



An
Bord
Pleanála

Inspector's Report 309782-21

Development	Permission for (i) part removal of existing shopfront windows and entrance doors; and (ii) construction of a new shop front with relocated entrance doors, new folding windows and associated works
Location	86/88 Sandymount Road, Sandymount, Dublin 4
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4030/20
Applicant(s)	Mulligans Sandymount
Type of Application	Planning permission
Planning Authority Decision	Grant permission s.t. conditions
Type of Appeal	First Party
Appellant(s)	Mulligans Sandymount
Observer(s)	None
Date of Site Inspection	9 th May 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located on Sandymount Road in the heart of Sandymount village, approx. 60m north of Sandymount Green. It is situated within a parade of shops just to the south of Tesco. The site comprises a public house, known as Mulligans. The unit immediately to the north is in use as a boutique. The premises to the south are in use as a hairdressing salon on the ground floor with apartments above, and there is an entrance to the apartments immediately adjacent to the site. The site is located within Sandymount Village ACA and is also in a red-hatched conservation area.
- 1.2.** The site area is given as 0.0259ha. The building is of a relatively recent construction and it has a traditional style shopfront with a projecting sign, a clock and a flagpole. The double entrance doors (recessed) are located on the northern side of the shopfront and a further entrance (staff) is located at the southern end. The first floor is clad in red brick and contains two windows and the floor above that is recessed with a glazed balustrade.

2.0 Proposed Development

- 2.1.** It is proposed to partly remove the existing shopfront windows and entrance doors and to construct a new shopfront with relocated entrance doors, a new folding window and associated works.
- 2.2.** The new shopfront would have a centrally positioned set of double doors. Each of the proposed panels of either side of the entrance would have three glazed sections, which are floor-ceiling in height. The bottom part of these sections would be solid wood. It is proposed that the partly glazed/ partly solid sections would be capable of being folded back so that the entire frontage of the development would be open to the street. The internal seating arrangements would also be changed. It is submitted by the applicant that this would allow for greater ventilation and reduced interaction between patrons and is in response to the Covid-19 pandemic and associated public health restrictions.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to eight conditions which were generally of a standard nature. Condition 2 required revisions to the shopfront such that the solid panels at the base of the proposed folding windows would be fixed/non-openable. Condition 3 prohibited any further advertisement signs without a further grant of planning permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.1.1 The planning report (25/02/20) noted that there are no changes proposed to the use of the premises or to the shopfront signage. It was further noted that the repositioning of the entrance to the centre of the shopfront would be in line with the pattern of existing shopfront design in this part of the street. Given the recent age of the building, it was considered that the proposed development in principle would not detract from the character of the ACA. However, concern was expressed regarding the proposed openable floor-to-ceiling sections, which would potentially result in the entire frontage being open to the street. This was considered to be unacceptable as it would detract from the character of the ACA and could result in patrons congregating on the public footpath, which is not considered to be wide enough to accommodate this (3m). It was further stated that it was not clear how the proposal would reduce interaction between patrons, but it was accepted that it would provide for better ventilation.
- 3.2.1.2 Permission was, therefore, recommended, subject to conditions, including Condition No.2 which requires that the solid panels at the base of the openable sections be fixed shut. Thus, the openable folding sections would be restricted to the glazed elements above these panels.

3.2.2. Other Technical Reports

Drainage – no objections subject to conditions.

Roads Design - Planning – Not received.

3.3. Prescribed Bodies

3.3.1 None.

4.0 Planning History

2971/04 – permission granted for erection of a new three-storey building comprising a licensed premises and access to apartments at ground floor, with four apartments at first and second floor levels and a roof garden.

PL027.126207 (P.A. Ref.1783/01) – permission granted for demolition of existing building and erection of a new two-storey over basement building consisting of licensed restaurant with ancillary toilets and storage.

1994/98 – permission granted for change of use of existing premises at 86A Sandymount road from delicatessen/restaurant to licensed premises with new shopfront.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1 The site is zoned Z4 for which the objective is to “To provide for and improve mixed service facilities”. It is part of a District Centre comprising Sandymount Village. The site also forms part of an Architectural Conservation Area of Sandymount Village. All new developments should complement the character of the area, including the setting of protected structures, and comply with development standards.

Policy CHC4 – This policy seeks to protect the special interest and character of ACAs. 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.

Sandymount Village ACA notes the P.A.'s policy to retain and reuse traditional shopfronts and the use of reproduction shopfronts should generally be avoided unless dictated by context, in which authentic, traditional design and detailing should be used. The P.A. will seek to protect traditional shopfronts and to encourage new and contemporary shopfronts that are well designed in order to protect local character and to foster vibrant and successful retail centres

5.2. Dublin City Shopfront Design Guidelines (2001)

These guidelines state that the design of new shopfronts should relate to the building of which it is part and should relate to the upper floors in proportion, scale and alignment, while features of the building should be reflected in the shopfront design. New shopfronts must also respect the scale and proportions of the streetscape by maintaining the existing grain of development along the street and respecting the appropriate plot width.

5.3. Natural Heritage Designations

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie approx. 300m to the east on the far side of the R131 and the Dart line.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal was submitted by Smith and Kennedy Architects on behalf of the appellant. The appeal is against Condition No. 2 of the planning authority's decision. The main points raised may be summarised as follows:

- **Purpose of revisions to shopfront** – the development is being proposed in order to address the devastating impact of the Covid-19 pandemic on the hospitality business by instigating a greater open and ventilated bar and restaurant within the premises. The intention is to create a more continental and lively character, which will improve Sandymount Village, as is happening elsewhere in Dublin, encouraging a European café society.

- **Design of shopfront** – The proposed design aims to retain the more traditional style treatment and to maintain the character of Sandymount Village ACA. The adjoining premises have floor-to-ceiling glazed shopfronts and it would be inconsistent not to permit a floor-to-ceiling design here, particularly when it is proposed to retain the solid element at the bottom. The opening up of the frontage would only occur when weather permits, which would be limited due to the Irish climate.
- **Encroachment on the footpath** – there are current active plans with Dublin City Council to utilise the two street parking bays in front of the premises as a designated area for external use by Mulligans. It is planned (separately to the current application) to provide seating for use of patrons. In the meantime, it is proposed to keep the seating and tables within the premises, and it will not interfere with the public footpath. Once the proposed shopfront is fully opened, the internal tables would form a barrier, and the only outside seating would be within the parking bays (and not on the pavement), which would be controlled leaving the footpath free at all times.
- **Precedent** – it is submitted that there are numerous examples of this elsewhere in Dublin, such as Dawson St, South Frederick St, South Anne St., Dalkey, Ranelagh, Sandycove.

6.2. Planning Authority Response

6.2.1 The P.A. has not responded to the grounds of appeal.

7.0 Assessment

7.1. The first party appeal is against **Condition No. 2** only which states that

The development hereby permitted shall incorporate the following amendments:

- a) Other than in the two entrance doors in the centre, the proposed solid panels below the glazed sections in the front elevation shall not be openable. Revised plans, drawings and particulars showing the above

amendment shall be submitted to the planning authority and written agreement received prior to commencement of the development.

Reason: in the interest of orderly development.

I am satisfied that the appeal can be dealt with in accordance with the relevant provisions of S139 of the Planning and Development Act 2000, as amended.

It is considered that the main issues arising from the appeal are as follows: -

- Compliance with policy
- Public safety.

7.2. Compliance with policy

7.2.1. The policy of the current Dublin City Development Plan 2016-2022 for Sandymount Village ACA is primarily to retain traditional shopfronts, and only to use reproduction shopfronts where it cannot be avoided, and in which case authentic, traditional design and detailing should be used. The CDP seeks to ensure that new and contemporary shopfronts that are well designed in order to protect local character and to foster vibrant and successful retail centres. In the case of the current application/appeal, the existing shopfront is a reproduction shopfront design which has been designed in a traditional style, with all of the requisite elements such as cornice, fascia, pilasters and stallrisers, as generally recommended in the DCC Shopfront Design Guidelines. It is considered that it relates well to both the architecture of the building and the streetscape in terms of the proportion, scale and alignment and by respecting the plot width and existing grain of development along the street.

7.2.2. It is noted that the proposed shopfront retains the existing pilasters, fascia and signage, as well as the colour scheme. The alterations principally apply to the relocation of the entrance to a central position and to the introduction of two sets of folding doors, one on either side of the central entrance. These folding doors have been designed to visually replicate the existing shopfront design when closed, with the bottom panels of the floor-to-ceiling doors mimicking a stallriser. Aside from the opening/folding element of the shopfront, the design is considered to be appropriate

in terms of proportion, scale and alignment and would respect the grain of development along the streetscape.

- 7.2.3.** The planning authority's concerns relate solely to the opening/folding element of the shopfront, which was considered to be unacceptable, as it would result in the entire frontage being open to the street and would, therefore, detract from the character of the ACA. I would generally concur with the views of the planning authority, as once the shopfront is folded back, the shopfront (as proposed) would effectively disappear.
- 7.2.4.** The Dublin City Shopfront Design Guidelines (SDG) recommend that all shopfront designs should be based on a 'strongly defined framework', which is essentially composed of the cornice, the fascia, the pilasters and the stallriser. The current proposal includes the first three elements whether in an 'open' or 'closed' position. The solid base panels effectively act as a stallriser but only when closed. The SDG explain the importance of the stallriser which is to give a strong visual base to the shopfront and to protect the window from ram-raiders, splashing and road dirt. It is acknowledged that stallrisers are often omitted in modern shopfront designs, but this is only considered to be acceptable where the use of high-quality external and internal materials and detailing are employed. The SDG also emphasises the need for windows and doors within shopfronts and that their removal is considered to be unacceptable as it dilutes the visual strength of the building at ground level and that of the streetscape. It is further stated that direct trading onto the street through a gap in the shopfront or otherwise is generally unacceptable for the same reason, but also because it changes the nature of the retail character of the street.
- 7.2.5.** Having regard to the foregoing, it is considered that the proposed shopfront design with the folding elements closed would comply with the guidance and would be appropriate in terms of the character of the building and the streetscape and would respect the character of the ACA. The ability to open the entire folding elements from floor-to-ceiling would, however, be equivalent to direct trading onto the street, which would profoundly change the relationship of the premises with the street. It is considered that it would significantly alter the retail character of the street and would adversely affect the character of the ACA. I would agree with the P.A. that allowing the glazed elements to be fully opened back would provide for the necessary

ventilation without eroding the character of the shopfront, and as such, Condition 2 is considered appropriate.

7.2.6. I have considered the floor-to-ceiling glazing in the adjoining shopfronts but consider that these are not comparable to the proposed development as they are fixed and sealed windows. I have also had regard to the statements regarding the unsuitability of the Irish climate for the windows to be opened up on a regular basis and do not agree that this would be sufficient justification to grant permission for the design as proposed.

7.3. Public Safety

7.3.1. The P.A. considered that the proposed shopfront design would result in patrons congregating on the public footpath, which at 3m wide, would be too narrow to accommodate this. The first party has stated that there are plans afoot to turn the existing car parking bays into outdoor seating areas which would be available to patrons of the pub, and that the footpath would be kept clear. I am not aware of any formal proposals to provide such a facility and as it would involve use of the public road, it is unlikely that this space would be reserved for patrons of the public house. It is considered that if the shopfront was allowed to be opened on a floor-to-ceiling basis, it would be extremely difficult to control the activities of patrons as the boundary between the public and private realms would be unclear. I would agree with the P.A. that this could potentially result in the public footpath being blocked by patrons which would be an unacceptable situation in terms of public safety.

7.3.2. In conclusion, it is considered that the proposed alterations to the shopfront are generally acceptable apart from the opening of the windows on either side of the entrance on a floor-to-ceiling basis and that Condition 2 is appropriate.

7.4. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.5. Appropriate Assessment

South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) lie c.300m to the east. Given the scale and nature of the development, the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1. 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 have been 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, as amended, to attach Condition Number 2 and the reason therefor.

9.0 Reasons and Considerations

9.1. Having regard to the policies and objectives as set out in the Dublin City Council Development Plan 2016-2022 and the Dublin City Shopfront Design Guidelines 2001, to the scale and nature of the proposed development and to the nature and character of the surrounding environment, I am satisfied that Condition No. 2 is warranted. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Decision

Attach: Condition No. 2 and the reason therefor.

Mary Kennelly
Senior Planning Inspector

9th May 2021