



An
Bord
Pleanála

Inspector's Report

ABP-305945-19

Development	PROTECTED STRUCTURE: Installation of ATM
Location	20 Sycamore Street, Temple Bar, Dublin 2. Dublin City Council South
Planning Authority	
Planning Authority Reg. Ref.	3892/19
Applicant(s)	Euronet 360 Finance Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Euronet 360 Finance Ltd.
Observer(s)	None.
Date of Site Inspection	10 th February 2020.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal relates to a property located at 20 Sycamore Street, Dublin 2. The property is protected structure ref 7912 (Description : Façade of Commercial Premises). The property comprises a two bay three storey over basement building constructed c1850 which includes an integrated rusticated granite carriage arch on ground floor to the front elevation. The building is constructed with an L shape hipped slate roof hidden behind rebuilt red brick parapet with cut granite coping including a carriage arch to the ground floor front elevation. There are brown brick walls laid in Flemish bond to upper floors. The shopfront is provided in the carriage arch and includes a central doorway while side windows are presently obscured with unsightly transfers advertising signage. Upper floors are in residential use awhile the ground floor and basement are currently used to provide storage for the adjacent pub/restaurant The Wild Duck. The site is within a pedestrian priority street.

2.0 Proposed Development

- 2.1. The application seeks permission for the installation of an ATM machine to the existing shop front.
- 2.2. It is proposed to create an opening in the window section of the shop front to allow access to the ATM from street level. No alterations are proposed to the main external joinery or stone shopfront. The machine will be bolted to the interior ground floor via 6 no steel fixings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 22 October 2019 Dublin City Council issued notification of its decision to refuse permission on the following reason:

“The proposed development would have a detrimental impact on the character of this protected structure and would appear visually incongruous within the historic streetscape and would set an unwanted precedent for similar type development. As such it would be contrary to Policies CHC1 and CHC2 of the Dublin City

Development Plan 2016-2022 and the requirements of the DoEHLG document Architectural Heritage Protection Guidelines for Planning Authorities, 2004, (amended in 2011). Therefore, it is considered that the ATM is unacceptable and would not be in accordance with the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner’s report notes that existing advertising transfers which obscure the glazed shopfront are not demonstrated on the application. Conservation statement lacks detail in regard to the sympathetic integration of the proposed ATM into the existing structure. Alternative consideration to install within the retail unit should be considered. Advertising transfers significantly detract from the protected structure and should be removed. Refusal recommended.

3.2.2. Other Technical Reports

3.2.2.1 Conservation Report indicates that no review of the file was undertaken, Proposal discussed with Planning Officer.

3.2.2.2 Engineering Department Drainage Division – No objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

3.3. Prescribed Bodies

Transport Infrastructure Ireland. No observations. Note site is within area set out in S59 Levy Scheme for Light Rail.

3.4. Third Party Observations

None

4.0 Planning History

4.1 History Docs are not provided on the appeal file however the planning report refers to the following planning history.

1268/95 Permission granted for duplex apartment and retail and ground and basement unit 20 Sycamore Street.

3127/98 Permission 17-20 Sycamore Street. Alterations to existing planning permission for restaurant at 17-19 Sycamore Street and Coghill's Court Dublin 2 to include roof-top plant installations internal alterations, additional glazing to low level roof, minor alterations to Coghill's Court Elevation and re-arrangement of access to upper floors of apartment in no 17-20 Sycamore Street existing ref 08018/961268/95.

2239/97 PL29S104775 Refusal of change of use from light industrial office together with alterations ground and first floor extension to rear of 17-19 Sycamore Street and third floor extension to No 290 Sycamore street to provide a hotel at basement, ground, mezzanine, first, second, and third floor levels with access from Sycamore Street and Coghill's Court and signage to listed façades at 17-20 Sycamore Street. Refusal was on basis of development plan policy to secure sustainable balance of land uses in the Temple Bar area by controlling further development of certain uses. In particular restaurant and bar area relative to size and function of the proposed hotel found not to conform with requirements of the development plan.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Dublin City Development Plan 2016-2022 refers.

The site is zoned Z5 City Centre. The objective is "*to consolidate and facilitate the development of the central area, and to identify, reinforce and protect its civic design character and dignity.*"

Section 16.31 Automatic Teller Machines.

The provision of automatic teller machines (ATMs) will be regulated, having regard to the following:

- The protection of the character of the building or shopfront in which the ATM is installed, in particular where the building is a protected structure or in a Conservation Area or Architectural Conservation Area (ACA)
- The minimisation of disturbance to adjoining premises through queuing
- In general, no more than one ATM should be placed in a shopfront so as to avoid the creation of a dead frontage
- The control of the amount of litter generated by these machines; paper receipts will not be acceptable on principal shopping streets, at protected structures, and in Conservation Areas
- The need for signs or logos to be discreetly incorporated into the overall design
- The avoidance of a traffic hazard
- The design and location must be such that they are accessible to all, having regard to the universal design guidelines as set out by the Centre for Excellence in Universal Design (CEUD) in their publication 'Building for Everyone: A Universal Design Approach, Facilities in Buildings, Publication No 6'. www.universaldesign.ie (CEUD was established by the National Disability Authority under the Disability Act 2005).

Dublin City Council will encourage the provision of ATMs in retail stores in the interests of public safety and protecting building character.

Policy RD15 To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines. (www.dublincity.ie) (see also 16.24.2)

Shopfront Design Guidelines 2001.

Policy CHC2 Protected structures.

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.

Changes 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.

Architectural Heritage Protection Guidelines Department of Arts Heritage and the Gaeltacht 2011

5.2. Natural Heritage Designations

None

5.3. EIA Screening

- 5.3.1. Having regard to the nature of the development it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and that an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The first party appeal submission is by Krystyna Rawicz & Associates Project Managers and Building Surveyors on behalf of Euronet 360 Finance Ltd. Grounds of appeal are summarised as follows:

- Refute assertion that the proposal would have detrimental impact on the protected structure.
- Proposal would have minimal impact on the existing frontage. Only the glazed areas will be affected.
- There is a demonstrable need for further ATM provision in the vicinity as this is a hub for nightlife.
- Installation simply requires that the modern glazed panel to the shopfront is cut to allow for the front face of the machine to be inserted.
- There are a number of modern facades within close proximity particularly to the junction of Sycamore Street and Meeting House Square.
- ATM facilities in the area are largely lobby type facilities within the confines of local shops . There is an ATM at the AIB on Dame Street however this may not sufficiently meet the needs of the area,
- Notably no submissions or observations.
- Given the grounds of refusal applicant willing to work with Dublin City Council and Conservation Officer and would be open to replacing the modern shop front with something more in keeping if required.

6.2. Planning Authority Response

6.2.1 The response of the Planning Authority asserts that the reasoning on which the Planning Authority's decision is set out in the Planner's report.

7.0 Assessment

- 7.1. The main issue arising from the appeal is whether the proposed development represents an appropriate intervention in terms of its impact on the character of the protected structure. The Council's Refusal was for the following reason

The proposed development would have a detrimental impact on the character of this protected structure and would appear visually incongruous within the historic streetscape and would set an unwanted precedent for similar type development. As such it would be contrary to Policies CHC1 and CHC2 of the Dublin City Development Plan 2016-2022 and the requirements of the DoEHLG document Architectural Heritage Protection Guidelines for Planning Authorities, 2004, (amended in 2011). Therefore, it is considered that the ATM is unacceptable and would not be in accordance with the proper planning and sustainable development of the area.

- 7.2 The first party argues that the level of intervention proposed is minimal in that only the glazed element of the shopfront will be affected and reference is made to numerous modern shopfronts in the vicinity. Whilst clearly the immediate area includes numerous examples of modern interventions interspersed with older building fabric, demonstrating the healthy vitality of the area, the subject site is a protected structure. In accordance with policy CHC2 of the Dublin City Development Plan 2016-2022 it is appropriate to ensure that the special interest of protected structures is protected. In this regard a high standard of design is required where intervention is proposed. I would tend to concur with the view of the City Planner that the proposal represents an entirely unsympathetic and crude insertion to the façade of the protected structure. The proposed design in combination with the existing shopfront signage advertising "Archway lager" represents an entirely inappropriate and substandard design in the context of the protected structure and the historic streetscape.

- 7.3 On the matter of justification for the location of an ATM in the area I note that there is an existing ATM located at the AIB bank on Dame Street however I note the first

party submissions that this may not sufficiently meet the needs of the area. In terms of the design of the proposed ATM I note that the proposal as set out would raise a number of issues with regard to accessibility. The constraints of the footpath in the vicinity also give rise to issues with respect to accessibility and queuing. I note that the development plan policy 16.31 Automatic Teller Machines provides that design and location should ensure accessibility for all having regard to the universal design guidelines as set out by Centre for Excellence in Universal Design (CEUD) in their publication 'Building for Everyone: A Universal Design Approach, Facilities in Buildings, Publication No 6'. www.universaldesign.ie. I note that this is a new issue.

- 7.4 On the issue of Appropriate Assessment having regard to the location and nature of the proposed development it is considered that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in conjunction with other plans or projects on a European Site.

8.0 Recommendation

- 8.1. It is recommended that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the character of the existing protected structure (Ref 7912) and to the established pattern, scale and architectural character of the area, it is considered that the proposed development, by way of its design in combination with the current shopfront would fail to integrate satisfactorily with the existing building. As a result, the proposed development would be obtrusive in impact and would set undesirable precedent for similar development in the area. The proposed development would be contrary to the Architectural Heritage Protection Guidelines Department of Arts Heritage and the Gaeltacht 2011 and Policy CHC2 of the Dublin City Development

Plan 2016-2022. The proposed development would therefore be contrary to the proper planning and development of the area.

Bríd Maxwell
Planning Inspector
25th February 2020