



An
Bord
Pleanála

Inspector's Report

ABP-317517-23

Development

Change of use from bed & breakfast use into residential use providing for 4 apartments, modifications/refurbishments to building, and all ancillary works necessary to facilitate the development. Protected Structure.

Location

88 Drumcondra Road Lower, Dublin 9, D09 F9K6.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3169/23

Applicant(s)

Peter McVerry Trust

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Iona and District Residents Association

Date of Site Inspection

29th September 2023

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.023516 hectares, is located a short distance to the north of Dublin City Centre and on the western side of Drumcondra Road Lower. The appeal site is occupied by a three-storey over basement structure whose last use was as a bed and breakfast (currently vacant). To the south is no. 86 which appears to be in residential use and to the north is no. 90, which also appears to be in residential use (flats). To the rear of the structure is a single-storey annexe and yard area (the site includes part of the yard area to the rear) and beyond such is Hollybank Court, which is an apartment development accessing off St. Joseph's Avenue.

2.0 Proposed Development

- 2.1. Permission is sought for a change of use of an existing structure from a bed and breakfast use into residential use providing for 4 no. new apartments, one per floor, within the existing floor area.

Unit 1 (lower ground floor 44.8sqm).

Unit 2 (ground floor 35.5sqm).

Unit 3 (first floor 45.1sqm)

Unit 4 (second floor 45.3sqm).

The proposal involves refurbishment and remedial works to the existing structure including replacement of all non-original windows with new timber framed sash windows at the front and rear.

The internal layout of the apartment units was revised in response to a further information request.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission granted subject to 8 no. conditions. Of note is the following conditions...

Condition no. 2: A number of architectural conservation details to be agreed prior to the commencement of development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

Planning Report (30/03/23): Further information required including clarification of the site proposed as the construction compound, submission of a daylight study, submission of a detailed room by room photo inventory and revised layouts to ensure legibility of the historic floor plan. .

Planning Report (30/05/23): The proposed development was considered satisfactory in the context of the proper planning and sustainable development of the area and a grant of permission was recommended subject to the conditions outlined above.

Other Technical reports

EHO (22/02/23): No objection subject to condition.

Drainage Division (14/03/23): No objection subject to condition.

Transportation Planning (14/03/23): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 A submission was received from the Iona and District Residents Association

The issues raised can be summarised as follows...

- Previous refusal for similar development on site.
- Does not comply with BHA2(d) with adverse impact on a protected structure.
- Ground floor apartment is too small.
- Inadequate cycle parking. Inappropriate subdivision of the site.
- Lack of clarity regarding temporary access to the rear.

4.0 Planning History

3313/22: Permission sought for a change of use of existing structure from bed and breakfast use to 4 no. apartment units. Further information was requested without response, application deemed withdrawn.

2147/09: Permission refused for renovation and restoration of the period structure, change of use from bed and breakfast and subdivision into 4 no. one-bed units, demolition of single-storey rear return and construction of a duplex apartment unit. Refused based on two reasons...

1. Having regard to the Architectural Heritage Protection Guidelines, it is considered that the impacts of the proposed subdivision of the house into four apartments would have an undue adverse effect on the fabric and character of the protected structure, and would furthermore provide a substandard form of residential development. The proposed development would constitute an unacceptable form of residential development. The proposal would constitute overdevelopment of the protected

structure, would set an undesirable precedent for similar such developments, would be contrary to the development plan objectives of the Dublin City Development Plan, and as such would be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of the number of units in the main dwelling and the proposed additional unit to the rear occupying in excess of 50% of the garden would fail to satisfy minimum open space standards in the Dublin City Development Plan 2005-2011, would represent substandard development in terms of open space provision, would be detrimental to the setting of the Protected Structure and adjoining properties, would be injurious to the amenities of the Residential Conservation Area, and would thus be contrary to the provisions of the Dublin City Development Plan and the proper planning and sustainable development of the area.

3042/99: Permission granted for a two-storey extension to the rear.

1777/94: Permission refused for retention of mews at the rear. Refused for 4 no. reasons relating to non-compliance with standards, no independent access, conflict with car parking and poor precedent.

1046/91: Permission granted for retention of change of use from residential to bed and breakfast.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2022-2028. The site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'.

No 88 Drumcondra Rad Lower is included on the Record of Protected structures

RPS ref No. 2356 with a description as House, including railings, entrance gates and plinth wall.

BHA2

Development of Protected Structures

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) 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.
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (d) 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.
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats.

5.2 **National policy**

Architectural Heritage Protection Guidelines for Planning Authorities: Guideline's for Planning Authorities (October 2011)

5.3 **Natural Heritage Designations**

None in the vicinity of the site.

5.4 **EIA Screening**

Having regard to the nature and scale of the proposed development, comprising of change of use of an existing structure from bed and breakfast use to 4 no. apartments, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 A third party appeal has been lodged by the Iona and District Residents Association. The grounds of appeal are as follows...

- Permission was refused previously for a change of use to 4 no. apartments and it is considered that the same assessment of that proposal applies to this with an impact on the historic plan of all floors and related historic fabric. The Architectural Heritage Impact Assessment fails to assess the impact to the historic plan of the structure.

- The lack of access to St. Joseph's Avenue is noted with subdivision of the site. It is noted that the level of bin storage is inadequate. It is considered that pedestrian access/right of way to St. Joseph's Avenue should form part of the development and was part of previous permissions on site. The lack of access will impact on bin storage with such needed to be brought through the building and possibly left in the front garden.
- The lack of rear access means bicycle storage to rear and such is an unsatisfactory solution.

6.2. Planning Authority Response

6.2.1 No response.

6.3 Applicant response

6.3.1 A response has been received

- The proposal is different than the previous refusal on site, which was for 5 no. units. The proposal is for one unit per floor and respectful of the existing building constraints and the unit layouts were amended to address the legibility of the historic floor plan.
- The applicant has clarified the status of the lands to the rear and has confirmed that they are not the owner of the rear portion of the site and that they have negotiated construction access through such. The issue of permanent access through these lands is not within the applicant's control. The applicant will erect a wall defining the extent of the site and note that current arrangement is an anomaly not reflecting physical separation of ownership. It is noted that most plots on adjoining sites and within the area have only single frontage access.
- In relation to bin storage and access no. 88 is no different to other mid terrace structures part of the same terrace with bin collection from the corners at each end of the terrace on collection day. The conditions attached to the grant of

permission restrict bin storage and bicycle storage to the rear of the structure due to the status of the protected structure and such is accepted by the applicant.

7.0 Assessment

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

Principle of the proposed development

Impact on a protected structure/architectural heritage

Quality of the units

Rear access/subdivision

7.2 Principle of the proposed development:

7.2.1 The proposal is for a change of use of an existing three-storey over basement structure from a bed and breakfast use to residential units with the provision of 4 no. one bed apartment units and associated site works. The appeal site is zoned Z2 with a stated objective 'to protect and/or improve the amenities of residential conservation areas'. The provision of residential use at this location is consistent with the zoning objective and in keeping with established uses in the vicinity. The existing structure is a protected structure and appears to be vacant and based on the information on file and is in neglected condition. The proposal for an active and ongoing residential use within the existing protected structure with refurbishment, repair and remedial works proposed that would contribute towards its ongoing protection and maintenance. In this regard the principle of the proposed development is acceptable.

7.3 Impact on a protected structure/architectural heritage:

7.3.1 The existing structure is a protected structure being a two-bay three-storey over basement mid terraced late Georgian house with a single-storey annexe to the rear. The existing or last use (currently vacant) was as a bed and breakfast establishment. The proposal is to provide a one bed apartment unit on each level with a kitchen/living/dining space, bedroom and bathroom. The appellants have

raised concerns regarding the impact of the proposal on the protected structure with emphasis on the historic layout of the structure. The applicant was requested by way of further information to submit revised layouts to ensure the legibility of the historic floor plans is retained at all levels.

7.3.2 In relation to layout the alterations proposed do not entail an alterations to the existing historic fabric in terms of any of the solid walls and openings within the existing structure. The alterations entail removal of later non-original partition walls and provision of new stud partition walls to provide for the apartment layouts. I would consider that removal of non-original partition walls is acceptable in context of architectural heritage and the provision of new stud partitions, which are reversible is also acceptable in the context of architectural heritage. The applicant revised the internal layout of the apartments in response to the further information request with revised layouts providing for disengagement of fittings and new partitions with the chimney breasts along the eastern party wall and relocated to elsewhere in the layout for each apartment. I would be of the view that the proposed development preserves the historic layout that remains in the structure with no alteration to the original solid external and internal walls and openings with the removal of only non-original partitions that are later additions and that any new partitions (stud walls) are easily reversible.

7.3.3 The proposed development is accompanied by an Architectural Heritage Impact Assessment and Engineering report with full details regarding the extent of works proposed. The proposal entails refurbishment, repair and remedial works to the existing structure and such works include replacement of non-original windows with timber sash windows and like for like repairs to historic fabric and features. I am satisfied that the works proposed have adequate regard to the status of the structure as a protected structure and would be in compliance with Development Plan BHA2 and the Architectural Heritage Protection guidelines.

7.4 Quality of units:

7.4.1 The proposal is for 4 no. one-bed units ranging from.

Unit 1 (basement 44.8sqm).

Unit 2 (ground floor 35.5sqm).

Unit 3 (first floor 45.1sqm)

Unit 4 (second floor 45.3sqm).

The apartment unit at ground floor level is below the floor area standards for new apartments under Development Plan policy and the (Table 15-5) and Sustainable Urban Housing: Design Standards for New Apartments with the requirement for one bed units being 45sqm with an aggregate living space of 23sqm. This unit 35.5sqm with kitchen/living dining space of 15.7sqm. The development plan standards and Apartment Guidelines refer to new building proposals. The proposal is a conversion of an existing structure. The remainder of the units meet the standard of 45sqm (units 1, 3 and 4).

7.4.2 The planning authority requested that the applicant submit a daylight and sunlight assessment. The applicant submitted a Daylight/Sunlight Analysis. Daylight was assessed in the context of the BRE Guide (third Edition, 2022)/BS EN 17037:2018 with target illuminance values for bedrooms, living rooms and kitchens.

Bedroom 100

Living room 150

Kitchen 200

Where one room is dual purpose the target illuminance for the room with highest value is use (shared kitchen and living is 200). This target is applied over 50% of the floor area over 50% of the daylight hours. The assessment was carried out for the basement level unit with bedroom and kitchen/living/dining areas meeting the recommend target value. Based on the fact this is the lowest level unit on site it is reasonable to conclude that the units on the upper levels (ground, first and second floor) would achieve the same levels,

7.4.3 The applicants report notes that the Planning Authority requested an assessment of Vertical Sky Component (VSC), is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value. The applicant notes that as the proposal is an internal rearrangement of the spaces within the building with no impact on the walls, it can be concluded there will be no effect on VSC values. I am satisfied that the applicant has demonstrated that the proposed residential units will have a sufficient level of daylight.

7.4.4 The proposed apartments do not have any private open space provision and given the nature of the proposal and restrictions of being a conversion of a protected structure to apartment units, the provision of such would not be practical or achievable without a disproportionate impact to the fabric of the existing structure. The area to the rear of the site is to be used for bin storage and bicycle storage with the single-storey annexe to rear to provide each apartment units with a storage unit.

7.4.5 I am of the view that the proposal provides a residential development of acceptable standard in terms of amenities for future residents and that the units are generally of a satisfactory size, layout with sufficient storage provided in the form of storage within the units themselves, bin storage and cycle storage to the rear as well as storage units for each apartment accessed externally. In relation to the appellants' concerns regarding level of bin storage and practicality of access for bin storage and bicycle storage I would note that there is sufficient external space to store 12 bins as opposed to the 8 indicated on the layout.

7.5 Rear access/subdivision:

7.5.1 In regards to access, I would accept that most of the existing structures at this location have only access to the street/public area to the front and that it is not a

limitation that would justify preclusion of the proposal in this case being a limitation that is quite common within a built up urban area. Access to the front is the shortest distance whereas if rear access was available it would be through a site in separate ownership and an existing apartment development to get to St. Joseph's' Avenue.

7.5.2 In relation to subdivision of the extent of the site does not include the entirety of the yard area to the rear with the western part of such in separate ownership and not included in the redline boundary. The proposal includes construction of boundary wall with no access provided to the rear. The applicant has indicated that they have negotiated construction access through these lands and that the construction compound is to be located on such. I do not consider that this is an issue that is significant or merits preclusion of the development or is a subdivision of the historic curtilage of the protected structure that would be detrimental to the setting or status of the protected structure. This portion of what would have been the curtilage of the existing structure on site is likely being retained as a development site (planning history on such) and any proposal is likely to be subject to permission and assessment.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the pattern of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable standard of residential development, would provide for ongoing sustainable use of a structure on the record of protected structures, would have no adverse impact on the historic fabric or features of architectural heritage /conservation value, would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the revised plans submitted on the 15th day of May 2023, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall comply with the following conservation requirements of the planning authority –

(a) A professionally qualified and accredited conservation architect 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 façades structure and/or fabric. The final scope of structural works shall be confirmed in the context of surviving primary fabric by detailed submission to the planning authority, the proposed detail of all new elements (glazed roof, recessed areas, ramps, balconies shall be confirmed in writing prior to construction.

(b) All 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. Any 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/presentation. New services shall be of minimal intervention (wireless type guided) and shall be installed to avoid adverse impact on surviving significance. New paint finishes shall reference Heritage palette and shall be appropriate to the character of the primary spaces and breathable. Previous historical finishes shall be recorded where they are discovered and used to inform interior schemes where possible.

(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. The location and installation of all new services shall respond/be considered in the context of the surviving fabric.

(d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to the replacement windows. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be reviewed with the planning authority and shall be submitted for written agreement prior to commencement to

avoid loss or damage to original fabric and ensure that the character of this protected structure is not altered.

(e) Samples of materials and site exemplars of site workmanship with respect to repairs and restoration to the interior/exterior to be carried out shall be submitted where deemed necessary by the planning authority. Works in relation to fire upgrading of joinery shall be agreed in the context of surviving significance-managed solutions and building control waivers to be sought/provided to safeguard the architectural heritage. Where doors are to be upgraded for fire the detail to be agreed in writing with the planning authority.

(f) Confirmation of the basement works to remedy damp ingress shall be confirmed prior to implementation. Thermal upgrading works that specifically remove or alter the ability to regulate moisture or removes/overlays original historic features shall be specifically omitted.

(g) The restoration of historically detailed windows and joinery throughout shall be confirmed by written submission to the planning authority.

(h) Exemplars for conservation works to the exterior shall be provided on site and agreed with the planning authority, in particular railings, guards to basement areas, entrance steps, brick and stone cleaning/repairs.

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

3. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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.

Colin McBride
Senior Planning Inspector

02nd October 2023