



An  
Bord  
Pleanála

## Inspector's Report ABP-312896-22

### Development

Change of use from home brewers centre to residential unit at ground floor level. Two-storey extension on roof of ground floor to accommodate 2 additional apartments. Building is a Protected Structure located in Architectural Conservation Area.

### Location

118 Thomas Street, Dublin 8

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

3987/21

### Applicant(s)

Bilgola Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse

### Type of Appeal

First Party

### Appellant(s)

Bigola Ltd.

### Observer(s)

None

**Date of Site Inspection**

08<sup>th</sup> September 2022

**Inspector**

Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 193.5 square metres, comprises a four storey red brick terraced building on the northern side of Thomas Street. The existing building on site is designated as a Protected Structure within the operative City Development Plan. It is noted that the red line boundary of the site wraps around the rear of the adjoining property to the east No. 117 Thomas Street.

## **2.0 Proposed Development**

- 2.1. Permission is sought for change of use of part of the rear of the ground floor of No. 118 Thomas Street from home brewers centre to a 1 no. bedroom unit. In addition the proposed works comprise the construction of a new two-storey extension above the existing single-storey building to the rear, to provide a further 2 no. new residential units. In total 3 no. residential 1 no. bedroom units are proposed.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority REFUSED permission for the following reasons:

1. Having regard to the Z5 zoning objective, as set out in the Dublin City Development Plan 2016- 2022 for the area, the provisions of the Thomas Street Architectural Conservation Area 2009 and to the layout of the proposed development. It is considered that the proposal, which involves the amalgamation of historic plots to the rear of No's 117 and 118 Thomas Street, does not have due regard to the nature of the surrounding urban morphology and would have a negative impact on the legibility of the historic grain of the city and the Architectural Conservation Area. Furthermore it is considered that the proposal would have a negative impact on the development potential of adjoining property. The proposed development would therefore seriously injure the amenities of property in the vicinity and the character of the area, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Section 16.10.2 Residential Quality Standards as set out in Dublin City Development Plan 2016-2022 and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoECLG, March 2018, it is considered that the proposed development would provide a substandard level of accommodation in terms of aspect and internal layout. It is therefore considered that the proposal would result in an unacceptably low level of residential amenity for future occupants. The proposed development would therefore, by itself and by the precedent it would set for other development, be contrary the Ministerial Guidelines – Quality Housing for Sustainable Communities, Guidelines for Planning Authorities, 2007, be contrary to the provisions of the Dublin City Development Plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

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

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

The main points of the planner's report include:

- The provision of additional residential accommodation in the city is welcome in principle, but only if the proposed development is designed to provide good quality accommodation and amenity, and that it respects the setting and architectural character of all adjoining Protected Structures.
- It is considered that the proposal represents piecemeal, backland development which would have a negative impact on the development potential of adjoining property, would provide a poor level of residential amenity for future occupants, would have a negative impact on Protected Structure and given the amalgamation of the rear gardens of No's 116, 117 and 118 would have a negative impact on the legibility of the historic grain of the city and the Thomas Street and Environs Architectural Conservation Area.
- Recommends refusal of permission

#### **3.2.2. Other Technical Reports**

Conservation Officer- refusal recommended

Transportation Planning Division- no objections, subject to conditions

Drainage Division- no objections, subject to conditions

## **4.0 Planning History**

### 3332/15

Permission GRANTED for change the use of ground floor unit of an existing 4 storey building from retail to Pizza take-away and Home Brewers Centre and associated works. The building is a Protected Structure. Condition No. 2 of the grant of permission omitted the pizza takeaway element and external flue/ventilation shaft on the rear elevation.

### 1984/97

Permission GRANTED for the demolition of existing listed building above first floor level and reconstruction of front elevation as existing for reconstruction of remainder of building, for reconstruction of two storey return to rear and for internal alterations to provide 4 no. one bedroom apartments in return and upper floors with existing retail use retained at ground floor level.

## **5.0 Policy and Context**

### **5.1. Development Plan**

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

The site is in an area zoned 'Objective Z5' which seeks 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

The subject site is designated as a Protected Structure (RPS Ref. 8181).

The building is included in the National Inventory of Architectural Heritage (NIAH) (Reg. No. 50080617) and is given a Regional Rating, with categories of special interest cited as Architectural, Artistic and Social, notwithstanding it is noted that the late 19th century building was largely demolished and reconstructed, retaining the façade.

The subject site is located within the boundary of SDRA 16 Liberties and Newmarket Square.

In addition the subject site is located within the Thomas Street & Environs ACA (2009)

Appendix 17 sets out development management guidance.

Policy 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.

Policy QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design

Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009)

Section 11.1.5.4 Architectural Conservation Areas and Conservation Areas

## 5.2. **Natural Heritage Designations**

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or near the site.

## 5.3. **EIA Screening**

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, 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**

The main points of the appeal are:

- In terms of reason for refusal No. 1, 119-125 Thomas St was originally occupied by the a warehouse and factory, accessed through the archway
- Applicant and his predecessor in title have enjoyed possession of the lands to rear of 117 for a number of years
- 117 Thomas St has no access at GF level to lands to rear
- Proposal would reduce the impact of adjoining development and match parapet of existing house

- Adjoining development has not seriously injured amenities of subject site
- In terms of 2<sup>nd</sup> reason for refusal, references studio units and considers that each unit is generally in compliance with size set out in guidelines
- Development is substantially in line with objectives of operative City Development Plan
- Proposal would not set a precedent for other development as less than 9 units within development

## 6.2. **Planning Authority Response**

None

## 6.3. **Observations**

None

## 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. I have read all the documentation attached to this file including inter alia, the appeal, the report of the Planning Authority, in addition to having visited the site. The primary issues, as I consider them, are the impact on the visual and residential amenity of the area arising from the proposed development and quality of proposed residential amenity for future occupants. I consider the principle of residential development to be acceptable on this site.

7.2. The proposal is for the change of use of part of the rear of the ground floor of No. 118 Thomas Street from home brewers centre to a 1 no. bedroom unit. In addition the proposed works comprise the construction of a new two-storey extension above the existing single-storey building to the rear of No. 118, to provide a further 2 no. new residential units. In total 3 no. residential 1 no. bedroom units are proposed. It



appears from the drawings that at present, the site accommodates a home brewers on the ground floor and 4 no. one bedroom apartments on the floors above.

- 7.3. At the outset, I draw the attention of the Board to the poor quality of information submitted with the application. Drawings are difficult to decipher and only limited dimensions are marked on the submitted drawings. The Conservation Method Statement lacks detail.
- 7.4. I note the concerns of the planning authority, as set out in reason for refusal No. 1 which relate to the impacts of the proposal on the historic plots, together with the development potential of adjoining lands. I am not unduly concerned in this regard. The footprint of the proposed structure is located within what was originally No. 118 Thomas Street and does not excessively impinge onto the adjoining plots. In terms of impacts on the Protected Structure, I note that only the façade is original to this site. I consider that impacts on any other Protected Structures within the vicinity of the site would not be so great as to warrant a refusal of permission, given the ad hoc development that currently exists to the rear of these structures. The proposed structure would not be visible from the public realm, would be subservient to the main structure on site and is adequately setback from it. My greater concern relates to the quality of the proposed development with regards the residential amenity being afforded to future occupiers of the proposed development.
- 7.5. In total the proposal provides for three no. one-bed apartments. The appellant in his appeal submission references studio units in the context of the Apartment Guidelines and states that the proposal is generally in compliance with the Guidelines. The proposal does not include for studio units- the drawings clearly show the proposal being for one-bed apartment units. I acknowledge Policy QH1 of the operative City Development Plan cited above and note section 16.10.1 of the operative City Development Plan, which sets out minimum floorspace standards for apartments. I also acknowledge the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020), in particular Appendix 1 which sets out required minimum floor areas and standards. In the case of one-bed apartments, the City Development Plan specifies a minimum floor area of 45 square metres, as per the Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities. The submitted schedule of accommodation states that each of the proposed one-bed apartments are 31m<sup>2</sup> in

floor area. This does not comply with the minimum standards set out in the operative City Development Plan nor the Apartment Guidelines. In addition, the proposal does not meet minimum standards in terms of private open space and no storage space is proposed to any of the units. Some storage space is shown within the stairwell areas, but it is unclear as to whether this is to serve the proposed apartments or otherwise.

- 7.6. Access to the proposed units is circuitous and appears to be either through the gated laneway to side of 116 Thomas Street or through the existing structure on site. There appears to be some lighting to the laneway at present. While this access may be acceptable, no details of safety/security/lighting measures are proposed for access through the laneway nor any details in terms of the communal open space and how it is to be landscaped, gated and/or upgraded.
- 7.7. Only limited details are submitted in terms of materials/finishes including details relating to the glazed walkway, which is considered unsatisfactory given that the existing structure on site is designated as a Protected Structure, located within an ACA. In addition, no details relating to how the proposed glazed link will be accommodated within the existing structure have been submitted.
- 7.8. Having regard to the above, I am not satisfied that the proposed development is in accordance with the zoning objective of the City Development Plan. I consider that it would provide an inadequate level of residential amenity to any future occupiers and is therefore not in accordance with the proper planning and sustainable development of the area.

## **8.0 Appropriate Assessment Screening**

- 8.1 Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites

arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## **9.0 Recommendation**

9.1. I recommend permission be REFUSED.

## **10.0 Reasons and Considerations**

1. The proposed development is considered to contravene section 16.10.2 of the Dublin City Development Plan 2016-2022 and Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DoECLG, December 2020 in relation to minimum floor areas and standards for one-bedroom apartments. It is considered that the proposed development would provide a substandard level of residential amenity for any future occupiers by virtue of inadequate floor areas, inadequate private open space provision and lack of storage facilities. In addition, the applicant has not adequately demonstrated that safe and secure access can be provided to the proposed units. It is therefore considered that the proposal would result in an unacceptably low level of residential amenity for future occupants.

In addition, details relating to the materials and finishes of the proposed building, including how it is proposed to integrate the glazed link with the existing structure on site, together with landscaping of communal open space are considered to be inadequate and do not sufficiently demonstrate that a quality development is being proposed within this Architectural Conservation Area.

The proposed development would therefore, by itself and by the precedent it would set for other development, be contrary to the provisions of the Dublin City

Development Plan 2016-2022 and the aforementioned Sustainable Urban Housing: Design Standards for New Apartments– Guidelines for Planning Authorities, December 2020; would provide inadequate residential amenity to future occupiers and would be contrary to the proper planning and sustainable development of the area.

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Lorraine Dockery  
Senior Planning Inspector

12<sup>th</sup> September 2022