



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305990-19

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<b>Development</b>	1. Construction of a pitched roofed structure to accommodate additional living space. 2. refurbishment/improvements to the upper floors, which will result in one, apartment over ground floor.
<b>Location</b>	62, Moore Street, Dublin 1
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	3908/19
<b>Applicant(s)</b>	Binghe Liu
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Binghe Liu
<b>Observer(s)</b>	TII
<b>Date of Site Inspection</b>	13 <sup>th</sup> March 2020
<b>Inspector</b>	Ciara Kellett

## **1.0 Site Location and Description**

- 1.1. The site is located at No.62 Moore Street, Dublin 1 just off the main shopping thoroughfare of Henry Street. The site is on the west side of Moore Street near the junction with Henry Street.
- 1.2. No.62 is a terraced two-bay, three-storey red brick building which currently houses a phone shop at ground floor with accommodation on the upper two storeys. It is listed on the National Inventory of Architectural Heritage (NIAH) as being of Architectural and Artistic Interest and has been afforded a Regional Rating and is within the O'Connell Street Architectural Conservation Area (ACA).
- 1.3. Appendix A includes maps and photos.

## **2.0 Proposed Development**

- 2.1. The proposed development is described in summary as: 1. Construction of a new pitched roof structure over existing flat roof to accommodate additional living space, floors extended; 2. Carry out refurbishments/improvements to the existing upper floors which together with paragraph 1 will result in one three-bedroom apartment over ground floor; 3. Ground floor and basement are zoned commercial and are actively engaged in this – no change envisaged. The approval would result in the property of No.62 Moore Street being of mixed commercial and residential usage.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The Planning Authority decided to refuse permission for 2 reasons. In summary:

1. Listed on the NIAH and falls within the O'Connell Street ACA; forms part of a terrace of buildings with a consistent roofline within the ACA; serious concerns that roof extension would be visually incongruous and have a negative impact on character and setting of building and ACA and set an undesirable precedent; contrary to policies CHC1 and CHC4 and guidance in section 16.2.2.3 of the CDP.

2. Development description refers to refurbishment/improvement to the upper floors of no.62 which with the proposed development comprise a 1 no. 3-bed apartment; there is discrepancy and lack of consistency in the description and drawings in relation to the proposed use of the upper floors; concerns that such developments provide substandard bed-sit accommodation or provide for short-term lettings; site is within an area that can avail of the Living City Initiative and is within a rent pressure zone; short-term letting is contrary to the core principles of the Housing Strategy and contrary to proper planning and sustainable development.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Site is zoned Z5, within the O'Connell Street Architectural Conservation Area and Moore Street is a Category 2 retail street and within the catchment area subject to the Living City Initiative tax incentive scheme.
- Notes the building is included in the NIAH and this designation must be recognised, and proposals considered carefully. Considers that No.62 forms part of a terrace of buildings of historical importance characterised by flat roofs. The information submitted fails to address the architectural and historical significance of No.62 or the importance of the streetscape which the building forms part of.
- Insufficient information has been submitted to assess the impact of an additional floor on No.62 or the visual impact on the surrounding properties or the streetscape. Considers that the proposal would be visually incongruous and affect the character of the terrace which forms part of the ACA.
- Considers there are irregularities with the material submitted in terms of the development description and the floor plans submitted. Considers it is difficult to decipher what the existing internal configuration is over first and second floor. Drawings indicate 4 no. bedrooms already with no living areas and

additional floor would create a 5<sup>th</sup> bedroom with no communal space.  
Concerns about short-term letting and substandard bed-sit accommodation.

- Recommends that permission is refused.

The decision is in accordance with the Planner's recommendation.

### 3.2.2. Other Technical Reports

- **Drainage Division:** No objection subject to condition

### 3.3. Prescribed Bodies

- **TII:** Development falls within the area subject to S.49 levy which should be included in any decision to grant permission.

### 3.4. Third Party Observations

There were no third party observations

## 4.0 Planning History

There is no planning history associated with this site.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2016 – 2022

5.1.1. Chapter 14 of the Plan refers to land use zoning. The subject site is located in an area 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.*

5.1.2. Chapter 11 refers to Built Heritage and Culture. Policies include:

**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.*

And with respect to ACAs:

**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.*

5.1.3. Chapter 16 refers to Development Standards. Section 16.2.2.3 refers specifically to alterations and extensions. It is stated that:

*In addition to the above, alterations and extensions at roof level, including roof terraces, are to respect the scale, elevational proportions and architectural form of the building, and will:*

*Respect the uniformity of terraces of groups of buildings with a consistent roofline and will not adversely affect the character of terraces with an attractive varied roofline*

*Not result in the loss of roof forms, roof coverings or roof features (such as chimney stacks) where these are of historic interest or contribute to local character and distinctiveness.*

## 5.2. Natural Heritage Designations

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is c.2.5km to the east
- South Dublin Bay SAC (Site Code 000210) is c.2.5km to the east

## 5.3. EIA Screening

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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A First Party appeal against the Planning Authority's decision to refuse permission has been lodged. In summary it refers to the Council's decision and addresses each point made in the two reasons for refusal as follows:

- The applicant is aware of the architectural values and does not seek to alter or disfigure the façade or integrity of No.62
- The roofline is anything but consistent and drawing LP1 (submitted with appeal) indicates this.
- Design of roofline was made as unobtrusive as possible both in lightweight materials used and the setback from the frontline.
- The applicant has not availed of the rooms either domestically or commercially and the use of the rooms are outlined. The applicant had not decided on the new layout so that it could not be finalised on the drawings. In addition, the applicant sought accommodation over existing flat roof which was to be a family room roof garden.
- Council's concerns that the applicant's intention to subdivide the property into substandard accommodation are unfounded.
- Application seeks to establish the intended use of the building as part-domestic and part-commercial and legal sanctions are available to the Council should the unreasonable assumptions be proven to materialise.
- Consider that an apartment completed to a high standard would have a positive effect.

### 6.2. Planning Authority Response

No response has been received.

### 6.3. **Observations**

A submission was received from TII requesting that S49 Contributions are applied in the event of a grant of permission.

### 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Reason for Refusal No.1
- Reason for Refusal No.2
- Appropriate Assessment

#### 7.1. **Reason for Refusal No.1**

7.1.1. The reason for refusal refers to the fact that No.62 is identified on the NIAH and falls within the O'Connell Street ACA and forms part of a terrace of buildings with a consistent roofline. As such there are concerns that the proposal would be visually incongruous and impact negatively on the character and setting of the building and ACA, and would be contrary to policies CHC1 and CHC4.

7.1.2. The applicant does not agree and considers that the proposed roofline is unobtrusive and that the existing roofline along Moore Street is anything but consistent. The applicant considers that it will not be seen at eye level from Moore Street.

7.1.3. Having viewed the terrace of buildings, I agree with the Planning Authority. While there is some variation in the roofline along Moore Street, this particular terrace is consistent and is bookended by two buildings of similar height. Also, the rhythm of the roofline between Henry Street and Sampson Lane, as indicated by the applicant's drawing submitted with the appeal, would be interrupted with the inclusion of a roof on No.62. The roofline of the buildings across the street are terraced and consistent also.

- 7.1.4. Furthermore, I am not satisfied that the additional floor/glazed roof would not be seen from ground level as stated by the applicant. The drawings do not appear to indicate consistent dimensions. As an example, I draw the Board's attention to drawing DS1 which indicates that the new roof/wall is higher than the existing parapet, whereas the drawing submitted with the appeal, SK1, appears to indicate it level with the parapet. I have concerns that the drawings are not an accurate representation of how the extra floor would be seen from the ground or various points along Moore Street and Henry Street.
- 7.1.5. I am of the opinion that the proposed roof extension would be visually incongruous particularly as this street and this building are part of the O'Connell Street ACA and the building is listed in the NIAH. I am also of the opinion that this would set an undesirable precedent in this area. It would be contrary to policies CHC1 and CHC4 and therefore contrary to the proper planning and sustainable development of the area.

## **7.2. Reason for Refusal No.2**

- 7.2.1. The second reason for refusal noted concerns with discrepancies in the development description and the drawings. It is also noted that the drawings do not reflect a residential apartment. Concerns are raised that the development is providing substandard bed-sit like accommodation or it is in use for short-term lettings. It is noted that the development is located in an area that can avail of the Living City Initiative.
- 7.2.2. The applicant disagrees and states that legal sanctions are available to the Council should the unreasonable assumptions be proven to materialise. The applicant provides an overview of each floor with remarks as part of the appeal.
- 7.2.3. In my opinion it is unclear what the applicant is intending to use the rooms for. While the development description refers to one three-bedroom apartment, the appeal document states that there are two bedrooms and a toilet on the first floor and a bedroom and a kitchen/bedroom and hot press on the second floor. It is unclear what a kitchen/bedroom is. It is also unclear what the use of the new floor would be for and there is a further reference to a roof garden. There is also a reference to a



proposed annex 'to later detail' on the second-floor plan. It is unclear if this is part of the application or what it is for.

- 7.2.4. While there is nothing definitive to indicate that the development would be used to provide substandard bed-sit type accommodation or be used for short-term lettings, equally no information has been provided to indicate compliance with the various Ministerial Guidelines or Development Plan standards should the proposal be for use as a family dwelling.
- 7.2.5. In addition, there is a lack of other detail on the file. I note that water storage is indicated on the current roof in Drawing Survey 1, however no information has been provided as to where this will be relocated to. This may impact on the overall height of the proposed roof room resulting in non-compliance with minimum standards.
- 7.2.6. Based on the lack of information on the file, I am not satisfied that the proposed development would comply with minimum standards and would be setting a precedent for similar type of substandard developments.

### 7.3. **Appropriate Assessment**

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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.

## 8.0 **Recommendation**

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

## 9.0 **Reasons and Considerations**

1. Having regard to the existing character and the prevailing pattern of development, the site location within an Architectural Conservation Area and the presence of a structure on site of architectural interest which is listed in the National Inventory of Architectural Heritage, it is considered that the proposed development, by reason of its height and design, would seriously

detract from the architectural character and setting of No.62 Moore Street and of the streetscape generally and be contrary to policies CHC1, CHC4 and the guidance set out in Section 16.2.2.3 of the Dublin City Development Plan 2016 - 2022. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposal would provide for a poor standard of accommodation for future residents and would be contrary to the policies and objectives of the Dublin City Development Plan which seeks to promote the provision of quality apartments and to ensure that apartment living is an increasingly attractive and desirable housing option. The proposed development would therefore fail to provide an adequate standard of residential amenity for future residents and would be contrary to the proper planning and sustainable development of the area.

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Ciara Kellett  
Senior Planning Inspector

15<sup>th</sup> March 2020