



An
Bord
Pleanála

Inspector's Report ABP318765-23

Development

Retention & permission (protected structure): The development consists of the refurbishment of a pre-63 residential property accommodating 8 no. residential units and associated site works.

Location

127 North Circular Road, Dublin 7.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3808/23.

Applicant

Griosach Limited.

Type of Application

Planning permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellant

Griosach Limited.

Observer(s)

None.

Date of Site Inspection

11th March 2024.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located on the northern side of North Circular Road an important traffic route on the outer fringe of the inner city area of Dublin City
- 1.2. The site consists of an existing three-storey red brick house which is part of a terrace of similar houses fronting onto the northern side of North Circular Road and which at the rear backs onto an existing laneway. The existing house has a three-storey return to the rear and is attached to a similar return to the rear of the adjoining property No. 125 to the west. To the rear of the return is a recently constructed single storey extension. Adjoining the return and extension is a rear yard, which accommodates two adjoining single storey structures, in use as a boiler house and laundry room. There is also a rear garden which includes two single storey structures, stated as being a store and garden room, together with a single storey garage/shed which front onto the rear laneway. The house currently consists of two main rooms at each level and a return with one room at each level, with the ground floor return having been extended. The building is currently vacant.
- 1.3. The site has a stated area of 404m².
- 1.4. Documentation on file indicates that the existing house is a protected structure and located in a residential conservation area, which was built circa1900.

2.0 Description of Development

- 2.1. The proposed development is for a retention & permission of the refurbishment of a pre-63 residential property accommodating 8 no. residential units and associated site works.
- 2.2. The application was initially submitted on the 23rd May 2023 which provided for the following;
 - 2.2.1. A retention permission for;
 - The demolition of a non-original single storey extension (boiler house and store) to rear;
 - Internal partition walls including removal of shared kitchen and bathrooms, - Chimney breast at second floor;

- Removal of kitchenettes and replacement of non-original windows to rear;
Removal of ceilings at second floor to create vaulted ceilings;

2.2.2. The retention of the construction of:

- A single storey residential extension to rear;
- The garden room/store and boiler house/ laundry room in the rear garden;
- A concrete floor in the ground floor return;
- The steel structure supporting the rear return;
- A roof light in the main roof valley;
- The upgrade of services throughout the building including mechanical & electrical, plumbing and fire safety works.

2.2.3. Permission is sought for:

- The reconfiguration of the ground floor to provide 2 no. 1-bedroom apartments as follows:
Unit 1 comprising the amalgamated front and back rooms to accommodate kitchen/living area and bedroom with en-suite bathroom;
Unit 8 comprising the reconfigured rear return to accommodate kitchen/living area, bedroom and bathroom;
- The refurbishment and reconfiguration of 6 no. existing units at first and second floors including:
Completion of 4 no. en-suite bathrooms;
Removal and relocation of 2 no. unfinished en-suite bathrooms; -
Installation of kitchenettes;
- The replacement of non-original front windows, back door and shed door;
The repair of walls, joinery, tile and timber floors, ceilings and fireplaces throughout; and
The repair of front boundary walls, piers, gates and railings.

- 2.2.4. Documentation submitted with the application included a conservation impact assessment and compliance with Part B (Fire) of the Building Regulations.
- 2.3. Further information was submitted on the 22nd September 2023 following a request of further information.
- 2.3.1. It was indicated a previous permission on the site was not acted upon and due to the protected status on the structure works which would be exempted require permission and this should not necessitate a reduction in the number of units for what is refurbishment of the property or a requirement to comply with current apartment guidelines and the need for flexibility as provided for in national guidance.
- 2.3.2. The further information also includes revised details and layout in response to issues raised in relation to building conservation which includes removal of and or the elimination of internal aspects relating to en-suites, stairwells, the removal of a boiler house and sheds at the rear, revisions to boundary walls and treatments, the omission of ventilation bricks on the front elevation and details in relation to replacement windows and rainwater goods.
- 2.4. Further clarification was submitted dated the 10th November 2023 restating the position in relation the floor areas of the proposed units referencing the policies stated in the development plan and the retention of the windows at the rear and reference is also made to the recommendations of the conservation officer's assessment of the development.

3.0 Planning History

PA Ref. No.3936/06

Permission granted on the appeal site for development consisting of demolition of single storey extension and garage to rear of protected structure, construction of a two-storey, kitchen/bedroom/bathroom extension forming a new window opening to the side wall of the first floor return room and reduction of pre-1963 rental units within the building from 7 to 5. The grant of permission reduced the number of units to 4 units by condition.

This permission it would appear was not carried out.

ABP Ref. No 308109 / P.A. 2926/20

Permission granted on appeal for a retention permission for the removal of non-original stud partition walls, kitchenettes and bathroom and permission for internal/external alterations including a reduction in number of apartments from 10 to 9, as well as installation of upgraded services at 97, North Circular Road, Dublin 7.

4.0 Local Planning Policy

4.1. Local Policy

The relevant plan is the Dublin City Development Plan 2022-2028.

4.1.1. The site has a zoning objective Z2 'to protect and/or improve the amenities of residential conservation areas'.

4.1.2. The existing building is a protected structure and in volume 4 of the plan referring to the Record of Protected Structures is listed as RPS is listed as reference 1639. The adjoining structures on the terrace are also listed as protected structures.

4.1.3. Chapter 14 refers to Land Use zoning

Section 14.4 refers to Zoning Objectives and Reuse/ Redevelopment of Protected Structures and that *Dublin City Council actively encourages uses that are compatible with the character of protected structures. In certain limited cases, and to ensure the long-term viability of a protected structure, it may be appropriate not to stringently apply city-wide zoning restrictions including site development standards, provided the protected structure is being restored to the highest standard; the special interest, character and setting of the building is protected; and, the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.*

Section 14.5 refers to Non-Conforming Uses and that *throughout the Dublin City Council area there are uses that do not conform to the zoning objective for their area. All such uses, where legally established (the appointed day being 1 October 1964) or where in existence longer than 7 years, shall not be subject to proceedings under the Planning and Development Act 2000 (as amended) in respect of the continuing use. When extensions to, or improvements of, premises accommodating such uses are proposed, each shall be considered on their merits, and permission may be granted where the proposed development does not adversely affect the*

amenities of premises in the vicinity and does not prejudice the proper planning and sustainable development of the area.

Section 14.7.2 of the plan notes that Z2-zoned areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale, such that they require special care in dealing with development proposals which affect both protected and non-protected structures in such areas. The general objective is to protect the area from unsuitable new developments or works that would have a negative impact on its amenity or architectural quality.

- 4.1.4. Chapter 11 refers to Built Heritage and Archaeology in section 11.4 which refers to the Strategic Approach and to ensure buildings of architectural and historic interest are protected and promote best practice in the restoration of the fabric of historic buildings and enhance adaptive capacity.

Specifically in relation to Protected Structures there are policies stated to protect these structures and Policy BHA2 indicates;

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.

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.

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.

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.

Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

Policy BHA9 specifically refers to Conservation Areas and to protect the special interest and character of all Dublin's Conservation Areas identified under Z8 and Z2 zoning objectives and 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 (as applicable to the current site):

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.

Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.

Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

The return of buildings to residential use.

- 4.1.5. Chapter 15 of the plan refers to Development Standards. The principal land-use encouraged in residential conservation areas it is indicated is housing.

Section 15.9 refers to Apartment Standards and that the Sustainable Urban Housing: Design Standards for New Apartments sets out specific planning policy requirements (SPPR) for apartment developments and these Section 28 Guidelines should be referenced as part of any planning application for apartment developments.

Section 15.9.2 refers to Unit Size and sets out the minimum floor areas for apartments and these are outlined in table 15-5: Minimum Floor Area Requirements for Apartments.

Section 15.9.4 refers to Floor to Ceiling Height and that SPPR 5 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) set out the requirements for minimum floor to ceiling heights and that a minimum floor to ceiling height of 2.7m for ground floor residential units and a minimum of 2.4m in upper floor shall be provided and this will be assessed on a case by case basis.

Section 15.9.6 refers to Internal Storage and that internal storage within an apartment unit shall be provided in accordance with the Sustainable Urban Development: Design Standards for New Apartments as set out in Appendix 1 and Section 3.30 to 3.34 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) for details and flexibility shall be provided in certain circumstances on a case by case basis.

Section 15.9.8 refers to Communal Amenity Space and that all new apartment developments are required to provide for communal amenity space externally within a scheme for the use by residents only; that communal amenity space must be clearly defined and distinguished within a scheme and clearly identified as part of any planning application; should be of high landscape quality functional and usable to a range of activities

On refurbishment or infill sites of up to 0.25 ha, the communal amenity requirements may be relaxed on a case by case basis; that development proposals shall demonstrate that the communal open space complies with the minimum standards based on each individual unit and has appropriate arrangements for maintenance and management such as a conveniently accessed garden maintenance and storage area with water and drainage connections.

4.2. National Guidance

4.2.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht, 2011).

The Architectural Heritage Protection Guidelines for Planning Authorities (2011) provides more detailed guidance in relation to ACAs and the assessment of development proposals within them on a range of matters including development

control (chapter 6) and that 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.

Part 2 of the Guidance are more detailed guidance on a range of matters including Conservation Principles (chapter 7) where it is indicated 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 and that it is generally recognised that the best method of conserving a historic building is to keep it in active use, respecting earlier alterations of interest.

Individual components of buildings are referred to including walls and windows, interiors in chapter 11 where it is indicated if features are considered to be worthy of protection, they should ideally be retained in situ and where alterations are essential for the continued viability of a building with an interior of value, attempts should be made to keep works to a minimum and where new partitions are proposed, they should be installed in such a way that they can be removed at a later stage with little or no damage to the historic fabric and that the removal of fireplaces that are important to the character and special interest of the interior of a protected structure should not be permitted, even when the chimney has become redundant.

- 4.2.2. 'Sustainable Urban Housing: Design Standards for New Apartments' (December 2015, updated 2018 and further updated in 2020, 2022 and 2023) sets out minimum floor areas for residential units are as follows: studio (37m²) and one-bedroomed apartment (45m²) which are proposed in the current proposal and it is noted that the standards indicate that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total being studios).

Private open space of 4m² per unit is required in the case of studio apartments and 5m² per unit for one-bedroomed apartments. A further 4m² of communal open space per unit is required in the case of studios, 5m² per unit in the case of one-bedroomed apartments.

- 4.3. Section 1.10 of the 2023 guidance indicates that the guidelines also provide a target standard where existing buildings are to be wholly or partly redeveloped or refurbished for residential use that includes apartments.
- 4.4. Section 6.9 of the Guidelines states that: '*Planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation*

to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Also ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements’.

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 Planning Authority Decision

- 6.1. The decision of the planning authority was to refuse planning permission and one reason was stated;

The proposal would entail the provision of 6 no. studios and 2no. 1-bed apartments within the application property, which is a Protected Structure. Having regard to the overall floor area of the majority of the proposed units (7no) failing to meet minimum standards as set out in the Dublin City Development Plan 2022 – 2028 coupled with the absence of associated private amenity space and the poor quality communal amenity space the proposed development would provide a seriously substandard level of residential amenity for future occupiers. The proposed development would, therefore, be contrary to the provisions of Sections 15.9.2; 15.9.6; 15.9.4 and 15.9.8 of the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

6.2. Planning Authority Reports

6.2.1. Planning Report

The file includes a number of planning reports dated 17th July 2023 and 19th October 2023 which initially requested further information and further clarification requesting consideration of reducing the number of units to 4 and issues relating to building

conservation and after assessment the report dated the 30th November 2023 recommended permission be granted.

A further report dated the 1st November 2023 noted that while the development is an improvement on what is there at present this is not a substantive reason to grant permission for the development as the proposal would continue to provide for seriously substandard units when assessed against current standards and recommended that retention permission and permission should be refused.

6.2.2. There was no objections from transportation and drainage departments to the development subject to conditions.

6.2.3. The conservation officer submitted reports in relation to the development noting initially in a report dated 3rd July 2023 details relating to current condition of the building and works carried out over time on the structure, the scale of unauthorised works carried out and potential significant impact on the special character of the structure including the removal of chimney breasts from the second floor and from the ground floor of the rear return, which impacts on the legibility of the historic floor plan and revisions were recommended by way of further information.

An updated report was received following receipt of additional information which referred to concern that the loss of the historic ceiling and chimneybreast and complete alteration of the ceiling profile have not been addressed and this issue can be addressed by a condition requiring reinstatement of the ceiling. A further updated report was received following clarification of additional information noting concerns addressed and a grant of permission subject to conditions is recommended.

6.3. Other Submissions

6.3.1. Transport Infrastructure Ireland (TII) in a submission refers to the development falling within the area for an Adopted Section 49 Supplementary Development Contribution Scheme-Luas Cross City and if the development is not exempt if permission is granted to apply a condition for a Section 49 Levy.

7.0 First Party Appeal

7.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The appellant refers to the building was in a poor state of repair and services have been upgraded throughout the building.
- Reference is made to provisions of the current CDP.
- Reference is made to planning precedence and ABP Ref. No 308189 / P.A. 2926/20 in support of the current appeal and which granted permission.
- Reference is made to the Pre 1963 status of the property.
- The concerns of the Conservation Officer were addressed in the course of the assessment of the application.
- Section 6.9 of the Apartment Guidelines requests flexibility particularly in historic buildings and section 15.10 of the CDP facilitates similar relaxation of standards.
- In relation to the current development under appeal the historic plan allows for the modernised building at its established intensity while minimising impact on the building fabric.
- The reference to the 3936/06 permission is of no relevance as it was never put into effect.
- Communal open space is increased by the removal of structures in the rear area of the site.
- The shed at the rear will provide practical amenity in the form of a laundry and storage
- There are significant improvements to the units proposed as part of the application.

8.0 Appeal Responses

8.1. The Planning Authority in a response dated the 17th January 2024 in summary refers to;

- The Board is requested to uphold the decision of the planning authority.
- In the event of permission being granted conditions are recommended which include; payments of Section 48 and 49 contributions; payment of a bond; payment of a bond; a social housing condition; a naming and numbering condition and a management company condition.
- Reference to section 14.5 of the CDP in the grounds of appeal is of no relevance to the application. The residential use current and proposed is not a non-conforming use and residential is a permissible use in Zone Z2 with reference to Section 14.7.2 of the CDP.

9.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Assessment

11.1. The main issues in this appeal are those raised in the planning authority's reasons for refusal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- The grounds of appeal.
- Residential amenity/floor area of units
- Residential amenity/open space
- Architectural heritage
- Other matters

11.2. Principle of the development.

11.2.1. The development as submitted provides for

11.2.2. The proposal as submitted is for a range of matters which include

The retention of a single storey residential extension to the rear of the original structure and a garden room/store and boiler house/ laundry room in the rear garden; retention of a number of demolition works including a non-original single storey extension (boiler house and store) to the rear; internal partition walls including removal of shared kitchen and bathrooms.

The development as applied for also seeks permission for a number of internal alterations to the property including the reconfiguration of the ground floor to provide 2 no. 1-bedroom, the refurbishment and reconfiguration of 6 no. existing units at first and second floors including the completion of 4 no. en-suite bathrooms; the removal and relocation of 2 no. unfinished en-suite bathrooms and the installation of kitchenettes.

The development also provides for the replacement of non-original front windows, back door and shed door; the repair of walls, joinery, tile and timber floors, ceilings and fireplaces throughout; and the repair of front boundary walls, piers, gates and railings.

The works as applied for do not involve a change of use, the structure is and will remain in residential use and this complies with the zoning of the site.

I would note that although the structure was the subject of a previous application and permission was granted on the appeal site for development and reduction of pre-

1963 rental units this permission was not implemented and the current proposal is in effect a refurbishment which retains the eight residential units in the property and the property has an established Pre 63 use for eight residential units.

The use and the principle of the use of the property for residential use is not in dispute and the proposal, in principle, would be consistent with the zoning objective for the site, which seeks to protect and/or improve the amenities of residential conservation areas. Accordingly, I have no objection in principle to the development, subject to further assessment in relation to impacts on residential amenity and architectural heritage and matters raised specifically in the planning authority decision and grounds of appeal.

11.3. Grounds of appeal

- 11.3.1. The decision of the planning authority was to refuse planning permission. The reason for refusal as stated indicates that the proposal would entail the provision of 6 no. studios and 2no. 1-bed apartments within the application property, that the overall floor area of the majority of the proposed units (7no) fail to meet minimum standards as set out in the Dublin City Development Plan 2022 – 2028 coupled with the absence of associated private amenity space and the poor quality communal amenity space and as a consequence the proposed development would provide a seriously substandard level of residential amenity for future occupiers. Reference is made to the proposed development as contrary to the provisions of Sections 15.9.2; 15.9.6; 15.9.4 and 15.9.8 of the Dublin City Development Plan 2022-2028.
- 11.3.2. In determining the decision to refuse permission it was not considered that the building can only function as a multi-unit residential development in its current substandard format or in a revised substandard form as proposed. It was noted that planning permission was granted under 3936/06 for the reduction of pre 1963 rental units within the building from 7units to 4 no. units and that while the development was an improvement on what is there at present this is not a substantive reason to grant permission for the development as the proposal would continue to provide for seriously substandard units when assessed against current standards and if permitted the development as proposed would result in the planning authority authorising a number of seriously substandard residential units that would provide a very low standard of residential accommodation, particularly in terms of overall floor

of the units, lack of storage space for all future occupants into the future, the complete absence of private amenity space for any units and convoluted access for the majority of residential from the units to the rear amenity space of relatively poor orientation, that the communal open space is severely compromised and would not provide any amenity space of any quality notwithstanding that it exceeds minimum requirements for communal open space and it would be expected that that an exceptionally high standard of communal amenity space would be provided having regard to the complete absence of private open space provided for any units.

11.3.3. The grounds of appeal refer current poor state of repair of the building and services have been upgraded throughout the building, the pre 1963 status of the building, that in the course of the assessment of the application by the planning authority the concerns of the Conservation Officer were addressed in the course of the assessment of the application. It is also indicated that section 6.9 of the Apartment Guidelines requests flexibility particularly in historic buildings and section 15.10 of the CDP facilitates similar relaxation of standards. It was also considered important to indicate that the current development under appeal the historic plan allows for the modernised building at its established intensity while minimising impact on the building fabric; the reference to the 3936/06 permission is of no relevance as it was never put into effect; communal open space is increased by the removal of structures in the rear area of the site; the shed at the rear will provide practical amenity in the form of a laundry and storage and overall there are significant improvements to the units proposed as part of the application.

11.3.4. I would note that the primary concern of the planning authority in reaching its decision is considering that the ongoing and future use of the building is that the individual units should be meet where possible current standards for apartments and provide a reasonable standard of facilities to residents.

This, however, has to be considered in the context of a current established use of the structure with 8 residential units and which as established did/does not provide for current standards; that the current proposal under consideration is for refurbishment rather than a new build development; it is a protected structure and in relation to refurbishment and a protected structure national and CPD guidance does provide for relaxation and flexibility in relation to standards and in relation to protected structures

minimal intervention where possible in relation to internal alterations of the original structure.

The internal layout as submitted largely provides for minimal intervention retaining original room sizes, removal of internal alterations developed incrementally over time which impacted on the original internal layout and gave rise to unsympathetic external extensions and features.

It is also noted that a reduction of the number of units to increase the individual floor area of units can only be addressed by significant internal alterations in particular in the rear section of the building where there is a different half level between the main structure and the return which would require removal of internal walls, the installation of internal stairwells to connect a unit incorporating both the return section and the main section of building and it is noted that the Conservation Officer's reports largely consider this would be contrary to conservation principles, guidance and advice.

11.3.5. It is noted that all units have access to a shared hall and stairwell which provides access to the front door and also to the back yard area.

11.4. Residential amenity/ Floor area of the units

11.4.1. Floor area of the units

11.4.2. In relation to the floor area of the eight individual residential units, two of the units could be considered as one bedroom apartments,

- unit 1 at ground floor level of the main house, which has a floor area of 46m² and incorporates a kitchen/living area a bedroom and en-suite and
- unit 8, which would occupy the rear return and extension at ground floor level, has a floor area of 44m² and incorporates a kitchen/living area a bedroom and bathroom.

11.4.3. The remaining six units could be considered as studio apartments.

- Units 4 and 6, situated to the front of the house at first and second floor levels, have floor areas of 34.5m² incorporating and living and bedroom area with a kitchen and en-suite;
- four remaining units would have floor areas of 22m² with

- units 3 and 7 in the rear room of the main house at first and second floor levels incorporating and living and bedroom area with a kitchen and en-suite and
- Units 2 and 5 in the rear return at first and second floor levels incorporating and living and bedroom area with a kitchen and en-suite.

11.4.4. It is noted that the applicant in the course of the application stated that the proposal will significantly improve the amenity of these units, increasing the rear return units at first and second floor levels from 13.5m² and 16.9m² respectively to 22m² in each case.

11.4.5. In terms of apartment sizes, I note that one unit exceeds the minimum requirement unit 1 and unit 8 is marginally below the minimum standard. In relation to the six studio apartments the desired standard is 37m² units 4 and 6, situated to the front of the house at first and second floor levels, have floor areas of 34.5m² which is marginally below the standard.

In relation to the remaining four units at the rear which have a floor area of 22m² these units fall short of the minimum standards for living / dining / kitchen areas, storage space and private amenity space.

11.4.6. However, it should be noted that section 1.10 of 'Design Standards for New Apartments' (2023) states that the guidelines provide a 'target standard' where existing buildings are to be wholly or partly refurbished and throughout the guidelines there are provisions to allow the relaxation of standards for building refurbishment schemes. Section 6.9 also requests that planning authorities practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, where property owners must work with existing building fabric and dimensions.

11.4.7. Having regard to the above, and whilst acknowledging that the proposed units do not meet the minimum standards set out in the guidelines, I consider that the proposal to refurbish these long-established units within a Protected Structure should be facilitated through the relaxation of standards. As indicated previously reconfiguration of the internal layout to increase the floor area of the units at the rear would involve significant alteration of the structure removal or partial removal of walls and provision of a stairwell.

11.4.8. The proposal also provides for the upgrading of services with the provision of individual en-suites/bathrooms kitchen facilities and also updated electrical and fire safety measures would also significantly improve building standards.

11.4.9. In conclusion notwithstanding the concerns raised in the planning authority decision and the basis for the decision I consider that the proposed development would result in a significant improvement in the level of residential amenity that was previously afforded to the existing units.

11.5. Residential amenity/ open space

11.5.1. In relation to open space the front garden is retained and to the rear with the clearance of structures in the rear area there is a back garden area with a stated area of 88m². The level of open space is in excess of the minimum required standards. It is also noted that the shed adjoining the rear boundary is also retained with provision for a laundry room and storage areas for each of the eight residential units.

The eight units do not have individual amenity space and other than providing external balconies and other alterations to a protected structure it would be only possible to provide private amenity space to one unit, unit 8 at the rear of the ground floor. It is possible for each of the units to readily access the rear garden area and the provision of storage in the rear shed does to a degree provide a compensatory measure for the relative absence of internal storage in the individual residential units and would permit bicycles to be stored at ground floor level.

11.6. Architectural heritage

11.6.1. The application is accompanied by a Conservation Impact Assessment which outlines the history and current condition of the building including its conversion to tenancies and outlines a detailed architectural description of the building for each floor and external features including survey plans and photographs. The assessment outlines the proposed works and an assessment of the impacts arising from the proposed development. In relation to impacts the assessment notes that the works to the front of the building including restoration of original arrangement and repair of other external detailing will have a positive impact.

The assessment notes that internal repairs addressing damp, fire and mechanical and electrical services will represent an investment in relation to the future of the

building and that the internal layout will remove inappropriate partitions and preserve the legibility of the original floor plan and the alterations which occur although irreversible will provide for improved amenities and facilities noting previous alternations to the original building.

- 11.6.2. In the assessment of the proposed development the Conservation Officer submitted a number of reports which also included a historical appraisal of the building and its context referring to the NIAH description and appraisal and initially requested further information. A subsequent report assessed the response to the further information and recommended permission subject to conditions.
- 11.6.3. In the appraisal by the Conservation Officer the primary concerns related to retaining original internal dimensions, the removal of unsympathetic alterations and additions and restoration of features which require repair. The reports largely support the works as submitted and the clarifications to matters raised by further information.
- 11.6.4. The reports did have concerns in relation to a number of matters which it could be addressed by condition which included issues relating to the windows on the front and rear elevations which requires further analysis of the window types for both the front and rear windows, with 1:20 drawings of hardwood timber windows in an appropriate design for the protected structure to be submitted for agreement and that the windows at the rear which are not original windows and were replaced with alu-clad timber windows is not supported. The insertion of the new ceiling, together with structure for the mezzanine floors is raised and a revised second floor plan and revised section drawings omitting the mezzanines are to be provided together with detailed methodologies for their removal and the repair of impacted historic fabric incorporating reinstating the original volume of the second floor rooms is recommended.

Other requirements include the replacement of the uPVC fascia, gutters and downpipes to the extension with materials of a higher quality appropriate for the curtilage of a protected structure, photographs of the replacement terracotta tiles where elements have been lost to the front elevation, demonstrating these are on a like-for-like basis and match the existing historic tiles; a conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic

fabric during the works; all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure; that all works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. The requirements as outlined are I consider reasonable.

- 11.6.5. The Conservation Officer in addressing the issue of a reduction in the number of residential units also indicated that the Conservation Officer would have had significant concerns regarding the impact on the surviving historic internal fabric to the Protected Structure resulting from the insertion of additional staircases to provide duplex apartments. I would accept this assessment.
- 11.6.6. In overall terms the assessment of considering conservation of the protected structure national guidance does provide for flexibility in considering refurbishment of these structures in the context of minimising intervention and removal of the historic fabric and accommodating updated fire, plumbing and electrical standards. The current proposal largely maintains the original room proportions, en-suite and kitchen facilities are largely accommodated within narrow along the walls, unsympathetic previous partitions are removed; replacement windows are proposed and other reinstatement/refurbishment of external elements are provided for and also sheds and other structures are removed. This will enable the use of the building as living accommodation in accordance with modern standards while preserving its special character into the future which is an objective of national guidance.
- 11.6.7. Having regard to the long-standing and established use of the building as eight separate units, I do not consider this to be a reasonable approach. With reference to the principles outlined in the 'Architectural Heritage Protection' guidelines, I consider that the primary conservation importance is keeping the building in use while protecting its special architectural importance. Conservation advice as submitted by the applicant and the planning authority Conservation Officer largely consider that this is achieved in the current proposal and any concerns can be addressed by condition.
- 11.6.8. Overall, I consider the proposal adopts a minimum possible intervention approach towards an enhanced function of the building, removes unsympathetic elements

whilst ensuring the protection of its historic fabric. The design incorporates appropriate methods and materials for the upgrading of the building to comply with modern building standards, all of which would be appropriately reversible in the future. Accordingly, I consider that the development would be consistent with the conservation principles outlined in the 'Architectural Heritage Protection' guidelines and I would have no objection in this regard.

11.7. Other matters

- 11.7.1. In relation to issues of water and transportation I do not consider that the proposal will have any impact in relation to traffic and transport services as the site is currently served by water services and no additional traffic is generated.
- 11.7.2. I would note that Transport Infrastructure Ireland in a submission to the planning authority refers to the development falling within the area for an Adopted Section 49 Supplementary Development Contribution Scheme-Luas Cross City and if the development is not exempt if permission is granted to apply a condition for a Section 49 Levy and in the response to the appeal from the planning authority which indicates that in the event of permission being granted conditions are recommended which include payments of Section 48 and 49 contributions and that such conditions are reasonable to include in a grant of permission.

12.0 Recommendation

- 12.1. I recommend that permission be granted.

13.0 Reasons and Considerations

Having regard to the established use and condition of the property; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the policies of the Dublin City Development Plan 2016 – 2022, as well as national guidance including the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011), and 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018 and amended); it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant

adverse effect on the character of this protected structure, would not detract from the character of the area, would provide an acceptable level of residential amenity for the future occupants and would not seriously injure the amenities of adjacent residential property, would not be prejudicial to public and environmental health 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.

14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 23rd May 2023 as amended by the Further Information submitted on the 22nd September 2023 and Clarification of Further Information submitted on the 10th November 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 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>(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</p>

	<p>interference to the building structure and/or fabric. Items that must be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement;</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>(d) The installation of alarms, as well as any other security or communication devices, shall be designed to protect the architectural integrity of the building;</p> <p>(e) Prior to the commencement of development, details of the procedures to be followed in respect of the above, including proposals with respect to work, methodologies, services installation, doors, floors, ceilings and windows shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: To ensure that the integrity of the protected structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.</p>
3.	<p>Specific to the proposed development prior to the commencement of development the applicant shall submit the following architectural conservation details/revisions for the written approval of the planning authority:</p> <p>(a) Revised drawings reinstating the original volume of the second floor rooms, including their ceiling profiles. Methodologies, including proposed materials for all works shall be submitted.</p> <p>(b) Methodology for remedial works to address concerns regarding the use of a non-breathable insulated board against the timber historic rafters. This board shall be removed.</p> <p>(c) Revised drawings showing the removal of the canted bay window to the rear extension and the replacement of the uPVC fascia, gutters and downpipes to the extension with materials of a higher quality appropriate</p>

	<p>for the curtilage of a protected structure.</p> <p>(d) Revised drawings of the proposed sash windows to the second floor ensuring these are correctly detailed including the correct sash horns in line with best conservation practice.</p> <p>(e) Further analysis of the correct window types for both the rear elevation of the main house and the rear return shall be carried out to ensure the special architectural character of the protected structure is safeguarded and drawings of hardwood timber windows in an appropriate design for the protected structure shall be provided.</p> <p>Reason: To ensure that the integrity of the protected structure is maintained and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity</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 the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and</p>

	<p>off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>The communal open space areas shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and details of this scheme shall include timescale for implementation.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.</p>
9.	<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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, 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>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála 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, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 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.

. Derek Daly
Planning Inspector

26th March 2024