glazing panels with zinc surrounds, and the screen planting which is proposed on the roof terrace, it is considered that the development would not impact unduly on the character or setting of the Protected Structure in this context.

7.4. Planning History

7.4.1. The subject apartment (no. 2) was permitted under Planning Reg. Ref. 4049/18. This application also sought permission to provide a sunroom and roof terrace as private amenity space for the apartment unit. This element of the development was omitted by condition no. 3(a) of the permission. In assessing the proposed sunroom and roof terrace, Dublin City Council's Planning Officer noted that the proposed development would be noticeably taller than the host building, as well as the neighbouring Protected Structures. The Planning Officer considered that the proposed development, which would be visible from the public realm, would increase the overall bulk, scale and massing of the previously extended rear addition, and as such, should be omitted.

7.4.2. The current application has revised the position of the proposed sunroom and roof terrace, with the sunroom now located adjacent to the pitched roof structure of the rear return. As discussed in section 7.3 above, it is considered that there would be limited visibility of the proposed development from within the site and from Bethesda Place to the rear. As such, it is considered that the current proposal would have no significant negative impact on the bulk, scale or massing of the building.

7.4.3. Condition no. 2 of Dublin City Council's Notification of the Decision to Refuse Permission states that the proposed development would "contravene materially condition No. 3a attached to existing permission (planning reference no. 4049/18) which required that the sunroom and roof terrace be omitted in its entirety". While the current application has not sought to amend this earlier permission, it is noted that

the granting of planning permission in this instance would update the planning history on the site as it relates to the proposed sunroom and terrace.

7.5. Residential Amenity

- 7.5.1. In recommending that the proposed roof terrace and sunroom be omitted, Dublin City Council's Planning Officer noted the oversized nature of the subject apartment unit and the existing communal open space provision within the site, with the absence of dedicated private amenity space deemed acceptable on that basis. The permitted apartment unit has a floor area of 73 m² and as such, significantly exceeds the 45 m² required for 1-bedroom units under the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (2018). A communal courtyard of 65 m² is permitted at the ground floor level.
- 7.5.2. Notwithstanding the foregoing, it is considered that the current application presents an opportunity to provide 32 m² of indoor and outdoor private amenity space for the permitted apartment unit, which is significantly in excess of the 5 m² required. As such, the proposed development would serve to substantially improve the residential amenity of the permitted apartment unit. Thus, it is considered that the proposed development would be in accordance with policy QH18 of the development plan, which seeks, *inter alia*, to promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments.
- 7.5.3. In order to safeguard the residential amenity of neighbouring properties, it is considered that opaque glazing should be maintained to the side elevations of the proposed sunroom and along both sides of the proposed roof terrace. This matter can be addressed by way of condition in the event planning permission is granted in this instance.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the objective of the Dublin City Development Plan 2016-2022 to promote high quality apartment developments within the city, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location, would be acceptable in design, form and scale and would not adversely impact on the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All works to the Protected Structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To ensure that the proposed works are carried out in accordance with best conservation practice.</p>
3.	<p>The side elevations of the proposed sunroom and the proposed roof terrace hereby permitted, shall be permanently maintained in opaque</p>

	<p>glazing.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Louise Treacy
 Planning Inspector

7th February 2020