



An
Bord
Pleanála

Inspector's Report

ABP-306753-20

Development	PROTECTED STRUCTURE: works at 3rd and 2nd floor levels: Relocating bathroom to the centre of the third floor apartment and providing a conservation rooflight, Relocating the present kitchen to the front of the apartment allowing its enlargement and new storage units, Reordering bedroom 1 and providing a new entrance, Re-ordering bedroom 2 and providing a single separate entrance.
Location	30 Mountjoy Square, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3847/19
Applicant(s)	Luke Gardiner Ltd
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	First Party
Appellant(s)	Like Gardiner Ltd
Date of Site Inspection	22 nd July 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The appeal site relates to a mid-terraced two bay Georgian house on the east side of Mountjoy Square. The house is a protected structure dating from around 1804 and is presently in office and residential use - the entire top floor is an apartment. The house is one of the more modest houses being just over 6m in width with a floor area of 466sq.m. over 4 levels and the house form remains substantially intact with most doors remaining, although original fireplaces have been largely removed. The building history is set out in the further information. The proposed development in this instance relates primarily to revisions to the internal layout of the third floor. The original layout at this level consists of a pair of rooms to the front and a pair of rooms to the back – the four doorways/doors are in situ but only one on each side provides direct access to a habitable room – one living room and one bedroom. The secondary (smaller) rooms are accessed off each of these rooms as the original doors are blocked by a kitchenette in the original landing corridor and a bathroom that has been partitioned off the secondary bedroom. This apartment arrangement is on foot of 1980s works.
- 1.2. As part of my site inspection I viewed the building interior from ground to top, noting the entrance, principal rooms as viewed from the hall and landing areas and also all rooms in the present third floor configuration. The supporting photographs in addition to my site inspection photographs give a reasonable overview of the building character.

2.0 Proposed Development

- 2.1. Permission is sought for works to facilitate the upgrading of residential accommodation in the top floor. The proposal includes a revised layout in the top floor, and this involves blocking up original doorways, partitioning the landing at the top of the stairs and breaking through some of the walls of the original rooms. This is to provide an interconnecting kitchen-living area to the front with one access off the lobby, and two bedrooms with a new lobby to provide independent bedroom entrances and a bathroom relocated centrally in place of the existing kitchenette. This will involve a new partition and blocking of two original doorways. A small storage/utility area in the newly formed lobby is also proposed. The works comprise:

- Bedroom 1 - Alter entrance to permit fitting of hall storage and entrance lobby, redecorate and fit new storage
- Bedroom 2 – Incorporate the existing bathroom thereby enlarging the bedroom. Alter the entrance to room to permit hall storage, redecorate and fit new storage
- Hallway – Create, decorate, and fit new storage
- Bathroom – relocate to existing kitchen, fit a roof light and ventilation over. New sanitary ware and redecorate
- Kitchen – relocate to dining room (off living room) and fit new storage
- Living room – increases interconnection to dining, redecorate and fit new storage.
- Second floor (not in dispute) – retention of 30-minute glazed timber fire screen and door.
- In further information a revised layout of the third floor was submitted as an illustration in response to the request for further information. These plans show the retention of original doorways primarily by reducing the bathroom size and relocation of storage to within the bedrooms.

2.2. A Conservation Method Statement supports the application. (It is in pouch with drawings). The further information sets out building description and works in more detail.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission granted subject to 6 conditions. Of relevance to this appeal are the following conditions:

- Condition no. 2 requires compliance with the revised third floor layout which retains the original doors and reduces the bathroom size as submitted in response to a request for further information.
- Condition no.1 includes the requirement to comply with drawings submitted as part of further information.

3.2. Reports

3.2.1. Planning Report (17/10/19): In line with the comprehensive report of the conservation officer, further information is required in respect of:

- Access and fire strategies relating to overall upgrade which may affect the architectural character and significance of building.
- Specialist fire consultant advised to inform response.
- Original doors - it is stated that preference is for re-use of original doors within original openings.
- Revised floor plans to show revisions to the proposed floor plan in a manner that retains as much historic fabric as possible – including internal walls.
- Detailed drawings to illustrate the location of service risers, water supply and ventilation routes to the new kitchen and internal bathroom. All existing service routes to re-used as far as practicable.

including the details required by the Conservation Officer.

Planning Report (04/02/20): The revised drawings illustrating an alternative plan were considered preferable to the original drawings in the context of the integrity and character of a protected structure and in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions as outlined above.

3.2.2. Other Technical Reports

Drainage Division (30/09/19 and 22/1/20): No objection.

City Archaeologist (19/11/2019): No objection subject to conditions.

Conservation Officer (24/10/19): Further information requires more details an revised plans as appropriate in respect of detailed impact of fire safety upgrades, retention of historic floor plan as retained in previous refurb works in 1980s. level of intervention for services, re-use of joinery elements safety measures and venting.

Conservation Officer (03/02/20): No objection subject to conditions.

3.3. Prescribed bodies

- TII (13/09/2020): Site falls with section 49 Levy Scheme for Light Rail. If not exempt, conditions apply.
- Irish Water: no response
- NTA: No response
- Failte Ireland: No response
- Heritage Council: N response
- An Taisce
- Minister for Arts, Heritage a

3.4. **Third Party Observations**

3.4.1 None

4.0 **Planning History**

Planning Authority ref 385/16 refers to permission for works at basement level to 30 Mountjoy Sq.

Planning Authority ref 0297/10 refers to a split decision in a Section 5 Declaration on works which include subject development.

- An exemption was granted for works including the removal of the non-original bathroom partition within the original bedroom 2, new storage units, decoration and floor covering. not exempt.
- Exemption refused for removal of hallway partitions, removal/relocation of doors, relocation of kitchen and bathroom as such would materially affect the Georgian floor plan.

File reports/decisions in pouch at back of file.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The relevant Development plan is the Dublin City Development Plan 2016-2022. The appeal site is located within a conservation area and within the Mountjoy Square

Architectural Conservation Area and where it is a stated objective 'to protect the civic and architectural design character and to allow for only limited expansion consistent with the conservation objective' (Z8). The property is a Protected Structure along with the adjacent terraced properties. It is recorded as a 'house' - RPS no.5441.

5.1.2 Built Heritage and Culture - The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included in the Record of Protected Structures (Volume 4 of the Plan) and the special character of Conservation Areas.

Relevant policies include the following.

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

6.0 EIA Screening

As the proposed development relates to relatively minor scale internal works of an established building in an urban area, the issue of environmental impact assessment does not arise. The need for environmental impact assessment can therefore be excluded at preliminary examination.

7.0 The Appeal

7.1. Grounds of Appeal

6.1.1 A first party appeal has been lodged by the applicant against condition 2 and condition 1 which require compliance with revised layout plans sought as part of a request for further information. The grounds of appeal have been submitted by the appellant and relate solely to conditions which restrict removal of original

doorways. The following points are made in support of the original layout as submitted with the application:

- The current layout which includes a kitchenette in the central lobby area has resulted in two inner rooms. The new layout will improve the standard of habitable space by replacing a layout which also has a bathroom off the kitchen area. It will be more habitable and compliant with fire safety regulations.
- It is a well-considered design resulting in minimal intervention e.g. using existing services.
- The insistence of the doors being reinstated to their original position is an unnecessary and arbitrary condition that makes the apartment unsustainable.
- The insistence of the planning authority to reinstate the door to the dining area will compromise necessary storage in the kitchen area resulting in the dining table being placed in the living room. The use of the living room as a dining space upsets the hierarchy of space both functionally and architecturally.
- The additional opening between the dining room and living space provides permeability while retaining the order of rooms, space and use.
- The condition to retain the 2nd bedroom door is more negative in that the bathroom will be reduced to 1.2x1.8m (as illustrated in the response to request in further information) and configured in such a way that it would be difficult to ventilate and would result in poor air quality and humidity. While the initially proposed 1.8 x 2m bathroom is modest, its position and extent under the corner of the square shaped roof permits a rooflight (conservation grade) thereby providing ventilation and day light.
- The diversity of building occupants in a multi-use building goes a long way to ensure survival of this Georgian house in the city and reduces the loss of much needed living space.
- The architects have years of experience in Conservation of Georgian buildings, No.23 Mountjoy, also owned by the applicants, has been similarly refurbished. It was subject of an approved section 5 exemption in April 2019. It is further argued that there is an inconsistency in approach in comparison of these cases.
- It is disputed that the submitted details were insufficient. The initial exemption application was accompanied by full survey drawings and a Conservation Method

Statement [Note: This, I note, is not part of the history file details forwarded by the PA – in pouch at back of file] as in the case of no.23 also and this was further elaborated in the submitted details accompanying the application for permission.

- While it is accepted that this is an application for alterations it is however for the purpose of providing satisfactory living accommodation to ensure the continued use of this Georgian property. The alterations relate to two doors and their relocation.
- This is a small scale proposal relating to the third (top) floor that is plain , utilitarian and devoid of detail which is what makes it most suitable for repurposing as an apartment and thereby facilitating the ongoing use of the Georgian House for residential use but to an appropriate standard.
- This was not a poor-quality application given the years of experience applied to the well-considered design approach.
- Condition 1 which reinforces compliance with condition 2 should also be amended.

7.2. Planning Authority Response

7.2.1. No further comments

7.3. Observations

7.3.1. TII: Conditions required in regard to construction impact on Luas Infrastructure adjacent the site.

8.0 Assessment

8.1. Issues

8.1.1. This is a first party appeal against planning conditions 1 and 2 of the Planning Authority decision in relation to compliance with revised floor plans for the 3rd floor submitted in response to a request for further information. The appellant seeks to adhere to proposed floor plans as submitted with the application as the revised drawings are submitted to be essentially illustrative but not achievable.

8.1.2. Under the provisions of Section 139 of the Planning and Development Act 2000 (as amended), the Board may restrict its consideration to the terms of the particular condition under appeal. Having regard to the nature of the development proposed and the conditions subject of this appeal, I do not consider a de novo consideration of the proposal is appropriate. Having reviewed the documentation and inspected the site, the principle issues in this case relate to Architectural Conservation. More precisely the issue centres on re-ordering the third floor layout and associated relocation and removal of both original and non-original doors.

8.2. **Architectural Conservation**

8.2.1. I consider it appropriate to consider the proposal to modify the top floor in the context of the entire building as a protected structure. In this case the proposal seeks to upgrade residential accommodation which has been an established use in this mixed-use building for many decades. In terms of the overall use, the principle of facilitating continuance of such use is I consider compatible with the objective for the conservation of the building – a Protected Structure in this architectural conservation area. In this regard I note the building is in professional office use which appears suited to the large scaled rooms and that have been adapted in very basic and unobtrusive ways and in a manner that the original character is clearly legible.

8.2.2. In providing for improved accommodation, the proposal seeks to work within the existing building envelope and remove some original fabric in the top floor so as to reorder the space to provide more comfortable living accommodation. In overall terms the four original rooms are to be maintained but alterations are proposed so as to facilitate a relocated bathroom and independent bedroom access to each of the two bedrooms. The works involve the reversal of a 1980s bathroom partition and kitchenette and consequent alterations to room entrances. In its favour the design seeks to install a more spacious but basic kitchen/ dining area in one of the four rooms. This will increase interconnection with the living room and will free up the entrance hall where a kitchenette is presently installed. As it immediately adjacent to the kitchen the routing of services would not be unduly intrusive. The relocation of the bathroom to the kitchenette area will reduce the depth of the hall but will largely reinstate the second bedroom. It will also use existing service routes. The insertion of the lobby serving bedrooms 1 and 2 will provided independent access to these rooms and in overall terms I accept will improve the standard of accommodation.

- 8.2.3. The conservation officer is concerned about the loss of the original doors and the planning authority sought revised proposal demonstrating how this could be maintained. While the applicant submitted these drawings, the layout consequent on the retention of all four original doorways/doors off the original is not preferred by the applicant as it is considered to compromise the overall standard of space. In this regard I note that the hall storage would be omitted and also the kitchen layout would have to be revised to a linear galley style rather than an 'L' shape thereby restricting the use of this room. The applicant emphasises the narrowness of the plot and house and this is most pronounced by the division of the top floor rooms from front to back and has resulted in a secondary room of about 2.3m in width.
- 8.2.4. There are a number of ways to retain the four original doorways off the hallway. One way is by reducing the depth of the bathroom as illustrated in the drawings but this I accept leaves a very small bathroom with restricted access to a rooflight area, no independent storage and also compromises the layout of the kitchen and its use as a dining area which has significant knock-on effects for the living accommodation and ordering of space. Another way could be by deepening the bathroom to include the doorways on each side as blocked up entities but retained in situ. This would still require a lobby out of the corner of bedroom 1 so as to provide a new independent access to bedroom 2. This would leave the hallway very restricted and without any communal store/utility and thereby cluttering the living accommodation. Another alternative would be to simply convert to a one-bedroom apartment by converting the second bedroom to a bathroom utility and store. But this loss of bed space is I consider entirely unreasonable and undesirable from a housing perspective.
- 8.2.5. In overall terms I consider it reasonable to facilitate the upgrading of accommodation and it seems clear from the existing and proposed layout that this is necessary. It is not I note for the purpose of extending or increasing residential units. It retains four rooms – two to the front and two to back -with independent access to the two larger rooms and reinstated access albeit relocated, to the bedrooms.
- 8.2.6. The kitchenette at the entrance lobby without windows and adjacent to the bathroom is less than ideal and the proposal to relocate this to the front of the house with good access to natural light and ventilation is a welcome upgrade.

- 8.2.7. I accept that the kitchen layout and dining function in the smaller room to the front would be compromised by maintaining an opening from the hall. The blocking up at this location would be reversible by retention of the lintel. The form and space of these front rooms would continue to be clearly legible with the proposed modifications.
- 8.2.8. I also accept the logic for providing independent access for each bedroom rather than through a bathroom or bedroom as is currently the case. The interventions are only to provide new doorways given that the bathroom is proposed in the original landing/corridor. The reduction in the bathroom as indicated in the revised plans to 1.2m x 1.8m would I accept be too small.
- 8.2.9. While the loss of original doors/openings is regrettable, in this case they relate to the secondary rooms and in this regard, I accept the appellant's description of this top floor as being 'utilitarian, plain and devoid of detail' as it is without significant decorative features. I note for example that there are no interior features such as fireplaces or decorative plaster work such as retained in the principal rooms beneath. It is simply works associated with the loss and relocation of minor doorways in order to provide a bathroom and enhanced living space. In the further information it is clarified how original doors will be refurbished and re-used with one being stored for future use and I am satisfied that the interventions are minimal and necessary if a two-bed apartment is to be maintained and functional. I do however consider that the doorway opening/architrave to bedroom 1 could be retained as an archway to mark the entrance to the secondary lobby for the new independent bedroom doorways and storage. This would retain the legibility of entrances to the pair of larger rooms both front and back in a symmetrical way. Accordingly I consider the condition should be amended to reflect this requirement.
- 8.2.10. In its favour, the proposed layout does not manifest itself externally other than a concealed rooflight as viewed from the street which is I accept necessary for daylight and ventilation and in this way protects the fabric of the third floor while functioning as a residential unit.
- 8.2.11. Overall, I am satisfied that the design is rational and respectful of the building integrity; the level of works are minimal in nature and necessary to facilitate the continued use and would not diminish the character, setting or integrity of the

existing protected structure. Furthermore, the level of works to the structure are such that they would have no significant impact on the character of the Mountjoy Square Architectural Conservation Area. This is of course predicated on the works being subject to best practice conservation methods and being overseen by a Conservation Architect which is addressed in the submissions and conditions. Accordingly the level of works proposed in the original application are satisfactory in the context of conservation and architectural heritage subject to a minor amendment.

9.0 Appropriate Assessment

- 9.1.1. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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.

10.0 Recommendation

Having regard to the nature of the condition, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition numbers 1 and 2 so that they shall be as follows for the reasons set out.

Reasons and Considerations

Having regard to the existing layout and use of this Georgian property which includes a two-bedroomed apartment with inner rooms on the top floor and which requires upgrading, it is considered that the modifications to the doorways and layout at this floor level to facilitate the continued use of a single apartment use are necessary and would not significantly detract from the overall architectural integrity

or character of this protected structure and would contribute to its ongoing partial residential use in keeping with the development plan objectives for this Georgian Square. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 23rd August 2019, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall comply with the following requirements of the conservation section:

a) a conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades , structure and/or fabric.

b) The works shall be carried out generally in accordance with the floor plans as submitted on 23rd August 2019 with the application to the planning authority subject to the retention of the existing doorway (D2) to bedroom 1 (not the door) as an archway to the proposed storage/bedroom entrance lobby area. Revised plans together with a Conservation Method Statement shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

c) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series by the Department of the

Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair **or storage** off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

Reason: to protect the fabric, character and historic floor plan of this Protected Structure.

Suzanne Kehely
Senior Planning Inspector
19th August 2020