



An
Bord
Pleanála

Inspector's Report

ABP-306808-20

Development	PROTECTED STRUCTURE: Works to facilitate disability access to the building
Location	14, Saint Stephen's Green, Dublin 2 (a Protected Structure)
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4181/19
Applicant(s)	The Little Museum of Dublin
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Jamie Darcy
Observer(s)	TII
Date of Site Inspection	24 th June 2020
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0301 hectares, is located at no. 14 St. Stephens Green, which is at the junction of St. Stephens Green North and Dawson Street. The site is occupied by a four-storey over basement Georgian townhouse constructed c.1778 (protected structure). The building is currently in office use. Immediately adjoining no. 14 is no. 15, which is similar in design and scale and is currently in use as a museum (Little Museum of Dublin).

2.0 Proposed Development

- 2.1. Permission is sought for works to facilitate disability access to the building including construction of new stairs and platform lift for disabled access to basement yard, installation of new passenger lift at rear elevation (with glazed external finish to first and second floor levels) serving 3 floors over basement, with access to each floor via alterations to existing rear window openings, installation of new glazed door to return area at first floor, fire protection measures including upgrading of floors and installation of automatic opening vent at roof level.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 12 conditions. Of note are the following conditions...`

Condition no. 2: Revisions required including omission of stainless steel and glass finish to balustrade in favour of a simple contemporary well-crafted plain flat or semi-barrelled handrail and vertical bars at slimmest diameter possible and painted to match the historic railings. The post/housing related to platform lift to be painted to match the historic railings. The proposed stainless tell lining of the openings of the passenger lift shall be omitted and alternative finishes more sympathetic to be agreed.

Conditions no. 10: Protection measures during construction relating to Luas Infrastructure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (29/11/19): Further information including the details required by the Conservation Officer.

Planning Report (06/02/20): The proposal was considered satisfactory 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 outlined above.

3.2.2. Other Technical Reports

Drainage Division (07/11/19): No objection.

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

Conservation Officer (25/11/19): Further information required including detailed methodology, structural details, additional drawings relating to ducting, fire safety measures and venting.

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

3.3. Prescribed Bodies

3.3.1 TII: Conditions required to ensure protection of Luas Infrastructure.

3.4. Third Party Observations

3.4.1 Two third party submissions were received. The issues raised include the following...

- Loss of historic fabric, impact on pedestrian flow, compliance with building regulations, more appropriate to facilitate universal access to both 14 and 15 with one proposal.

4.0 Planning History

4644/18: Permission granted for a change of use of existing offices to museum.

3133/18: Permission granted for alterations to development permitted under ref no. 3564/17 and change of use and alterations to the development permitted under ref no. 2934/14.

3564/17: permission granted for change of use of coach houses (at no. 14 and 15) to use as a licensed restaurant.

4048/15: Permission refused for illuminated signage.

2814/06: Permission granted for change of use of coach houses (at no. 14 and 15) to a restaurant.

5.0 Policy Context

5.1. Development Plan

5.1.1 The relevant Development plan is the Dublin City development 2016-2022. The appeal site is zoned Z5 with a stated objective '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 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 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Jamie Darcy, Sandy Ridge, Rosetown, Newbridge, Co. Kildare.

- The appellant notes that the Planning Authority's assessment failed to pay regard to the issues raised in their third party submission.
- The appellant notes that the two structure (no. 14 and no. 15) are owned by Dublin City Council and although separate properties they are used as one property on the ground and are interdependent in the event of a fire.
- The appellant refers to a report by the UN Sustainable development Agenda with 17 Sustainable Development Goals. Disable access fall under no. 10 with the appellant noting that the proposal falls short in this regard.
- The appellant also notes that the proposal is deficient in terms of sustainable development in that it would be more logical and less impactful on built heritage and cost effective to consider measures for disability access for both buildings simultaneously and not just one structure in the case (no. 14).
- Granting permission shows a lack of consideration of the UN Sustainable Development Agenda and an indifference to universal access for the disabled community.

6.2. Applicant Response

6.2.1 Response by Brady Shipman Martin on behalf of the applicant's, The Little Museum of Dublin.

- Both no.s 14 and 15 are owned by Dublin City Council. The Little Museum of Dublin is currently at no. 15 and is to move to no. 14. The applicant notes that under the terms of the lease they have no involvement with the funding of the proposed universal access.
- It is noted that the proposal for universal access is being funded by Failte Ireland and the applicant is eligible for the funding as it is tourism activity. No. 15 will revert to an independent commercial building with tenants unrelated to the Little Museum of Dublin.
- The proposal will facilitate visitors requiring disabled access.
- It is noted any requirements to provide access through the museum at no 14 to a third party premises would compromise security and pose a challenge in terms of managing the property. It is also noted that any alternatives to provide for an additional lift to serve the adjacent building would have conservation impacts.
- The appeal submission does not provide any reasoned planning argument and the decision to grant permission should be upheld.

6.3. Planning Authority Response

6.3.1 Response by Dublin City Council.

- It is noted that there is an existing connection through the party walls at second floor level and that such was a requirement for escape in the event of an emergency from no. s 14 and 15. It is noted that apart from this connection both buildings operated independently with no. 15 in use as a private office with limited public access.
- Given the use of no. 14, which will be open to members of the public it is considered that the proposed works are in accordance with the Dublin City Development Plan and the proper planning and sustainable development of the area.

6.4. Observations

6.4.1 TII

- Conditions required in regards to construction impact on Luas Infrastructure adjacent the site.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Disability access

Conservation/Architectural Heritage

Appropriate assessment

7.2. Disability access:

7.2.1 The proposal is to facilitate disability access to the building including construction of new stairs and platform lift for disabled access to basement yard, installation of new passenger lift at rear elevation. No 14 is currently used as office accommodation with permission granted to change its use to a museum. The Little Museum of Dublin is currently located in the adjoining building at no. 15 and it is proposed to relocate to no. 14.

7.2.2 The appellants view is that the no. 14 and 15 as they are under the same ownership and interdependent in terms of fire escape should both be facilitated for disabled access and that not doing so is contrary the UN Sustainable Development Agenda Sustainable Development Goals and that the future need to provide improved disability access to no. 15 would be more impactful on the protected structures than a single proposal for both buildings.

7.2.3 The proposal is for no. 14, which is a separate building to no. 15 although there is an interconnecting door. The applicants are the leaseholders and operators of the existing museum which is relocation from no. 15 to no. 14. The proposal should be assessed on its merits and I do not think it would be acceptable to preclude the

development on the basis that the proposal does not upgrade disability access to no. 15, which is a separate building and not part of the appeal site. The proposal will be assessed in terms of its overall impact in terms of conservation and architectural heritage and was assessed on such grounds by the Planning Authority in their assessment.

7.2.4 In relation to the issue of compliance with UN Sustainable Development Agenda, it is not clear what the statutory status of this report and what obligations it places on member states. Notwithstanding this issue, the proposal entails the provision of upgraded disability access to a permitted use, which is a publicly accessible use with a likely high level of requirement for such public access. The proposal will provide for high level of universal access to the permitted museum use and is a much improved level of universal access over that currently available at the museum's existing location at no. 15. I would note that the proposal is consistent with the UN Sustainable Development Agenda Sustainable Development Goals in terms of providing disability access. The fact that the proposal does not provide upgraded facilities to number 15 is not an argument against the merits of the proposal itself and as noted above no. 15 is a separate building outside of the appeal site and the applicants will have no control over such. I would note that the proposal does not prejudice or compromise the future upgrade of disability access to no. 15. The proposal is overwhelming positive in terms of providing universal access to no. 14 and a use that would experience a high level of demand for public access.

7.3 Conservation/Architectural Heritage:

7.3.1 No. 14 is a protected structure as is no. 15 on the adjoining site and located on St. Stephen Green with an Architectural Conservation Area. The existing structure on site is four-storey over basement Georgian townhouse constructed c.1778. The proposal entails the construction of new stairs and platform lift for disabled access to basement yard, installation of new passenger lift at rear elevation (with glazed external finish to first and second floor levels) serving 3 floors over basement, with access to each floor via alterations to existing rear window openings, installation of

new glazed door to return area at first floor, fire protection measures including upgrading of floors and installation of automatic opening vent at roof level.

7.3.2 An Architectural Impact Assessment was submitted with the application. The assessment outlines the level of works proposed and their heritage impact. To the front of the building it is proposed to demolish the existing stair access to the basement level and construct a new stair access. It is noted that the existing stairs are not original. There is no change to the existing railing and gate at street level. The proposal for the lift shaft to the rear entails alterations to existing windows, to facilitate entry to each level of the existing building including removal of windows and alteration of existing openings.

7.3.3 The level of works to the structure are such that they would have no significant impact on the character of the ACA. The level of works to the front are small in nature and not highly visible and the lift shaft is located to the rear of the building and not visible from the public area. The alterations proposed are necessary to facilitate universal access and although there are some alterations to historic fabric, the level of alterations would not diminish the character, setting or integrity of the existing protected structure. I would consider subject to best practice conservation methods and the construction being overseen by a Conservation Architect, the level of works proposed are satisfactory in the context of conservation/architectural heritage.

7.3.4 Condition no. 2 requires revisions including omission of stainless steel and glass finish to balustrade in favour of a simple contemporary well-crafted plain flat or semi-barrelled handrail and vertical bars at slimmest diameter possible and painted to match the historic railings. The post/housing related to platform lift to be painted to match the historic railings. The proposed stainless steel lining of the openings of the passenger lift shall be omitted and alternative finishes more sympathetic to be agreed. I consider that these changes are appropriate and would recommend that a similar condition is attached in the event of a grant of permission.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) The existing pattern of development in this city centre location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area or the character and setting of the protected structure on site, the adjoining protected structures or the St. Stephens Green Architectural Conservation Area, would be acceptable in the context of the amenities of adjoining properties and existing commercial operations on site. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars lodged with the application, and as amended by the further plans and particulars received on the 13th day of January 2020, 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 interests of clarity.

2. The proposed development shall be amended as follows:

(a) The developer shall omit the stainless steel and glass finish to the balustrade and shall submit revised drawings of a simple contemporary and well-crafted plain flat or semi-barrelled handrail and vertical bars at the slimmest diameter possible painted to match the historic railings. The overshoot on the handrail should be supported on a slim painted bar, terminating in a suitable manner.

(b) The posts/housing related to the platform lift shall be painted to match the historic railing.

(c) The proposed stainless steel lining to the openings to the passenger lift shall be omitted and the applicant shall submit details of a more suitable lining that would be more sympathetic and contemporary to the historic fabric.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and architectural heritage.

3. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To ensure that the integrity of the adjacent protected structures is maintained and that all works are carried out in accordance with best conservation practice.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Reason: In order to safeguard the amenities of property in the vicinity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. The development shall comply with the following Transport Infrastructure Ireland requirements.

(a) Prior to the commencement of development, plans and details depicting OCS pole protection and safety distances shall be submitted for the written agreement of the planning authority with written approval by TII.

(b) The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

(c) The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure.

(d) The Luas operator/TII will require 24hr access to Luas infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agree with TII.

(e) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.

Reason: To ensure no adverse impact on the operation and safety of Luas infrastructure.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

Colin McBride
Planning Inspector

24th June 2020