

An
Bord
Pleanála

Inspector's Report ABP318468-23

Development

Protected Structure: the proposed development will consist of internal alterations at each floor level to reconfigure the existing 9 no. flats.

Location

101 North Circular Road, Dublin 7 (a protected structure : Ref. 1617).

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4382/23.

Applicant(s)

JMA Ventures Limited.

Type of Application

Permission.

Planning Authority Decision

Refuse permission..

Type of Appeal

First Party

Appellant(s)

JMA Ventures Limited.

Observer(s)

None.

Date of Site Inspection

12/01/2024.

Inspector

Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 101 North Circular Road (RPS ref. no. 1617) is a 2-storey over raised basement 2-bay mid-terrace late Victorian town house constructed circa. 1880. The house is located on the north side of the road in a streetscape of similar houses close to the junction of North Circular Road with Marlborough Road.
- 1.2. No. 101 North Circular Road is recorded as part of a group with nos. 95-101 North Circular Road on the National Inventory of Architectural Heritage (NIAH) and is given regional rating defining architectural and artistic interest.
- 1.3. The four terraced houses comprising Nos. 95-101 North Circular Road have a shared parapet, identical door surrounds and fenestration. The houses moving east from Marlborough Road toward no. 101 North Circular Road are configured as two sets of paired terraced houses within the overall streetscape.
- 1.4. The houses have a pronounced vertical corner stone (quoin) banding at the extremities of the pairings defining the elevation divisions. The paired divisions comprise nos.95-97 and nos. 99-101. No.101 North Circular Road exhibits the pronounced vertical banding at the junction with no.103 North Circular Road (RPS ref. no. 1619) at the eastern extremity of its pairing.
- 1.5. The large period houses on North Circular Road have in the majority been subdivided into smaller multiple residential units. A number of properties would fall under the categorisation of pre-1963 status including no. 101 North Circular Road.
- 1.6. No. 101 North Circular Road is in poor condition and presents an unkempt appearance to the street. The house is vacant presently.
- 1.7. The rear garden has been truncated and a pair of contemporary mews type houses are under construction onto the rear laneway (St. David's Terrace) behind no.101 North Circular Road and the adjoining house at no.103 North Circular Road.
- 1.8. Site area is given as 306 sqm.

2.0 Proposed Development

The proposed development comprises the refurbishment of no. 101 North Circular Road including the upgrade of the 9 number extant residential units within the

protected structure and the construction of a single-storey extension to the rear. The following works are proposed:

- (i) removal of non-original partition walls, kitchenettes and bathrooms.
- (ii) removal of all non-original boxing out and services throughout.
- (iii) formation of simplified kitchenettes and bathrooms.
- (iv) installation of new fire-rated internal doors in original style off circulation spaces; installation of modern flush doors within apartments.
- (v) upgrading fire and acoustic performance of existing suspended timber floors.
- (vi) provision of a 1 m² automatic air opening vent of area to the roof over existing stairs to comply with fire regulations.
- replacement throughout of non-original windows with timber sash incorporating trickle vents.
- (viii) replacement of the non-original front door with an historically appropriate panelled hardwood door with bronze finish ironmongery.
- (ix) demolition of the solid masonry balustrade to the front entrance steps and replacement of same with cast iron handrail to match the adjoining original.
- (x) removal of non-original façade vents and making good of walls.
- (xi) replacement of non-original lower ground floor external doors with new hardwood picture framed doors.
- (xii) repair of the broken string course on the rear façade.
- (xiii) making good to damaged window opes to rear return façade at first floor level.
- (xiv) provision of a flat roofed single-storey extension to the rear return providing a kitchenette and utility rooms.
- (xv) relocation of existing stone steps to rear garden.
- (xvi) removal of concrete paving to front yard and replacement of same with lawn; removal of broken clay paving to rear yard and replacement of same with stone paving.

- (xvii) installation of upgraded services including electrics, plumbing, fire and burglar alarms, intercoms, CCTV and data / phone
- (xviii) repair and restoration of original features including window surrounds, painted timber shutter boxes, skirting and plasterwork.
- (xix) Drainage and all associated site development and ancillary works necessary to facilitate development.

3.0 Planning Authority Decision

3.1. Decision

Refuse planning permission for the following reason:

Having regard to the proposed quantum of relocated en-suites and kitchens, which would result in a significant further loss of historic fabric within historic rooms that have already been compromised by the introduction of unsympathetic facilities, the proposed development would result in an overly intense use of this Protected Structure, which would have a detrimental impact on its special interest. The proposals are therefore considered to be incompatible with its future long-term conservation and would cause serious injury to the historic fabric and architectural character of the Protected Structure and would set an undesirable precedent, contrary to Section 11.5.1 BHA2 e), f) and g) of the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the CEO of Dublin City Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

- The Drainage Division do not object to the proposal subject to condition.
- The Environmental Health Officer reports with suggested conditions including restrictions on construction hours and a request for a construction management plan.

- The conservation report recommends refusal.

4.0 Planning History

The following planning history is relevant: (within the historic curtilage of the protected structure):

- Under Register Ref: 3268/21 planning permission was granted for amendments to previous approved (Register Re: 4340/17) 2 no. two storey 3 bedroomed mews houses to the rear of nos. 101 & 103 North circular Road accessed from St. David's Terrace.
- Under Register Ref: 0276/21 the planning authority granted a social housing exemption certificate (Section 97) for alterations to previously granted planning permission for 2 mews houses.
- Under Register Ref: 4021/18 an application to demolish existing garden walls and derelict buildings and for the construction of a two storey mews, to the rear of nos. 101-103 North circular Road, comprising 2 no. one bed apartments and 2 no. two bed apartments was the subject of a further information request, which did not receive a response within the statutory timeframe, was deemed to be withdrawn.
- Under Register Ref: 0139/17 the planning authority granted a social housing exemption certificate (Section 97) for 2 3-bed two-storey mews houses.
- Under Register Ref: 4340/17 planning permission was granted for 2 no. two storey 3 bedroomed mews houses with integral garages to the rear of nos. 101 & 103 North circular Road accessed from St. David's Terrace.

5.0 Policy and Context

5.1. Development Plan

The relevant land-use zoning objective of the Dublin City Development Plan 2022-2028 (Map E) is Z2 (Residential Conservation): *To protect and/or improve the amenities of residential conservation areas.*

The proposed development is a permissible use.

- **Residential conservation area designation**

The rationale for residential conservation area designation is that the overall quality of an area in design and layout terms is such that it requires special care in dealing with development proposals, which would affect structures both protected and non-protected in such areas. The objective is to protect conservation areas from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area. In this regard development standards in conservation areas, Chapter 15 (Development Standards) of the Dublin City Development Plan 2022-2028 states:

All planning applications for development in Conservation Areas shall:

- *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.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*
- *Positively contribute to the existing streetscape. Retain historic trees also as these all add to the special character of an ACA, where they exist.*

Furthermore, Chapter 11 (Archaeology & Built Heritage) Policy Objective BHA9 of the Dublin City Development Plan 2022-2028 *inter alia* states:

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives..... 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. Enhancement opportunities may include:

- Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- Re-instatement of missing architectural detail or important features.*
- Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns*
- Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*
- The repair and retention of shop and pub fronts of architectural interest.*
- Retention of buildings and features that contribute to the overall character and integrity.....*

- Protected Structure status**

No.101 North Circular Road is a Protected Structure (RPS Ref: no. 1617).

The development plan states that: *the purpose of protection is to manage and control future changes to these structures so that they retain their significant historic character.*

Policy Objective BHA2, Section, 15.5.1, Chapter 11 in the matter of the development of protected structures states:

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.*
- (e) 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.*
- (f) 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.*
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (j) Have regard to ecological considerations for example, protection of species such as bats.*

Works to a protected structure should be carried out in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the Conservation Advice Series published by the Department of Housing, Local Government and Heritage.

- **Other relevant policy matters**

No. 101 North Circular Road is recorded in the National Inventory of Architectural Heritage (NIAH) (Reg. no. 50070017) as one of a terrace of four two-bay two-storey over raised basement houses (nos. 95-101 NCR), built c.1880. The inventory

accords regional status (architectural / artistic categories of special interest) to the 4 number houses and states the following in terms of appraisal:

This group with a substantially raised entrance level presents an elegant elevation suited to the broad character of the tree-lined North Circular Road. The brickwork, door surrounds and front garden boundaries survive in good condition presenting a unified appearance to the streetscape. The paired entrances with shared platforms give a grand scale to the terrace, as does the use of quoins to each pair, creating the scale of two large houses rather than four smaller ones.....

- **National Guidelines**

In terms of national guidance - Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht are relevant.

Further detail on the appropriateness of works *inter alia* to a protected structures is provided for in the Department of Environment, Heritage & Local Government – conservation advice series.

5.2. EIA Screening

5.3. The proposed development is not within a class where EIA applies.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal prepared by Hughes Planning and Development Consultants on behalf of the appellant is summarised below:

- The appellant disagrees with the planning authority's conclusion that the proposed development will result in an overly intense use of the protected structure. The property presently incorporates sub-division to provide for 9 number residential units using non-original partition walls. The refurbishment

of the existing units would be consistent with the residential conservation zoning objective;

- The modifications proposed do not result in a change in the quantum of units rather they increase the residential standards of the extant units. The planning authority failed to have regard to the building's existing conditions and what would happen in a do nothing scenario. The planning authority assessment outlines a general objection to the principle of the on-going use of the building for anything more than three units is considered to be an unreasonable approach;
- The appellant states that the application is not for a change of use. Furthermore, the conservation officer report labelling the application as a change of use from long stay to short stay accommodation, which would result in the suggested intensification of the use of the structure, is an incorrect assessment of the development proposal;
- The proposed development provides for the reconfiguration and the restoration of the protected structure providing for a more efficient spatial use of the internal floor area. The works will not endanger the historic fabric rather they will enhance the usability of a historic building. It is claimed the planning authority's concern of intensification of use are unjustified given that the quantum of units would not change;
- At present the property has been inefficiently sub-divided by non-original partition walls, which undermine the architectural integrity of the protected structure. The removal works involve non-original features which already detract from the historic fabric of the building. The appellant claims the works will greatly improve the usability and amenity of each unit maximising floor space whilst protecting and restoring the original features.
- The appellant provides example of similar refurbishment works to protected structures in multiple residential use including refurbishment works at no. 97 North Circular Road where planning permission was granted for the upgrade of 9 residential units in a 10 unit pre-1963 configuration under Ref: ABP-308189-20.

- The appellant also cites the example of no. 57 Rathgar Road (Reg. ref. 3085/17) and no. 57 Harcourt Street (Reg. ref. 3072/17). No. 57 Harcourt Street a pre-1963 sub-division within a protected structure forming part of a prominent streetscape was granted permission for the upgrade / reinstatement of extant units subsequent to fire damage (ABP 301253-18). The commentary of the inspector in the matter of the distinction between a change of use application and an application for improving the existing pre-1963 use is cited noting that the inspector concluded that a focus on the former would result in a dearth of investment in the upkeep of subdivided protected structures. In this regard the appellant claims that the planning authority failed to consider the long term viability of no.101 North Circular Road;
- The appellant details the scope and extent of the proposed internal and external works, which would represent the total refurbishment of the protected structure ensuring that the property which has deteriorated in condition over recent years would not damage the character of the area. All works will be carried out in accordance with best conservation standards and practice;
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011) highlight the importance of keeping a building in active use. The guidelines also acknowledge the need to balance the building's continued economic viability with the effect on the character and special interest of its fabric. It is considered that the established use and use intensity of the property have not been given due consideration by the planning authority.
- The proposed development is consistent with local policy direction and is in accordance with the proper planning and sustainable development of the area. In concluding that the proposed development would result in an overly intense use of the protected structure the planning authority failed to recognise that the subject proposal seeks to appropriately reconfigure the units within the building.

6.2. Applicant Response

First party appeal.

6.3. Planning Authority Response

The planning authority request that the Board uphold their decision. In the event permission is to be granted, a condition requiring the payment of a Section 48 development contribution should be attached.

6.4. Observations

None

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and encapsulates my overall consideration of the application. It is noted there are no new substantive matters for consideration.

7.2. No. 101 North Circular Road is a protected structure (Ref: 1617). The proposed development consists of the reconfiguration of the existing 9 no. residential units and associated external works. The proposed substantive works consist of the following:

Internal works comprising repair and restoration of original features including window surrounds, painted timber shutter boxes, skirting and plasterwork and –

- (i) removal of non-original partition walls, kitchenettes and bathrooms.
- (ii) removal of all non-original boxing out and services throughout.
- (iii) formation of simplified kitchenettes and bathrooms.
- (iv) installation of new fire-rated internal doors in original style off circulation spaces; installation of modern flush doors within apartments.
- (v) upgrading fire and acoustic performance of existing suspended timber floors.
- (vi) provision of a 1 m² automatic air opening vent of area to the roof over existing stairs to comply with fire regulations.

External (front & rear) including associated site development works and –

- (vii) replacement throughout of non-original windows with timber sash incorporating trickle vents.
- (viii) replacement of the non-original front door with an historically appropriate panelled hardwood door with bronze finish ironmongery.
- (ix) demolition of the solid masonry balustrade to the front entrance steps and replacement of same with cast iron handrail to match the adjoining original.
- (x) removal of non-original façade vents and making good of walls.
- (xi) replacement of non-original lower ground floor external doors with new hardwood picture framed doors.
- (xii) repair of the broken string course on the rear façade.
- (xiii) making good to damaged window opes to rear return façade at first floor level.
- (xiv) provision of a flat roofed single-storey extension to the rear return providing a kitchenette and utility rooms.
- (xv) relocation of existing stone steps to rear garden.
- (xvi) removal of concrete paving to front yard and replacement of same with lawn; removal of broken clay paving to rear yard and replacement of same with tone paving.
- (xvii) installation of upgraded services including electrics, plumbing, fire and burglar alarms, intercoms, CCTV and data / phone points.

7.3. The relevant planning matters arising, including the matters relating to the refusal of planning permission by the planning authority, are interrogated in my assessment under the following headings:

- The principle of development.
- Policy Objective BHA2 (development of a protected structure) Paragraphs (a) to (j).
- Policy Objective BHA9 (development in a conservation area).
- Internal and external residential amenity.

- Other matters

7.4. The principle of development

No. 101 North Circular Road is subdivided into a legacy 9 residential units, which is evidenced to have pre-1963 status. The property was originally a single-family dwelling house. No. 101 North Circular Road is a protected structure (Ref: 1617).

- 7.5. The development plan *inter alia* states that the purpose of protection is to manage and control future changes to protected structures so that they retain their significant historic character. The appellant claims the intervention required to the protected structure to upgrade the existing 9 residential units will have minimal impact on the existing fabric of the building and is reversible. Furthermore, the integration of the new services within the existing fabric has been carefully considered and provides for minimal removal of the original building fabric.
- 7.6. The planning authority adjudicated on the development proposal and concluded that the proposed development would result in an overly intense use of this protected structure, which is considered to be incompatible with its future long-term conservation. Furthermore, the proposal would cause serious injury to the historic fabric and architectural character of the protected structure and would set an undesirable precedent. The planning authority refused planning permission based on a case officer assessment, which reflects *inter alia* the recommendation contained in the conservation officer report.
- 7.7. The conservation officer states that in the interests of conservation and planning gain, the applicant should reconsider the proposal which risks compromising the special architectural character and historic fabric of the protected structure. Instead of providing the same number of small bedsits (9 extant flats), the applicant should consider the introduction of one apartment per floor in line with best conservation requirements and minimum standard guidelines.
- 7.8. I consider that the planning assessment relates to the planning application lodged by the applicant rather than a theoretical development proposal. I further consider that the proposal to refurbish the existing legacy residential units must be assessed on its own merits. The following assessment is an interrogation of the proposal for the refurbishment of the existing 9 residential units against the policy framework

provided by the Dublin City Development Plan 2022-2028 including residential amenity and architectural heritage matters.

7.9. Policy Objective BHA2, Chapter 11, (Section 11.5.1) of the Dublin City Development Plan 2022-2028 states in the matter of the development of protected structures that development will conserve and enhance protected structures and their curtilage and will satisfy the listed criteria in paragraphs (a) to (j) (see policy context for detail). The planning authority has refused planning permission *inter alia* based on these criteria having regard to the proposed quantum of relocated en-suites and kitchens, which would result in a significant further loss of historic fabric within historic rooms that have already been compromised by the introduction of unsympathetic facilities specifically citing paragraphs (e), (f) and (g). The cited paragraphs are interrogated below with reference to the development proposal including the potential impact of the intervention works on the integrity and character of the protected structure.

7.10. Finally, it is considered that the refurbishment of the existing 9 legacy residential units is consistent with the residential zoning objective for the site, which seeks *to protect and/or improve the amenities of residential conservation areas*, and as such is acceptable in principle.

7.11. Objective BHA2 (a) & (b): apply guidance protecting special character & appearance.

The planning application is accompanied by a Conservation Report (August 2023), Historic Appraisal & Photographic Record, prepared by Lawrence and Long Architects (RIAI Conservation Grade II). The report outlines the conservation principles that have guided the proposed works, which align with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) (Chapter 7 – Conservation Principles) including:

1. Conservation work to be based on an understanding of the building and its historical development. The primary aim to be to retain and to recover the significance of the building.
2. Alteration to be carried out in accordance with the principle of 'minimal intervention'.
3. Repairs to original fabric to be favoured over replacement. Where replacement of an original element is unavoidable this is to be based on historically correct profiles and materials.

4. Where elements must be re-constructed the proposals to be historically correct and authentic and to avoid conjectural propositions.
5. Modern interventions to be reversible and where appropriate visually identifiable. New works to be recorded.
6. Works to be carried out by suitably skilled craftsman with proven record in the trade of working with historic buildings.

I consider that the applicant has in formulating the proposed suite of works applied acceptable conservation principles to the refurbishment of the subject protected structure. It is further noted that on the day of my site visit that the building appeared unkempt and vacant. It is acknowledged by the Guidelines that keeping a building in active use is a key conservation principle, which is generally recognised as the best mechanism to protect the building. I consider that the proposed development would expedite the continued and active use of the subject protected structure. It is considered the applicant has satisfied paragraphs (a) and (b) of Objective BHA2.

7.12. Objective BHA2 (c): best conservation practice

The Conservation Report, Historic Appraisal & Photographic Record, prepared by Lawrence and Long Architects (RIAI Conservation Grade II) details the scope of works and the methodology to be deployed in the refurbishment of no. 101 North Circular Road. The planning report submitted with the application and the appeal statement clarify that all works will be carried out in accordance with best conservation standards and practice: *works will be carried out by competent tradesmen with minimal intervention to the original fabric of the building*. The applicant / appellant reiterates that all materials to be used will be sympathetic to the original fabric of the structure and all proposed works will be reversible.

7.13. Objective BHA2 (d) appropriate modification / extension of protected structures

Paragraph (d) requires *inter alia* extensions to a protected structure and/or its setting to be sensitively sited and designed and to be appropriate in scale, mass, height and material finish. It is considered that the proposed single-storey extension to the rear of the building would be modest in scale and height (3m). It would extend approximately 4.5m beyond the existing 3-storey return and would measure in footprint an approximate 18 sqm (4350mm x 4180mm) – an additional internal floor

area of approximately 15.5 sqm. The proposed extension would have a flat roof and would have a render finish to match the existing return.

- 7.14. Section 7.8.3 (Chapter 7) of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) states *inter alia* that where new alterations and additions are proposed to a protected structure, it should be remembered that these will in their turn become part of the structure's history. It is important that new additions make their own positive contribution by being well designed and constructed. It is considered that the proposed single-storey extension would be an acceptable sensitive accretion to the protected structure. It would provide additional accommodation on site, including communal facilities, and would be distinct in form to the existing pitched-roof return of the main house exhibiting contemporary fenestration.
- 7.15. Furthermore, the proposed single-storey extension of the protected structure would respect the existing setting and character of the surrounding area and would be consistent with the conservation area designation of the site.
- 7.16. Objective BHA2 paragraphs (e) & (f) building form and structural integrity, historic fabric and the special interest of the interior
- 7.17. The reason for refusal cites that the proposed works would *inter alia* be contrary to the provisions of paragraphs (e) & (f), which seek to ensure that the form and structural integrity of the protected structure including historic fabric and the special interest of the interior is retained in any redevelopment proposal. Paragraph (f) provides that the interior plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials should be respected. The appellant claims that the proposed works will aid the legibility of the original floor plan, proportions and detailing of no.101 North Circular Road whilst upgrading the existing units to comply with contemporary building regulations and standards.
- 7.18. The conservation report submitted by the applicant (August 2023), prepared by an RIAI accredited Grade II conservation architect, states that the intention of the proposed works is to enable the protected structure to be used as modern living accommodation while preserving the special character and integrity of the principal rooms and original features of architectural value. In this regard the proposal would remove the non-original partitioning and services (including visible existing heating

and plumbing) within the individual rooms of the house in order to reinstate the original room volumes. The conservation report clarifies that the overall approach is to carefully and sensitively reconsider the room layouts to avoid fire lobbies and to introduce and improve natural daylighting to the interior.

- 7.19. The provision of upgraded multi-unit accommodation would be achieved by working within the historic floor plan of the building generally without altering the original room volumes. In this regard en-suite and kitchenette facilities within the individual residential units will be simplified. The service enclosures would be accommodated within narrow panelled spaces along the walls of the subject rooms to a height of circa. 2.5m (to the height of the top of the internal doors including architraves). The inserted services would avoid interference with the existing ceilings and the window surrounds. The conservation report (August 2023) states that this internal planning strategy ensures that the proportions of the original rooms are maintained and would preserve and repair the original decorative ceiling plasterwork.
- 7.20. The conservation report documents that the provision of new services (mechanical) within the existing fabric has been carefully considered not to have any impact on the existing original fabric. It is acknowledged that the relocation of simplified en suites and kitchen facilities may have a limited negative impact on historic fabric – service layouts are provided on DRG. PP.04. It is noted that laundry services would not be provided within the individual units rather a communal laundry is located within the proposed single-storey extension at the rear of the property.
- 7.21. The existing house has a legacy sub-division, pre-1963 status is evidenced in the planning application, where non-original partitioning is spatially and visually obstructing the appreciation of the original room volumes. This is clearly evident for example at the apex of the main stairwell where the first floor landing is spatially compromised and the decorative relieving arch is in part obscured by partitioning. I consider that significant gain will be realised by the removal of the existing legacy sub-division partitioning throughout the property and by the installation of services in a manner that would respect the room proportions fully revealing and providing for the repair of the period plasterwork and shutter boxes.
- 7.22. On balance given the practical baseline comprising a legacy subdivision of the protected structure into 9 residential units, I consider that the interior floor plan, room

volumes and spatial sequencing of the house would generally be maintained and improved. Furthermore, internal and external architectural and decorative features would be repaired and restored representing gain.

7.23. Objective BHA2 (g) (new and adapted uses)

The reason for refusal cites that the proposal is contrary to the provisions of paragraphs (g), which *inter alia* seeks to ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure. The planning authority concluded that the proposed development would result in an overly intense use of this protected structure, which it considered would be incompatible with its future long-term conservation including the depreciation of the fabric of the building by reason of wear and tear given the intensity of the proposed use.

7.24. The appellant claims that the works will not endanger the historic fabric rather they will enhance the usability of a historic building. The appellant states that the application is not for a change of use. The appellant notes that the planning authority concern of intensification of use is unjustified given that the quantum of units would not change in the implementation of the development proposal.

7.25. I would concur with the appellant logic in this matter. I consider given the legacy subdivision of the protected structure, that the proposed development would improve the standard of accommodation on site providing a reasonable level of residential amenity for residents. While subject to the implementation of the proposed scope of works and methodologies, detailed in the conservation report, would be compatible with the the architectural character and special interest(s) of the protected structure.

7.26. Objective BHA2 (h), (i) & (j) impact on curtilage & external matters

The scope of works include external repairs to the building facades and to the front and rear garden areas. The overall programme of works would *inter alia* include external refurbishment including the replacement of non-original windows and the main front door. The reinstatement of the balustrade treatment to the front entrance steps, removal of the concrete pavement to front yard and the enhancement of the rear façade and rear garden area.

7.27. It is noted that the specifications for the replacement non-original front door and windows are included in the submitted drawings. I have reviewed Drawing PP.06 and the specification is acceptable.

7.28. Policy Objective BHA9 development in conservation areas

The proposed development is located within a residential conservation area. Policy Objective BHA9 provides for enhancement opportunities including replacement or improvement of any building, feature or element which detracts from the character of the area or its setting and the re-instatement of missing architectural detail or important features. The proposed development *inter alia* includes external works to the front and rear façades, entrance balustrade and front and rear garden areas. I consider that significant gain will be realised by the restoration and repair of the external envelope and setting of the protected structure.

7.29. Internal and external residential amenity

It is acknowledged that the upgraded residential units within no. 101 North Circular Road will not satisfy the internal requirements and floor standards for new apartments. However, the legacy base line is 9 residential units configured within the historic floor plan of this protected structure. The applicant proposes to upgrade the existing units to modern standards and will comply with building and fire regulations.

7.30. The overall programme of works would also include external refurbishment including the provision of an amenity area within the rear garden and the provision of communal facilities, including laundry, within the single-storey extension. It is unclear whether all of the units within no.101 North Circular Road will have access to the rear garden paved area, communal facilities and the rear garden lawn. This can be dealt with by way of condition.

7.31. It is noted that new fire safety and acoustic measures that will comply with current fire safety standards and will also enhance residential amenity. The following will be installed throughout the building to include:

- the installation of new fire-rated internal doors (there are no extant historic doors in the structure) in original tyle style off circulation spaces and modern flush doors within the residential units (specification of replacement doors is included on Pg. 24 of the submitted conservation report dated August 2023);

- the fire and acoustic performance upgrade of the existing suspended timber floors. It is clarified in the conservation report that upgrade works will not have an impact on existing ceilings or cornices;
- the provision of a 1 m² automatic air opening vent to the roof over the existing stairs will be installed to comply with fire regulations. The conservation report notes that the air opening will not be visible from the street and that it is viewed as a minor intervention.

On balance it is considered that the proposal would improve the standard of accommodation on site providing a reasonable level of residential amenity for residents

7.32. Other matters

The Environmental Health Officer reports with suggested conditions including restrictions on construction hours and a request for a construction management plan. This can be dealt with by way of condition.

Conclusion

- 7.33. In conclusion, the subject property is a protected structure. It is presently unkempt and is vacant. The original single-family dwelling house built circa 1880 has a legacy subdivision of 9 residential units that has pre-1963 status. The proposed development would provide for the refurbishment of no. 101 North Circular Road internally and externally including the upgrade of the existing 9 residential units in order to make the units compliant with building and fire regulatory standards. The proposed works would respect the historic floor plan of the building simplifying the internal layouts of the existing units while providing for modern living standards.
- 7.34. The works would provide for the reinstatement of the spatial volumes of the individual rooms and main stairwell by the removal of legacy partitions and services and would reinstate services within bespoke enclosures along the room walls at a maximum height of 2.5m in order to respect the proportions of the rooms and to fully reveal the ceiling and cornice plasterwork. A modest single storey extension would be constructed at the rear of the property. The overall programme of works would also include external refurbishment including the replacement of non-original windows and the main front door. The reinstatement of the balustrade treatment to

the front entrance steps, removal of the concrete pavement to front yard and the enhancement of the rear façade and rear garden area. All works have been formulated by a conservation accredited architect incorporating acceptable conservation principles. The implementation of the development proposal supervised by a conservation expert employed to manage, monitor and implement the works on site can be dealt with by way of condition.

- 7.35. I consider that the proposed development would be consistent with the residential conservation zoning objective, which seeks to protect and /or improve the amenities of residential conservation areas, and with the policy framework provided by the Dublin City Development Plan 2022-2028, including Policy Objective BHA2 (Development of a Protected Structure) [Paragraphs (a) to (j)] and Policy Objective BHA9 (Development in Conservation Areas), and as such, would be consistent with the proper planning and sustainable development of the area.

7.36. Appropriate Assessment Screening

The proposed development comprises the refurbishment of a protected structure comprising a legacy pre-1963 sub-division into nine residential units within an established urban area.

Having regard to the nature and scale of the proposed development, it is possible to screen out the requirement for the submission of an NIS.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal, the residential conservation zoning objective, which seeks to protect and /or improve the amenities of residential conservation areas, and the policy framework provided by the Dublin City Development Plan 2022-2028, it is considered given the legacy sub-division of the protected structure into 9 residential units, that the proposed development would improve the standard of accommodation on site providing a reasonable level of

residential amenity for residents, would be consistent with Policy Objective BHA2 (Development of a Protected Structure) [paragraphs (a) to (j)] and Policy Objective BHA9 (Development in Conservation Areas), and as such, would be consistent with the proper planning and sustainable development of the area.

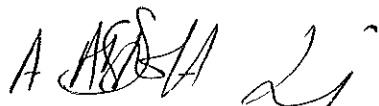
10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The nine number refurbished residential units shall have access to the rear garden amenity area.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>(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.</p>

	<p>(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.</p> <p>(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.</p> <p>Reason: To ensure that the integrity of the protected structure is maintained and that the building is protected from unnecessary damage or loss of fabric.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	Reason: In the interest of residential amenity.
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

"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".



Anthony Abbott King
Planning Inspector

23 February 2024