



An  
Bord  
Pleanála

## Inspector's Report ABP315814-23

### Development

Change of use of property from hostel, residential and office to use as Bed and Breakfast accommodation.  
Demolition of external staircase and structure and construction of mono pitched roof structure to the rear and associated site works. Protected structure RPS 6707.

### Location

1/2 Royal Canal Terrace,  
Phibsborough Road, Dublin 7

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3203/22.

### Applicant(s)

Copperdale Estates Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant subject to conditions.

### Type of Appeal

Third Party

### Appellant(s)

Fiona Kelly

Chris Bakkala

The Royal Canal Terrace Residents  
Association  
Benedict O' Floinn

**Observer(s)**

MPM Residents Association

**Date of Site Inspection**

14<sup>th</sup> December 2023.

**Inspector**

Philip Green.

## 1.0 Site Location and Description

1. The appeal site has a stated area of 688 sq.m. and consists of a 2 storey over basement detached building (protected structure) situated in a prominent location at the southern end of Royal Canal Terrace, a terrace of attractive two storey with basement housing served by a narrow slip road which runs parallel to, and on the western side of the Phibsborough Road. The laneway is separated from Phibsborough Road by a traditional stone wall. To the west is the large Broadstone bus depot. The Broadstone Hall student complex is located to the south east. The Broadstone DIT Green Line LUAS stop is some 120 metres to the south. Immediately to the south of the site is a small vacant plot of land on which is located a large advertisement hoarding.
2. The existing building is set back from the slip road behind a railing and low plinth wall with stairs leading up to the front door. The main house is 3 bay with pitched roof with valleys with modern extension to rear. The building is currently unoccupied and windows are boarded up. Information on file indicates previous use as a hostel, residential and office although its most previous use as a language school and other community uses are also referred to.
3. There is a hard surfaced area to the side of the house and vehicular entrance from the Royal Canal Terrace. There is also a hard surfaced area to the rear of the building and an area of garden behind the rear extension. The grounds are unkempt and somewhat overgrown and some graffiti is evident. Internally the building still displays a number of its original architectural and decorative features and plan form.
4. At my site inspection I was able to gain internal access to the appeal premises although external access to the side/rear was difficult due to its overgrown and unkempt nature. I was also able to gain access and view the site from the garden of the adjoining dwelling at No 3 Royal Garden Terrace.
5. The houses in Royal Canal Terrace are served by the narrow laneway from which vehicles can gain access on to Phibsborough Road at its northern end. Off street parking (in front gardens) for this terrace appeared to be limited to a small number of houses towards its southern end. Parking was evident along this laneway in front of the houses front boundary walls and railings restricting further the available lane width. There was a gated entrance between Nos 4 and 5 Royal Garden terrace to

what appeared to be a lane serving the rear of the terrace however the gate was closed at the time of my site inspection and I was unable therefore to access its full extent. Some parked vehicles were however located in its initial section when viewed from Royal Canal Terrace. Vehicular access would be possible from the southern end of the Royal Canal Terrace laneway however this is currently restricted by two demountable bollards thus only currently allowing for cycle and pedestrian access. There are bus lanes along Phibsborough Road in front of the site and a bus stop in close proximity.

## 2.0 Proposed Development

1. As initially applied for sought permission for
  - Change of use of hostel, residential and office to bed and breakfast accommodation with 13 guest rooms with ensembles, dining room and resident lounge and kitchen, reception area and staff facilities;
  - Demolition of existing external staircase and single storey structure to rear
  - New single storey pitched roof structure to rear with three rooflights
  - Internal alterations at basement, ground, first and second floor levels including
    - a) replacement, relocation and reinstatement of doorways, windows, opes and wall partitions
    - b) Extension of existing lightwell to front of building
    - c) Replacement of kitchenette with ensuite partitions and
    - d) Provision of new timber painted sash windows to existing opes to front and rear;
  - Two car parking spaces to front of building and six bicycle parking spaces to the rear
  - All ancillary site works and landscaping.
2. Accompanying the application and associated drawings were an Architectural Heritage Impact Assessment Report, Drainage Report, Landscape Design Scheme, Georgian Rooms Brochure and Planning Report.

3. The Board will note that I have made a slight amendment to the description of development in changing the roof description of the new rear guest bedroom building from flat to mono pitch as it has a slight pitch. The Board may wish to consider amending this description in its final decision.

### 3.0 Planning Authority Decision

1. Following an Additional Information request and the Applicants Response the Dublin City Council issued a Notification of Decision to grant permission subject to nine no. conditions including clarification of details in regard to conservation of building (windows, materials including replacement for proposed aluminium roof,, replacement screen to front hallway, roof works, treatment of front entrance, railings to basement wells - Condition 2), transport and access requirements including omission of proposed 2 on site car parking spaces (Condition 3), drainage requirements (Condition 4).

#### 2. Planning Authority Reports

- 3.2.1. The **initial planners report** noted that the site was in a location covered by a Z2 zoning objective to protect and or improve the amenities of residential conservation areas and was a protected structure. It also considered the proposed development under the provisions of the now superceded Dublin City Development Plan 2016-2022.
- 3.2.2. Summarises eight third party observations received from neighbouring residents, two resident associations and a number of elected representatives. Copies of the submissions have been provided by Dublin City Council and I refer the Board to these submissions and planners summary contained in their report
- 3.2.3. Refers to relevant sections of the Development Plan including Z2 zoning and section 14.8.2, 11.1.5.4, Policy CHC4, 16.2..2.3 relating to conservation areas, Section 16.10.12 and Appendix 17 relating to extensions to dwellings and Policy CHC2 and Section 14.5, relating to protected structures.
- 3.2.4. Evaluation draws in particular on responses from Council's Conservation and Transportation Sections and concludes that additional information be sought.

3.2.5. The **Council's Further Information Request** of 4<sup>th</sup> April 2022 sought to address conservation and transportation concerns and included the following:

- Consideration to be given to more appropriate long term alternative residential use;
- Revising ground floor layout to omit guest bedrooms 2 and 3 and historic rooms to be given over to a more public use;
- Guest bedroom 1 to be omitted and to be given over to a more public use;
- Drawings to be provided showing fabric removal required by servicing facilities;
- Tanking system proposals to be omitted and revised details to manage damp on basis of minimum intervention and breathability principles to be provided;
- Detailing of new windows and glazing to be provided and to be historically correct timber sash type;
- Revised design for rear extension;
- Omission of fire lobbies from all rooms;
- Rooflight to front to be omitted;
- Revised landscaping proposals to forecourt to south;
- Car parking strategy required including measures to control overspill along Royal canal terrace and whether spaces are for staff or visitors and how development will be promoted as a car free operation;
- Demonstrate how set down and turning for taxis and service/emergency vehicles will be achieved;
- Operational service plan required demonstrating how site servicing and management will be achieved including refuse management and collections.

3.2.6. The Applicants responded to this request on 14<sup>th</sup> December 2022 and included amended and additional details and drawings. Consequently a **second planning report** was prepared informed by further reports from the Council's Conservation and Transportation Sections. Both these internal reports recommended grants of permission subject to conditions.

- 3.2.7. This second planners report noted the Adoption of a new development plan in December 2022 and assessed the proposals under the provisions of the new plan. It is stated that the Z2 residential conservation area zoning and protected structure status of the building remained unchanged under the new Plan. It is also noted that the site is adjacent to a red hatched conservation area.
- 3.2.8. Policy BHA9 in relation to conservation areas is referred to;
- 3.2.9. Section 14.4 and 11.5..1 and Policies BHA2 and BHA3 in regard to protected structures are referred to.
- 3.2.10. In regard to the Applicants Additional Information response it notes:
- Applicants submissions seek to demonstrate that conversion to apartment use (scheme of six apartments shown for illustration) would be more invasive. However use for lesser number of apartments or as single dwelling not considered although use for more units rather than single dwelling accepted as more likely due to the large floor area and location on busy arterial route close to city centre. Report acknowledges that under new Plan bed and breakfast use is permissible in principle;
  - Omission of Guest rooms 2 and 3 on ground floor and replacement with guest dining room and living room in two main rooms
  - Retention of bedroom 1 and provision of two further guest bedrooms at basement level and considered that impact offset by loss of two bedrooms at ground floor level. Room layout at basement level not considered to significantly alter plan form;
  - Only one additional waste run to guest bedroom 5 at first floor level proposed;
  - No tanking system proposed but use of French drains and calcium silicate insulation boards with lime render internally;
  - Use of historically correct timber sash windows using appropriate design, detailing and materials and glazing detail provided;
  - Revised design to rear extension with aluminium roof and alterations to the layout and fenestration, and more contemporary appearance acceptable subject to alternative roof material;

- Omission of lobbies and use of 'lamatherm' fire mats between joists at first and second floor level reusing existing floorboards where possible . Provision of details of screen in front hallway to be provided by condition;
- No new rooflights to the front are proposed and rooflight shown to front exists;
- Discrepancy in regard to treatment of front entrance steps between revised landscaping and ground floor plan can be dealt with by condition;
- Site located within development plan car parking area 1 where there is no provision for car parking for bed and breakfast use and therefore two parking spaces shall be omitted by condition. Details in regard to mobility management, servicing and autotrack and waste collection accepted.

3.2.11. Additional internal reports were received relating to the Applicants Further Information response and which informed the Planners report. There are however no further third party submissions appearing on the Board's file specifically commenting on the revisions made as a result of the Council's request and Applicant's response.

#### 3.2.12. **Other Technical Reports**

3.2.13. Transport Infrastructure Ireland : Notes proximity to LUAS line and requires Applicant to ensure no adverse impact on LUAS operation and safety and compliance with TII Code of Engineering Practice for Works on, near or adjacent to LUAS Light Rail System. TII also recommend seeking S49 Supplementary levy to any permission granted under the S49 Supplementary Development Contribution Scheme LUAS Cross City (St Stephens Green to Broombridge Line) if not otherwise exempt.

## 4.0 **Planning History**

- **3258/20:** Application for permission sought by Copperdale Estates Limited (current Applicants in this current appeal) for (in summary) change of use from hostel, residential and office to Aparthotel. Demolition/removal of steel staircase to side, single storey rear extension, kitchen extract flue to side, raised concrete paving to front and tarmac to the side and rear, modern railings and lightwell to the side, internal and external alterations, construction of single storey rear extension and three storey side extension, hard and soft



landscaping to site, new and repaired rainings to site boundary. Permission refused by Dublin City Council for two reasons.

1. Contrary to zoning provisions. Aparthotel not open for consideration or permissible under Z2 zoning and thus not a permissible use in principle resulting in material contravention of Development Plan and Objective to protect and/or improve the amenities of residential conservation area.
2. Inadequate architectural quality and obtrusive form scale and materials of extension injurious to character and setting of protected structure and terrace of protected structures in Royal Canal Terrace.

## 5.0 Policy and Context

### 1. Ministerial Guidelines

### 2. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

3. This document recognises the importance of the protection of the architectural heritage of the State setting out the purpose, legal and administrative basis for such protection. It also offers detail guidance for protecting protected structures when works and changes of use are proposed. This Guidance is seen as being relevant for both planning authorities and for owners.
4. In Section 6 of the Guidelines reference is made to development control matters including handling and content of pre planning meetings, enforcement and retention permissions. Part 2 of the Guidelines sets out the overriding conservation principles that should be applied when dealing with protected structures and then in subsequent Chapters provides detailed guidance in relation to specific features of such buildings.
5. In relation to general approach to protected structures it is stated 'Conservation is the process of caring for buildings and places and of managing change to them in such a way as to retain their character and special interest. Historic structures are a unique resource. Once lost, they cannot be replaced. If their special qualities are degraded, these can rarely be recaptured. Damage can be caused to the character

of a historic structure as much by over-attention as by neglect. Over-restoration can harm the special qualities of a building with the loss of details, materials and craftsmanship which, while sometimes seeming of little significance in themselves, can contribute to the character of the building and make it special. For this reason, it is vitally important that proposals for works to protected structures... be examined at a detailed level. It is intended these detailed guidance notes will draw attention to the importance of the seemingly minor details of a historic building that nonetheless play an important part in establishing its character.'

6. Conservation principles relating to protected structures are set out. This includes keeping a building in use, researching and analysing the building, using expert conservation advice, protecting the building's special interest, promoting minimum intervention (including reference to damaging over restoration and uninformed conjectural restoration), respecting earlier alterations of interest, repairing rather than replacing, promoting honesty of repairs and alterations, use of appropriate materials and methods, ensuring for reversibility of alterations, avoiding incremental damage (including avoiding small scale damaging changes to external features such as gardens), discouraging architectural salvage and compliance with Building Regulations (noting that approaches other than those contained in the TGDs may be appropriate in order to ensure compliance while protecting the character of protected structures).
  
7. In regard to material changes of use it is stated in 6.8.8 'On the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. A planning authority should carefully consider any proposed change of use and its implications for the fabric and character of the structure. A new use may have many implications for the structure which may not be immediately obvious, for example with regard to compliance with the Building Regulations; .In 6.8.9 it states 'In considering an application for the material change of use of a protected structure, the planning authority will have to balance its continuing economic viability if the change is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted. Where, having considered

these issues, a planning authority considers that the alterations required to achieve a proposed change of use will not have an undue adverse effect on the special interest of the structure, the proposals may be granted subject to conditions as appropriate'. Section 6.8.10 states 'Changes of use may lead to subsequent incremental proposals to change subsidiary features such as shopfronts, external signs, requirements for enhanced fire safety and the like. Impacts may arise to the curtilage of a protected structure from a change of use proposal, such as creating or increasing the need for car parking, creating or altering gateways or entrance arches for vehicular access. As many of these potential impacts as are foreseeable should be included as part of the planning application. If clarification is required of the implications of a change of use, this should be ascertained by way of a request for further information'

## 8. **Development Plan**

9. Whilst the initial Planners report refers to the Dublin City Development Plan 2016-2022 it was subsequently noted by DCC and is referred to in submissions in this appeal that the **Dublin City Development Plan 2022-2028** was adopted at a Special Council meeting on the 2nd of November 2022 and came into effect on the 14th of December 2022. This report will therefore have regard to Development Plan policy as set out in this most recently adopted document.
10. On the Zoning Map of the current Development Plan the site lies within an area zoned Z2 – 'Residential Neighbourhoods (Conservation Areas) and the building is identified as a Protected Structure No 6707 (House) on the RPS. All the other buildings in the terrace to the north are designated separately and in their own right as protected structures (terraced house, stone wall, railings and gates). The report of the DCC Conservation Officer notes that No. 1/2 Royal Canal Terrace built c1750 has been identified in the NIAH ref 50070371 as being of Architectural and Artistic and Social Interest and has been afforded a Regional rating.
11. Under the Z2 zoning a bed and breakfast use is considered a 'permissible use' being one that is generally acceptable in principle in the relevant zone, but which is subject

to normal planning considerations, including the policies and objectives outlined in the plan.

12. Section 11.7.2 states Land-Use Zoning Objective Z2 is to protect and/or improve the amenities of residential conservation areas. Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures. The overall quality of the area in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in such areas, both protected and non-protected. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Chapters 11: Built Heritage and Archaeology, and Chapter 15: Development Standards, detail the policies and objectives for residential conservation areas and standards, respectively. The principal land-use encouraged in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.'
13. Policy BHA2 reflects these objectives. This seeks to conserve and enhance protected structures, their curtilage and setting. Amongst other matters it states that regard must be had to the Architectural Heritage Guidelines and to protect structures included on the RPS from any works that would negatively impact their special character and appearance, ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation. ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials and respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials and ensure that new and adapted uses are

compatible with the architectural character and special interest(s) of the protected structure.

14. Chapter 15.15.2.3 Protected Structures further states all planning applications for development/works to Protected Structures must provide the appropriate level of documentation, including an Architectural Heritage Impact Assessment, in accordance with Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and chapter 6 and appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011). To assist in the assessment of proposals they should outline the significance of the building(s) or structure(s) and their settings and an assessment of how the proposed works would impact on that significance, include a detailed drawn survey of the building/structure identifying all surviving original/early and later features that may contribute to its significance and associated photographic survey, include a conservation focused method statement and specification of works, details of proposed works should be clearly identified on the accompanying survey drawings by way of colour coding and/or annotated notes to distinguish clearly between the existing structure, the proposed works including demolition of existing fabric and/or features. The colour coding should also show the provenance of the historic building, including identification of the various stages of its development, identifying original, historic and later intervention. The detail required to be submitted will be dependent on the significance of the building and the nature and extent of works proposed. It may be of benefit to discuss specific Development Standards requirements, with an Architectural Conservation Officer, prior to making a planning application; through the pre-planning consultation process.
15. Under Policy BHA9 the Council seeks to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and those denoted by red line conservation hatching on the zoning maps. 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. Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the

special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability. Chapter 15.15.2.2 Conservation Areas requires all planning applications for development in Conservation Areas to respect the existing setting and character of the surrounding area, be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context, to protect the amenities of the surrounding properties and spaces, to provide for an assessment of the visual impact of the development in the surrounding context, to ensure materials and finishes are in keeping with the existing built environment and to positively contribute to the existing streetscape.

16. Under Policy CEE26 it is the Policy of DCC to (i) To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions..... Under Policy CEE28 (Visitor Accommodation) it is DCC Policy to consider applications for additional hotel, tourist hostel and aparthotel development having regard to: the existing character of the area in which the development is proposed including local amenities and facilities; the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development; the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development; the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions; the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas; the opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities – see also Chapter 12, Objective CUO38.
17. Under Chapter 15 Development Plan Standards 15.14.2 Bed and Breakfast / Guesthouses states 'Planning permission is required for the conversion of more than

four bedrooms in a dwelling house into a bed and breakfast establishment, in accordance with Article 10(4) of the Planning and Development Regulations, 2001(as amended). In determining planning applications for change of use to bed and breakfast, guesthouse, hotel or tourist hostel in residential areas, the planning authority will have regard to the following: Size and nature of facility, the effect on the amenity of neighbouring residents, the standard of accommodation for the intended occupiers of the premises, the availability of adequate, safe and convenient arrangements for car parking and servicing, the type of advertising proposed, the effect on listed buildings and/or conservation areas and the number of existing facilities in the area.

18. Under Policy SMT1 (Modal Shift and Compact Growth) it is DCC Policy to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport and an Objective SMTO1 (Transition to More Sustainable Travel Modes) to achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the development plan....., In terms of mobility management and planning it is considered important to encourage as much travel as possible by sustainable means and locating development in the most accessible locations while at a more detailed level, it means designing new areas and developments in a way that minimises the need to travel from the outset by providing connected and permeable walking and cycling networks, improved connectivity to public transport and easy access to facilities and amenities.
19. Appendix 5 of the Development Plan sets out technical requirements in relating to Transport and Mobility. It states 'All developments, from one-off housing to large scale mixed use development, shall demonstrate safe vehicular access and egress arrangements. All vehicular access shall be considered, including private car, service, delivery and vehicles, and emergency vehicles, in addition to applicable vehicular access requirements. Where possible, service areas shall be provided within the curtilage of the site to minimise the impact on the local road network'. Criteria are set out out by which proposals for commercial development will be asseesed. In regard to Mobility management it is stated 'Dublin City Council regards mobility management as an important element in the promotion of sustainability and

in the achievement of a substantial increase in the modal share of public transport, walking and cycling during peak and off-peak travel times. Mobility management is a pro-active approach to influencing how people travel. While it plays an important role at a strategic level, the adoption of this approach at a site or business level can be very influential in achieving sustainable travel pattern'. Section 2.4 of Appendix 5 refers to service delivery and access strategies whilst bicycle parking and car parking standards are set out in Sections 3.0 and 4.0 respectively. In Zone 1 designated areas table 2 specifies that there is no parking requirement for hotels use whose definition includes for this purpose bed and breakfast accommodation.

## 20. **Natural Heritage Designations**

None relevant to this case

## 21. **EIA Screening**

22. Having regard to the nature and modest scale of the proposed development, its location in a built-up urban area and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 **The Appeals**

### 1. **Appeal of Fiona Kelly**

- Proposed development inappropriate for site and its context given its status as a protected structure and centre piece of an important conservation area;
- Development welcomed but not at expense of proper conservation of protected structure;
- Failed opportunity to provide much needed homes;
- No justification for development;
- Adverse effect on community contrary to Chapter 5 of new development Plan promoting successful urban neighbourhoods and sustainable communities;



- Erosion of terrace of family homes. Nos 15 and 16 Royal Canal Terrace already in use as short term accommodation without permission and same potentially being introduced at No 13 where works taking place without permission already. Development of 1-2 will result in over 30% of terrace in transient use;
- Contrary to Policy QHSN44 to avoid proliferation of clusters of build to rent/student accommodation/co living development;
- Broadstone already has a substantial transient population of student accommodation, co living and homeless accommodation. Council previously expressed preference for conversion of building to apartments;
- Application mentions need for tourist accommodation but does not mention that DCC have approved schemes for use of student accommodation during summer and academic year. A number of hotels have also been constructed in the area;
- Applicants conclusions in regard to alternative apartment use are based on option to cram six apartments in to the building, are not credible and submitted only to support the commercial use proposed. A residential use could easily be introduced in compliance with Zoning ;
- No proven need for development whilst there is need for residential use

## 2. **Appeal of Chris Bakkala**

- Traffic impact on Terrace not resolved and issue of parking overspill not addressed;
- Inaccuracies in Transport technical Report submitted as Further Information. Incorrectly identifies site, Royal Canal Terrace and Phibsborough Road, incorrectly indicates that footways and pedestrian crossings are provided in Royal Canal Terrace, inaccurately states that guests will arrive by bicycle and underestimates guest numbers accessing development by car.. Swept path analysis does not accurately plot the historic stone retaining wall at front of site and ignores variation in lane width along the Terrace;

- Although noting the availability of car parks nearby the Technical report does not identify these nor demonstrate why guests would not just park their cars in laneway which was a serious concern of the planners. Applicants comments in regard to role and effectiveness of a mobility management plan co-ordinator unrealistic and unenforceable and pays lip service to traffic impact concerns;
- Suggest that bollards restricting rat running of vehicles on Phibsborough Road along Royal Canal Terrace be moved north in front of appeal site to only allow vehicles accessing development to gain access to the appeal site from the south and not from the north along the full length of Terrace itself;
- The autotrack limits its consideration to the site itself but not impact on other properties in Royal Canal Terrace;;
- Access along Royal Canal Terrace will create problems for drivers unfamiliar with road and potentially lead to dropping off on Phibsborough Road obstructing the bus lane and mounting footpath;
- As a minimum the southern access should be facilitated for construction;
- Promotion of a car free development is aspirational and out of touch and unrealistic to imagine there will not be overspill car parking associated with such a use unless it is prohibited completely. Parking should be restricted to residents only and is currently self regulated by owners who have a stake in self management. This will not apply to people who do not have such a stakeholder interest.

3. **Appeal of The Royal Canal Terrace Residents Association:** Raise similar objections to those reported in appeals above and:

- Study attached demonstrating feasibility of alternative residential development sought by Dublin City planners. Request Board consider this analysis;
- Building is very important mid eighteenth century protected structure retaining much of its fabric and character and located at end of an architecturally significant terrace built in 1825;

- Located in an important and elevated position near Broadstone station and the Royal Canal Terrace. Any development must respect its history and importance;
- Cites RPO5.4 and RPO 5.5. of Regional Spatial and Economic Strategy (RSES);
- Notes update of 2016-2022 Development Plan to incorporate National Planning Framework and RSES and that replacement Development Plan 2022-2028 was at public consultation stage;
- Notes Development Plan policy CHC2 and 11.1.5.3 in regard to protected structures, Policy CHC4, Section 14.2.2 ,14.8.2 and policy BHA9 in relation to conservation and residential conservation areas and Section 16.2.2.3 in relation to alterations and extensions;
- Considered that residential use not given imperative that RSES guidance and Development Plan policies demand;
- Residential character neither protected or enhanced by proposed use whose use is transient, requires high degree of alteration and wear and tear on fabric and unacceptable traffic impacts;
- Insufficient attention paid by Council to daily demands of bed and breakfast use on fabric and setting of building or in regard to parking and servicing of site. Only 2 parking spaces provided and no off street parking within a kilometre. On street parking limited to short stretches of streets in area which are already over stretched. Access is by a laneway that is less than 1.95m. in places;
- Although noting wear and tear of a bed and breakfast use the Council still granted permission;
- Intensity of use, level of intervention including ensuite facilities, minimal living and dining space, small kitchen, just simply noted. Impacts on residential amenities setting of building and character of area were also just noted. Implications on building were not properly considered;

- High quality residential use can easily be accommodated within the historic floor plan and Applicants response to Council's request for this to be considered is wholly inadequate and only seeks to support Applicants desire for this commercial development;
- Appellants own study (attached) supporting claim that residential use in form of four apartments can be accommodated sympathetically in keeping with the structure and providing acceptable standards of amenity. Notes that spatial standards are minimum acceptable and are not appropriate to a protected structure;
- Sets out objections based on details provided (including extract from Business Post) in regard to history of Applicants involvements in other projects in Dublin.

4. **Appeal of Benedict O Floinn** Raises similar objections to those reported in appeals above and:

- Application should have been refused due to impact on adjoining properties, in terms of access, architectural and community aspects;
- Fails to comply with development plan, to protect the protected structure, fails to protect the residential character of the area, would constitute a hazard and nuisance,
- Development plan is an environmental contract between planning authority and wider community. Plan designates building as a protected structure and in a Z2 zoned area, part of a residential and architectural conservation area;
- Cites from policies and sections of Development Plan;
- Principal use in Z2 areas is required to be residential with a limited range of uses only where they would enhance the architectural quality of the streetscape and area and protect residential character. Neither applicable here;
- Result in loss of historic fabric and wear and tear on remaining;

- Minimal provision made for living and dining space for guests and small kitchen size simply noted by Council;
- Result in traffic noise and disturbance and loss of residential amenity;
- Policies in relation to extensions in regard to setting, spacing and curtilage not considered by Council;
- Residential character of street which is core of conservation area neither protected or enhanced by proposed bed and breakfast accommodation. Use is transient and no shops or retail facilities in area;
- Was used for residential purposed prior to last low intensity use;
- Acceptability of bed and breakfast use based on use being small scale and by an owner occupier where its surroundings could accommodate it. This is not case here;
- Insufficient consideration given to impacts on architectural conservation area. In terms of inadequate parking, access and difficult to see how daily servicing needs can be met. Access lane is less than 1.75m in places and there is already insufficient parking for home owners. Very disciplined parking by home owners required along lane which at widest is only 1.95m.. In granting permission issues of overspill parking and access generally were disregarded. Technical note on transportation issues provided by Applicant at Further Information stage contains errors;
- Technical report also includes unrealistic assumptions that were not critically evaluated nor considered in terms of their impact on the laneway or neighbouring residential properties;
- Whilst good public transport connections in area the conclusions on traffic impact are out of touch with reality of how a bed and breakfast would operate;
- Council expressed a preference for a residential use which is entirely feasible and less impact n building fabric, less wear and tear and which would have added to amenity of area.

## 5. Applicant Response

- Development as permitted accords with proper planning and sustainable development, planning policy and all relevant development management standards in both past and current development plans;
- Description of property and its use provided;
- Further information and use of conditions including omission of car parking addressed planners issues and permission was granted;
- Although previous application for an aparthotel refused by the Council the Planners report stated that a sympathetic restoration of the building for an appropriate use would be welcomed;
- Cites precedent permissions for bed and breakfast/guesthouse accommodation of various scales and typologies to cater for tourists by Council/Board at Bolton Street 3648/21 (temporary permission), Preston Street (, 3648/21), Charles Street West (2231/21), Kellys Row 4200/16 (ABP reference PL29N 248816);
- Proposal represents opportunity for continued use and revitalisation of property with desire to protect and restore existing historic fabric and enhancing Royal Canal Terrace;
- Existing premises is vacant and boarded up and not in use as family home. Proposed development will improve condition of building while protecting and restoring features of merit. Guestrooms designed to keep disturbance to a minimum, provides short stay accommodation and will not result in loss of residential accommodation as building vacant. There is shortage of short term tourist accommodation in area (see plan highlighting this). Issues at other properties along Royal Canal Terrace are outside the Applicants control’;
- Policy QHSN44 not relevant to proposed development for bed and breakfast accommodation;
- Council considered proposal in accordance with Development Plan;

- Proposal seeks to provide high standard guest accommodation on a serviced site where Bed and Breakfast use is acceptable in principle whilst protecting character of area and building.
- No bed and breakfast accommodation within 500m radius although Maldron Hotel and one hostel within 500 metres therefore an overconcentration would not result;
- Accept presence of student accommodation nearby however proposal seeks to offer entirely different accommodation providing short stay and a morning breakfast service. Development appropriate given its highly accessible location;
- Residential use considered (see applicants FI response) however alterations would be significant to provide a high standard of amenity
- Board requested to consider application on its own merits notwithstanding Appellants alternative residential proposal;
- Considered that the bed and breakfast use is more appropriate in retaining the historic floor plan, fabric and character of the building than residential;
- Council addressed transport and access issues in the FI request and considered and incorporated the Applicants response in granting permission. Planners report notes the updated report from the Council's Transportation Planning Division;
- Technical report prepared at FI response stage sets out mitigation efforts to avoid negative access issues. Strategy sets out that guests will be advised that there is no onsite parking, no on street parking available and will be directed to alternative forms of transport;
- Overspill parking will not therefore result and a staff member will be appointed to advise guests of transport options. Applicant notes condition requiring compliance with measures in Mobility Management Plan and omission of 2 parking spaces proposed. Should drop off for guests take place on bus lane or on kerbside on R108 this is outside of the Applicants responsibility;

- Swept path analysis provided describes use by vehicles accessing the development site. It is not considered relevant how other properties access the laneway;
- Planners report notes that development in accordance with Development Plan provisions and complies with Z2 Objective of the 2022-2028 Development Plan where bed and breakfast is a permissible use;
- All of proposed work seek to bring building up to modern standards while conserving and improving the integrity and features of the building. Proposals scaled and designed to accord with the building and character of the conservation area'
- Single storey extension is high quality contemporary design which improves the legibility of the main structure and protects amenities of area and residential amenity;
- Level of roof will protrude slightly above shared boundary wall with No 3 however this does not result in loss of light or overshadowing or overlooking;
- High level conservation practice at core of proposal. No demolition works to protected structure but only to non original rear extension and its replacement.
- There will be 24/7 staff presence to deal with any issues arising;
- Development Plan indicates that being a protected structure does not prevent a change of use and development in accordance with Policy BHA7. Council concerns about protected structure were dealt with in Further Information response and by conditions including revised design of rear extension such that they granted permission.

## 6. Planning Authority Response

- None received



## 7. Observations of MPM Residents Association

- Building is an important protected structure retaining much of its historic fabric and floorplan and is located at the end of an excessively narrow laneway serving an architecturally significant terrace of houses built in 1825;
- Already large and disproportionate amounts of student accommodation, co living and other transient accommodation in place or proposed in Broadstone area;
- Increased amount of traffic using narrow lane and have negative impact on on street parking of existing residents;
- Applicant has history of purchasing properties with heritage features and developing them in to very small units for future sale.

### 7.0 Assessment

1. Having inspected the site and surroundings and having regard to the submissions lodged with the application and appeal, the national and local policy context and documentation on file I consider the main issues to be considered in this case to be:
  - Development to be considered;
  - Relevance of consideration of alternative uses for the building/precedents cited;
  - Principle of use having regard to Development Plan zoning and other policy provisions;
  - Impact of proposed development on residential amenity;
  - Impact of proposed development on protected structure;
  - Impact of proposed development on Conservation Area;
  - Traffic/access/car parking issues;
  - Appropriate Assessment
2. **Development to be considered:** As applied for the Applicant has sought permission for a proposed bed and breakfast use. I note that a previous application

for an aparthotel and larger extension was refused by Dublin City Council (ref 3258/20) and it is apparent in submissions made that the Applicant has sought to address DCC concerns raised in respect of this previous refusal. Although some slight ambiguities arise in the terminology used in places in the various submissions made by the Applicant in the application submissions and in response to the appeals, the application form and description of the proposed development as initially lodged was clear in seeking permission for, in addition to the various works proposed, a bed and breakfast use. Specifically it is described as “change of use of the existing property from hostel, residential and office to use as bed and breakfast accommodation consisting of 13 no. guest rooms with ensuite, dining room, kitchen and staff facilities .....”. In the Applicants response to the grounds of appeal it is clarified that the proposal seeks a bed and breakfast use “providing short stay accommodation with a morning breakfast service”. Distinguishing between a bed and breakfast use, guest house and hotel/aparthotel or other short term tourist rental accommodation is necessary given the different definitions for each in the Development Plan and policy considerations that would apply. I have however limited my consideration of the proposed use to that specifically requested as seeking a bed and breakfast use which as set out in the Development Plan constitutes:

“A building, or part thereof, where sleeping accommodation and breakfast are available solely to residents. Such an establishment is distinguished from a guesthouse, which is regarded as a more intensive form of land-use where the possibility of additional meals to be provided for residents exists.”

3. I would point out that although kitchen facilities (and dining room and residents lounge) were proposed in the basement as part of the Applicants initial application submission to the planning authority (see description of development and drawing reference No 127A ) these were omitted entirely and replaced by bedroom suites 2 and 3 in their Further Information response. In this Further Information response two of the ground floor reception rooms proposed as bedrooms became guest dining and living rooms with what appears on the drawings as a small ‘existing kitchenette’ retained in the proposed guest dining room. This arose due to the Council’s (correct in my view) decision for the important ground floor reception rooms to be retained as more publicly open and accessible spaces (see drawings reference 127B and 128B).

4. The Planners report on the Further Information refers to the Conservation Officers comments that the impact of the introduction of two further bedrooms in the basement was “offset” by the dining and living rooms introduced on the ground floor and that they would not result in significant alterations to the existing basement floor plan. Whilst I note these comments I would consider them to be a conclusion based on conservation principle alone rather than assessment of the wider planning merits and analysis of the associated services and amenities available to serve a stated high quality bed and breakfast facility of 13 guest rooms. It would appear to me that this ‘quid pro quo’ approach potentially leaves a proposed bed and breakfast use with little or no obvious means to provide the breakfast service or the necessary ancillary preparation and storage areas.
5. In this regard I note the current proposals spacious accommodation within the guest rooms and information brochure provided by the Applicants to support their case (‘The Georgian Rooms’). This illustrates the internal standard and fixtures within rooms provided in other developments elsewhere in Dublin. These appear of high standard. However they also appear to show provision of individual kitchenette type facilities within the rooms. I therefore considered that the Further Information response raises a question as to how the bed and breakfast would operate as such and how a morning breakfast service would be provided. There is for example an absence of explanation of an alternative means to provide this catering facility such as by way of a daily delivery service and how this would impact on the amenities of the protected structure, the wider residential conservation area and residential amenity.
6. In the absence of detailed clarification by the Applicant as to the mechanisms to provide this service and given the significant number of bedrooms proposed on the site, its location within a protected structure and in a residential conservation area I would suggest that the proposed Guest Suites 2 and 3 be omitted entirely. These should be replaced with kitchen and store areas which could, in my opinion, be sensitively integrated in to the existing building fabric and basement floor plan. This would also reflect historic use and the previous use for plant and what appears to be a kitchen/preparation area. It would also introduce a less intensive use within the building and site having regard to its status and context. In this regard I draw the Board’s attention to the Guidance and policy Section above in relation to level of

information, plans and particulars required and level of clarity necessary to accompany an application related to a protected structure including one where change of use is proposed.

7. **Relevance of consideration of alternative uses for the building/precedents**

**cited:** As part of the Further Information request, Applicants response to the Further Information request, Appellants grounds of appeal and the Applicants response to the grounds of appeal submissions have made in regard to alternative use of the building for a residential (apartment) use. A 'viable long term residential use was stated to be 'more appropriate' in the Council's Further Information request and that consideration of such be given by the Applicant. It was the Applicants response that a residential use in the form of conversion to six apartments was not viable given the impact on the fabric and character of the protected structure and amenities offered to potential residents. The Objectors have however sought to demonstrate that a lesser number of apartments could reasonably be accommodated within the building with acceptable impacts on its fabric, character and appearance and providing adequate standards of amenity notwithstanding its protected status. Whatever the merits or otherwise of such arguments I would advise the Board that any such alternative is not the subject matter of this appeal. Whilst there may be examples of successful residential conversions (and changes of use to bed and breakfast) within Georgian structures it is the merits of this particular proposal in this particular building in this particular location now before the Board which must be considered and determined.

8. Similarly, whilst the Applicant in response to the appeals has cited other cases which they feel are precedents for that now before the Board I would also conclude that these are not overriding material considerations in the determination of this case which must be treated on its own merits having regard to the circumstances pertaining. The acceptability of this change of use, alterations and extension proposed and their impacts having regard to the particular nature of this protected structure and its location must be considered on its own merits notwithstanding decisions that may have been made elsewhere.

9. **Principle of use having regard to Development Plan zoning and other policy**

**provisions:** I refer the Board to the above Policy Section of this report. The Development Plan indicates that a bed and breakfast use is permissible within a Z2

zoned area whose objective is to protect and/or improve the amenities of residential conservation areas. A 'permissible use' is one that is generally acceptable in principle in the relevant zone, but which is subject to normal planning considerations, including the policies and objectives outlined in the plan.

10. The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. Whilst the principal land-use encouraged in residential conservation areas is housing it can also include a limited range of other uses. The Development Plan states that In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.
11. Having regard to this zoning provision and my further conclusions below I consider that this proposal has some merit and that it is in accordance with the applicable zoning policy of the Plan. Given its important designated status, current vacancy, condition and appearance I consider that this prominent protected structure presently detracts from the character and appearance of the area and that there is an imperative to reintroduce an appropriate and beneficial use. The proposals would allow the building to return to a beneficial use which would enhance its appearance and the character of the area. Further I am of the opinion that its proposed use is not one that is inappropriate in this location or necessarily incompatible with residential character or amenity.
12. Under both the tourism and transportation policies of the Development Plan cited above I consider there would be a general measure of support for the provision in principle of this bed and breakfast tourist related accommodation in this location. The importance of tourism to the city economy is emphasised in the Plan with such activity being encouraged and its location close to the city centre and to sustainable forms of public transport, in particular bus transport and the LUAS is in accordance with Council's transport policy. Other measures proposed such as the Applicants Mobility Management Plan would in principle also support this view (I discuss traffic issues further in my assessment below).
13. Development Plan policies referred to above require an assessment of the existing level of tourist provision in the area in which the new use is to be situated. They

seek to ensure that an overconcentration of tourist accommodation does not result particularly in residential areas. I have noted the submissions of the Parties. I also noted the character of the area as part of my site inspection. In regard to the specific type of accommodation proposed in this case it is my conclusion that this is not an location that can be considered to be subject to an overly excessive concentration of bed and breakfast accommodation particularly of the quality and type proposed by the Applicant in their submissions. I have noted the Appellants submissions that certain properties in Royal Canal Terrace are already in use for short term accommodation without permission and that a further property is subject to works where similar may be being considered. I also noted proximity to student accommodation which may also be being offered as tourist accommodation. I have also carefully considered the submissions in regard to the other forms of transient accommodation nearby such as co living, hotel, hostel etc. It appears to me however that whilst there is a level of transient accommodation provision in the area this is not directly of the tourist type proposed in this case and is not unduly excessive in such an urban location. I do not therefore consider that this proposal would result in an obvious and detrimental concentration of bed and breakfast tourist accommodation to the extent that would detract from the character of the residential conservation area or residential amenity.

14. **Impact of proposed development on residential amenity:** The existing building would not appear to have been occupied as a single dwelling for many years. Its previous use being described as a hostel (for railway workers), office and residential with submissions on file also that it was used as a language school and for other community purposes. It is now vacant, boarded up and showing some sign of being subject to vandalism and antisocial behaviour. I consider that its present condition and appearance detracts from the character of the residential conservation area and its residential amenity. The physical enhancements proposed in this application along with bringing the building back in to an appropriate use would benefit and enhance residential amenity in my opinion.
15. A proposal for a bed and breakfast accommodation of 13 bedrooms is a not insignificant intensity of use of this building on this relatively small site area immediately adjacent to a separate dwelling and close to other residential property. The building's location at the southern end of the Royal Canal Terrace lane, a

narrow service road running in front of the terrace of houses behind a wall on Phibsborough Road is also not ideal. This lane is made particularly narrow in places when, as I noted at my site inspection cars park in front of the houses.

16. My recommendation to omit two of the basement bedrooms will reduce this to 11 bedrooms which is still not insignificant but which would, in my opinion, be more acceptable and appropriate having regard to the buildings form, character and urban surroundings and location on a major transport route in to the city centre. I consider that given the 'in principle' acceptance of bed and breakfast accommodation in Z2 zoned areas that such a level, intensity and type of use along with other measures proposed such as the 24 hour staffing presence, Mobility Management proposals advising of absence of on site parking, proximity to good public transport networks and quality of provision suggested would ensure that unacceptable levels of noise, activity and disturbance would not result. I also consider that in its previous uses it would have generated some level of servicing requirement and associated activity.
17. The proposed replacement rear extension accommodating three bedrooms was amended in design by the Applicants at Further Information stage as a result of the request made by the Council. The revised design was deemed acceptable by the Planning Authority subject to condition replacing the proposed aluminium roof material with another to be agreed (note there appears to be a slight discrepancy with one plan showing a slate roof but elevations showing aluminium).
18. The single storey extension to rear follows the northern boundary with No 3 and has dimensions of approx. 4.6m x 13m x 3.1m (ht) and is of contemporary design. The extension would run beyond the rear single storey extension to No 3 however the mono pitch roof of the new extension at this point would only marginally exceed the existing boundary wall and its maximum height of approx. 3.1m. would be set away from the boundary. Having inspected the proposed development site from this adjoining dwelling I am satisfied that this would not result in an unduly obtrusive or overbearing impact or significant additional levels of shadowing or loss of light to No 3 or its rear garden to an extent that would constitute a significant loss of residential amenity.
19. **Impact of proposed development on protected structure:** Although significant concerns have been expressed by the Objectors in regard to the level of changes

proposed to the plan form and fabric of the building including insertion of ensuite facilities to each bedroom the changes made by the Applicant as a result of the Council's Further Information request were sufficient to satisfy the Council's Conservation Officer in regard to the acceptability of the proposals on the character and integrity of the protected structure. There were a number of outstanding concerns dealt with by condition including basement window detailing, materials (particularly to new rear building roof), detailing of new replacement screen to hallway, condition of roof survey required, treatment for area between public footpath and front entrance steps to be confirmed and details of railings to basement wells. I consider these requests to be justified.

20. At my site inspection I was able to gain access to most of the building spaces (although not to any loft spaces). I draw the Board's attention to the photographic surveys of the building set out in the Applicant's Architectural Heritage Impact Assessment Report lodged with the original application. There are some significant original elements of the building apparent including original staircase, historic joinery including widow casings, some doors and joinery and skirting, historic plaster and cornice and historic floorboards. In addition although previous uses and insertions of partitions and services were apparent throughout the buildings historic plan form is still evident.
21. I have reviewed the drawings and details lodged and considered the response to the further Information request. I consider that the proposals do seek to introduce some significant elements to accommodate the guest rooms in particular the separate ensuite rooms. I have however considered the proposals in the light of Government Guidance and Development Plan policy seeking to minimise interventions, respect historical integrity and to introduce new services, fixtures and fixings sensitively respecting plan form and building fabric using established techniques and materials. I consider the details available, changes made at Further Information stage including to the main ground floor reception rooms along with my recommendation that bedrooms 2 and 3 be omitted from the basement with a resultant total of 11 no. guest bedrooms will result in a sensitive and appropriate restoration of the building respecting its historical form, identity, fabric character and appearance. In my opinion the Architect has demonstrated some sensitivity in the insertion of the ensuite rooms and in suggested new wall linings, plaster repairs, damp mitigation



and protection and in addressing other key elements such as fire safety, fenestration detailing and finishes. The modern rear addition to be demolished and an external staircase to be removed appear of no historical or architectural merit and I raise no objections to their removal. Their replacement/removal would enhance the protected structure. I consider that the proposals are reasonable and will have a beneficial impact bringing the building back to life in a sympathetic and sensitive manner and enhancing its character and appearance.

22. Although some clarity was required in regard to treatment between the front entrance stairs and front boundary the proposals include for significant enhancements to the site curtilage. I draw the Board's attention to drawing no. 137B lodged with the Further Information response which illustrates this. I consider such proposals would be a substantial and positive enhancement to the setting of the building and to its appearance in the wider residential conservation area street scene.
23. **Impact of proposed development on Conservation Area:** I refer the Board to my comments above. I consider that the overall impact of these proposals will be positive in terms of both enhancing the appearance of the building itself and its setting with consequent beneficial effects for the residential conservation area. The replacement of its present somewhat neglected and boarded up appearance would be replaced with a building brought back to life with an appropriate use by a sensitive restoration. I consider therefore that the proposed development fulfils the guiding principles in a Z2 zoned area to enhance the architectural quality of the streetscape and the area, and to protect the residential character of the area.
24. **Traffic/access/car parking issues:** I note the Appellants reservations in regard to the difficulties imposed by the narrow lane serving the Royal Canal Terrace. As indicated above it has limitations due to its width and particularly when cars are parked on street in front of the houses. No detailed explanation of how these properties are currently serviced has been given however I have no information to suggest that some form of refuse collection and access by other service and emergency vehicles is not presently possible albeit by either special provision, pre planning and /or neighbourly actions on the part of the owners and occupiers of the houses. I note the absence of objections from the Councils Transportation Division who stated "The site is located within Parking Zone 1 where the maximum car parking standard for B&B use is zero. On this basis the proposed car parking

spaces should be omitted which can be addressed by condition .....” This report noted the preparation of a transport technical note and concludes that with the development plan standards for zero car parking, and the implementation of the mobility management plan auto tracking drawings and information on waste collection no further comments were offered and a grant of permission was recommended subject to conditions including removal of the onsite car parking.

25. The Appellants express scepticism given the nature of the proposed use and approach taken by the Council in permitting the development due to their perceived access, parking and servicing difficulties. I draw the Board’s attention in particular to the objection of Chris Bakkala in this regard and wherein is also contained a suggestion that the site is serviced from the southern end of the laneway by relocation of the existing bollards to prevent through traffic but to allow servicing of the development site. The Appellants question the general approach, acceptance and enforceability of the measures proposed in the mobility management plan and consider it inevitable that on street parking along the lane, obstruction and difficulties in serving the site to the detriment of the areas amenities would result.
26. The Development Plan identifies the site within Parking Zone 1 wherein no provision for car parking is made for a bed and breakfast use. Given the proximity to the city centre and to public transport and other sustainable transport options this is not unreasonable. I would therefore support the Council’s approach in seeking to omit the two car parking spaces entirely but retaining sufficient space as a turning facility. Further I have regard to the Council’s adopted approach as set out in the Development Plan (see above Development Plan Policy section 5.19). This Adopted policy seeks modal shifts and accepts the role of mobility management plans at a site level in achieving this. I have no reason to challenge the Applicants intentions and statements in this regard which appear in compliance with the Council standards and requirements. They include measures such as nominating a designated transport officer, bicycle parking provision, informing guests at time of booking of public transport options, advising of the unavailability of on site car parking and other practical servicing measures.
27. The proposals show servicing the site from the laneway accessing as presently occurs from its northern end on to Phibsborough Road. The submitted Further Information drawings drawings show the manoeuvring arrangements and swept path

analysis for a 7.5 tonne box van. I consider that the drawings demonstrate that whilst this manoeuvre is restricted that it is achievable and would allow service vehicles of this type to enter and exit in a forward direction along the lane. I believe from the submissions available and from my site inspection that there would be a sufficiency of space within the site that could be designed and laid out to allow for this turning facility to be provided and for service vehicles to successfully manoeuvre.

28. I note again the concerns of the Appellants on this issue. I consider that for example the suggestion made by the Appellant Chris Bakkala for accessing the site from the southern end of the lane may have some merit. However this is not the proposal to be considered by the Board in this instance and it is also outside of the control of the Applicants to provide. It would appear to me that this would be a matter within the jurisdiction and control of the City Council should they be lobbied to implement such an option. Similarly, a residents parking permit scheme if not already in place could be suggested as an option to the Council should excessive non resident car parking take place and create issues along the lane.

#### 29. **Appropriate Assessment Screening**

30. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom. the nature of receiving environment as a built up urban area and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

31. I have considered all the other matters raised but it seems to me that they are not so material to the consideration of the merits of this case to warrant reaching a different recommendation to that set out above and below.

### 8.0 **Recommendation**

1. In conclusion I recommend that the Board grant permission for the proposed development for the reasons and considerations and subject to the conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to

- the policies and objectives of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Dublin City Development Plan 2022 – 2028:
- the protected structure status of the property as noted on the Record of Protected Structures contained within the Dublin City Development Plan 2022 – 2028
- the site's prominent location in Royal Canal Terrace off Phibsborough Road within a Zoning Objective Z2 area as set out in the Dublin City Development Plan 2022 – 2028 with Objective to protect and/or improve the amenities of residential conservation areas:
- The permissible nature of a bed and breakfast use in a Z2 Zoned area as set out in the Dublin City Development Plan 2022 – 2028
- The current vacant status of the site and condition, character and appearance of the protected structure which is considered to detract from the appearance of the residential conservation area in which it is located and
- The proposed development's proximity to sustainable public transport networks and the city centre, mobility management measures proposed and policies seeking to promote tourism and sustainable transport modes as set out in the Dublin City Development Plan 2022 – 2028

it is considered that subject to the conditions set out below, the proposed development would not give rise to an undue proliferation of short term bed and breakfast tourist accommodation in the area, would not detract from the special form, integrity, character or appearance of the protected structure, its setting or

the character or appearance of the residential conservation area in which it is situated, would not detract from the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of December 2022 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. Prior to commencement of development revised and additional plans and particulars shall be submitted to, and agreed in writing by the planning authority incorporating the following amendments and additions to the proposed development:
  - (a) Omission of Guest Bedroom Nos 2 and 3 and associated ensuites at basement level as proposed on drawing no 127B in the Further Information response as received by the Planning Authority on the 14<sup>th</sup> December 2022. The revised plans shall make provision for an ancillary kitchen and storage use in these areas to serve the bed and breakfast accommodation and these areas shall be permanently retained thereafter in such use and shall not be converted to provide additional bedroom accommodation.
  - (b) Omission of the two on site car parking spaces as shown on Drawing No 128B received by the Planning Authority on the 14<sup>th</sup> December 2022. On commencement of use no on site car parking shall take place.
  - (c) Revised window detailing to the front basement window to be of high quality contemporary window design;

- (d) 1:20 details of the replacement screen proposed for the front hallway;
- (e) Detailed survey of the roof and all rainwater goods and any works proposed thereto including any works proposed to existing rooflights;
- (f) revised landscape details clarifying treatment of the area between the public footpath and the front entrance steps which shall include for use of granite paving slabs and omission of the proposed gates to the returned railing sections at the front entrance;
- (g) 1:20 details of the proposed railings to the basement wells.

**Reason:** In order to protect the integrity and character of the protected structure, its setting and the amenities of the area and to ensure the proposed development is carried out in accordance with best conservation practice.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

**Reason:** In the interest of public health.

4. Details of the internal and external finishes and materials of the proposed development hereby permitted shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include details of the materials proposed for the external construction of the new bedroom structure to the rear of the main building including a replacement of the aluminium roof proposed with alternative lead or zinc material.

**Reason:** In the interest of visual amenity and to protect the integrity, character and appearance of the protected structure.

5. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site 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) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no form of advertising, posters, boards or other form of advertising (illuminated or otherwise) shall be displayed on the buildings or within the site subject of this permission unless they have been the subject of a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such advertising on the character and appearance of the site, protected structure and the amenities of the area.

8. The developer shall enter into water and wastewater connection agreements with Uisce Éireann. .

**Reason:** In the interest of public health.

9. The operator shall implement the measures set out in the Mobility Management Plan and ensure that all employees and patrons are made aware and comply with this

strategy. The use hereby permitted shall only be operated in accordance with the measures set out in the Mobility Management Plan and on commencement of use a permanent written record shall be retained on site setting out how all such measures are being implemented.

**Reason:** In the interests of orderly development and sustainable transportation provision

10. The bicycle parking hereby permitted shall be secure using key/fob access , sheltered and well lit. The parking facility shall allow for both wheel and frame to be locked for all types of bicycles

**Reason:** In the interests of orderly development and sustainable transportation provision

11. Prior to commencement of development details of a Construction Management Plan and a Demolition Management Plan shall be submitted to, and agreed in writing by, the planning authority. These Plans shall include provision of details relating to traffic management and parking of construction and construction workers vehicles, plant and materials compounds, hours of work, noise and dust management and control measures, access provisions for plant, labour and materials, off site disposal of waste, measures proposed to keep adjacent roads clean of dirt, dust and debris and measures proposed to protect the safe and continued operation of public transport in the vicinity including LUAS operations and bus networks. The development shall thereafter only be carried out in accordance with the details contained in the agreed Plans.

**Reason:** In the interest of orderly development and to protect the amenities of the area

12. The site and building works required to implement the development hereby permitted shall only be carried out between the hours of:

0700 hours to 1800 hours Monday to Friday

0800 hours to 1400 hours Saturday

Sundays and Public Holidays No activity on site



No deviation from these times shall be permitted unless a written request has been previously submitted to, and agreed in writing by, the planning authority

**Reason:** In the interest of orderly development and to protect the amenities of the area

13. The landscaping scheme shown on drg no. 137B as submitted to the planning authority as Further Information on the 14<sup>th</sup> day of December 2022 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Philip Green  
Planning Inspector

21<sup>st</sup> December 2023