



An
Bord
Pleanála

Inspector's Report ABP319061-24

Development	Retention for the as constructed glazed bi-fold doors in lieu of shop front window granted under D21A/0227.
Location	39 Castle Street, Dalkey, co. Dublin, A96P953.
Planning Authority	Dun Laoghaire-Rathdown County Council.
Planning Authority Reg. Ref.	D23A/0724.
Applicant(s)	Shane Rushe.
Type of Application	Retention.
Planning Authority Decision	Refuse permission.
Type of Appeal	First Party
Appellant(s)	Shane Rushe.
Observer(s)	None.
Date of Site Inspection	09/04/2024.
Inspector	Anthony Abbott King.

1.0 Site Location and Description

- 1.1. No. 39 Castle Street is located in Dalkey Village on the south side of Castle street at the eastern end of the street. The two-storey building forms part of the commercial streetscape on this side of Castle Street.
- 1.2. The ground floor accommodates an ice cream retail unit. There is an entrance door and fanlight to the upper floor to one side of the retail frontage.
- 1.3. The entrance door and retail frontage frame read as an integrated shopfront framed by timber vertical pilasters and the horizontal fascia signage board. The shop frontage is traditional in design and is painted turquoise.
- 1.4. The retail frontage is characterised by a PVC bi-fold door inset below fascia level. The insert comprises large glass panels framed by vertical and horizontal PVC glazing bars in dark grey.
- 1.5. The site is bounded by supervalu (36-38 Castle Street) to the east and by “Our Lady’s Hall” to the west.
- 1.6. The site area is given as 0.019 hectares.

2.0 Proposed Development

- 2.1. Retention of glazed bi-fold doors in lieu of shop front window granted under D21A/0227.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

- (1) The subject site is located within Dalkey Architectural Conservation Area (ACA), as set in the Dun Laoghaire-Rathdown Development Plan 2022-2028.*

Having regard to the existing streetscape character of the ACA, with particular regard to the traditional proportions and historic style of the original shopfront, it is considered that the proposed bi-fold doors, the subject of this retention application, would seriously injure and visually detract from the traditional streetscape character of Dalkey Village. Accordingly, it is considered that the proposed development fails to accord with Policies HER 13, 15 and 20 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and section 12.6.8.1 and appendix 4.2.7 of the said plan. Therefore, to permit the proposed retention of the bi-fold doors as detailed in the application would set a poor precedent for similar developments which would seriously injure the amenities and historic streetscape character of the ACA and would be contrary to 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 Dun Laoghaire-Rathdown County Council reflects the recommendation of the planning case officer.

3.2.2. Other Technical Reports

The Conservation Division are not supportive of the retention permission sought. In the interests of protecting the streetscape character of the Dalkey ACA and preserving the traditional proportions and style of the original shopfront we are not in a position to recommend approval.

4.0 Planning History

The following planning history is relevant:

- Under Register reference D21A/0227 planning permission subject to for the change of use from existing retail premises for the sale of ice cream, modifications to the existing building facade including a new external glazed door dedicated to the ice cream shop.

5.0 Policy and Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2022-2028 is the local planning policy document. The following policy objectives are relevant:

The area zoning objective is “NC” (Map 3): *To protect, provide for and-or improve mixed-use neighbourhood centre facilities.*

The proposed development is located within the boundary of the Dalkey Conservation Area (ACA).

Chapter 11 (Heritage and Conservation) Section 11.4.2 (Architectural Conservation Areas) is relevant including Policy Objectives HER13 (Architectural Conservation areas),¹⁵ (Shopfronts with ACAs) and 20 (Buildings of Vernacular and heritage Interest).

HER13, is relevant and paragraph (ii) states it is the policy objective to:

Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.

HER15 is relevant and states:

It is a Policy Objective to:

(i). Ensure that all original and traditional shopfronts which contribute positively to the appearance and character of a streetscape within an ACA are retained and restored.

(ii). Ensure that new shopfronts are well- designed, through the sympathetic use of scale, proportion and materials (Refer also to Chapter 12, Section 12.6.8).

It is noted that Well-designed and high quality shopfronts make a positive contribution to the appearance of an ACA. Conversely, insensitive and poorly crafted shopfronts detract from the character of the streetscape.

HER 20 is relevant and paragraph (ii) states:

It is a Policy Objective to:

(ii) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features.

- Chapter 11 (Development Management) Section 12.6.8.1 (Shopfronts) is relevant and *inter alia* states that good shopfront design makes a valuable contribution to the environmental quality of shopping areas.

This section *inter alia* notes that the presence of well-crafted and historic shopfronts is an important part of the character of an area. Features of existing shopfronts, which are likely to be of interest and merit include pilasters or uprights, apron panels, stall risers or plinths below the display windows, any mullions, or glazing bars to the display window etc. Such elements should be considered for retention and incorporated into the new shopfront design.

- Appendix 4 (Heritage Lists), Section 4.2.7 (Commercial Frontages) is relevant *inter alia* states:

The Alterations to Existing Shop fronts and Signage:

- *Planning applications for alterations to shop fronts within the ACA boundaries will also be assessed on the impact of the proposed design on surrounding structures and the special character of the ACA, having regard to scale, proportions, materials, and detailing.*

New Shop fronts:

- *The introduction of shop fronts to buildings within the ACA may damage the special character of the ACA and need to be considered in the context of the streetscape.*

5.2. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, prepared by Marston Planning consultancy, on behalf of the appellant is summarised below. The appeal statement is illustrated with a photographic chronology of the subject shop frontage:

- The front portion of the ground floor of no. 39 Castle Street is operated as an ice cream parlour, which is accessed via bi-fold doors that are the subject of this appeal.
- It is claimed that the nature of the application for the retention of the bi-fold doors will not materially impact the streetscape and character of Dalkey Village. The development to be retained would, therefore, not be contrary to policies HER13, HER 15 and HER20 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 cited in the reason for refusal. Furthermore, there is no basis for the conclusion that a poor precedent would be set given the existing variety of shop frontages in Dalkey Village;
- The bi-fold doors are closed for the majority of the year. The appellant claims this fact to be the first of the two key elements that the planning authority failed to consider in their refusal assessment. The second key element is the diversity of existing shop frontage in Dalkey Village including bi-fold doors. The Board is referred to existing bi-fold doors on the side elevation of no. 24 Castle Street facing onto St. Patricks Road and the ground floor elevation of Coliemore public house at 115 Coliemore Road.
- The appellant claims that shopfront coherency is determined by the fascia and that the area of the subject shop frontage that is being altered varies across every shop front. It is noted that numerous other stores have modified

entrances that have been developed to suite the nature of their business over time;

- Castle Street is the main commercial street in Dalkey and is zoned neighbourhood centre in the county development plan. It contains a range of commercial uses. The street has retained its village character and is within an Architectural Conservation Area (ACA). The commercial street frontage includes a wide variety of doors and openings including bi-fold doors that have not been considered in the decision of the planning authority.
- The bi-fold doors are only open during summer to allow for ventilation. The right hand side door opening being kept open reflecting the previously permitted frontage, which comprised a traditional door opening and window with two lower panels granted under a change of use application from shop to the retail of ice cream in 2021 (D23A/072). The retail unit has no rear access and the bi-fold opening facilitates the access of large plant;
- The shopfront design is of the highest quality. It is fully in accordance with Section 12.6.8.1 (Shopfronts) of the development plan. The appellant notes that bi-fold doors and opening up to the street are not prohibited by the guidance. It is claimed that the bi-fold doors are a contemporary design solution that are in accordance with the requirements and are welcome under this section of the plan;
- The shopfront design is consistent with Appendix 4 (commercial frontages) of the development plan and is fully in accordance with the proper planning and sustainable development of the area. The precedent the bi-fold door would set is solely for ice cream parlours that by their very function benefit from being directly accessible from the street;
- The appellant claims it is clear that the design of the commercial frontage will not be dominant and does not negatively impact on the special character of the Dalkey Architectural Area (ACA). The Dalkey Village Architectural Conservation Area (ACA) is not solely confined to Castle Street. The document recognises that there is a range of diverse architectural styles and shop frontages within the designation;

- The previous unit prior to 2021 was a gift shop with a single entrance door to the street. The upper floor of the building was accessed via an internal door within the retail unit. The present configuration facilitated by the change of use application granted in 2021 (D23A/072) provides for a dedicated entrance from the street (new intervention) to the ice cream parlour and a dedicated entrance from the street to the upper floor (historic entrance).
- The assessment of the subject application appears incorrect given consideration of the development to be retained against the shopfront that existed prior to the grant of permission for change of use rather than subsequent to the works granted by the recent permission (D23A/072). In this regard the planning case officer appears to have been influenced by the report of the conservation section of the planning authority. The planning authority have already accepted the premise that the previous shopfront can be materially altered.
- There is no discernible visual impact of the bi-fold doors when viewed from either side of Castle Street. The appeal statement is accompanied by screenshots taken from Google Maps.

6.2. Planning Authority Response

The planning authority response is summarised below:

- The Board is referred to the previous Planner's Report;
- It is considered that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

6.3. Observations

None.

7.0 Assessment

- 7.1. The following assessment covers the points made in the appeal submission, the reason for refusal and is a consideration of the overall development to be retained. It is noted there are no new substantive matters for consideration.

- 7.2. The ground floor of no. 39 Castle Street is operated as an ice cream parlour, which is accessed via bi-fold doors that are the subject of this appeal. The bi-fold doors are glazed and exhibit a PVC material finish. The appellant claims that the shop frontage to be retained is in accordance with development plan policy, as it is of the highest quality and does not materially impact the streetscape and character of Dalkey Village.
- 7.3. The appellant claims the bi-fold doors are closed for the majority of the year, which is analogous with the permitted shop frontage design granted under register reference D21A/0227 in 2021. The appellant states this fact to be the first of two key elements that the planning authority have failed to consider in their refusal assessment. The second key element is the diversity of existing shop frontage in Dalkey Village including bi-fold doors.

Reason for refusal

- 7.4. The planning authority have refused the retention of the bi-fold doors stating that the development to be retained would seriously injure and visually detract from the traditional streetscape character of Dalkey Village, would be inconsistent with the policy framework for architectural conservation areas (ACAs) and, would seriously injure the amenities and historic streetscape character of the Dalkey Village ACA. The appellant rejects the grounds for refusal and states that the ACA document recognises that there is a range of diverse architectural styles and shop frontages within the designation.

Authorised shop frontage under D21A/0227

- 7.5. The planning case officer notes that the applicant seeks the retention of the glazed bi-fold doors which have been installed in lieu of the traditional shop front design as permitted under granted by the planning authority on the 22/09/2021. In 2021, the planning authority had required a clarification of the detail design of the proposed shop frontage by way of a further information request as part of a change of use application for the retail of ice cream.
- 7.6. The applicant submitted revised drawings under D21A/0227 on the 31/05/2021, which provided for the retention of the main entrance door to the building and the replacement of the existing display window and stallriser below the fascia line in order to accommodate a direct entrance from the street into the shop. A new

hardwood framed glazed entrance door, with fanlight above, and a glazed window and stallriser, comprising timber panels, would be inserted in the existing window opening below the fascia line (Drg.PL02 Issue B dated submitted 03/03/21 D21A/0227 on the 31/05/2021). The applicant did not implement the shop front design clarified by way of further information response.

- 7.7. The appellant submits that the previous unit prior to the grant of permission for the sale of ice cream(D21A/0227) was a gift shop with a single entrance door to the street. The upper floor of the building was accessed via an internal door within the retail unit. The present configuration provides for a dedicated entrance from the street to the shop (bi-fold doors) and a dedicated entrance from the street to the upper floor (historic entrance). The appellant claims that the planning authority have already accepted the premise that the previous shopfront can be materially altered and that the current configuration is advantageous to the operation of the business in situ.

The principle of bi-fold doors

- 7.8. The appellant states that Castle Street is the main commercial street in Dalkey and contains a range of commercial uses. The street frontage includes a wide variety of doors and openings including bi-fold doors. The appellant cites existing bi-fold doors on the side elevation of no. 24 Castle Street facing onto St. Patricks Road and the ground floor elevation of the Coliemore public house at no.115 Coliemore Road.
- 7.9. The appellant claims that the Coliemore public house sets a precedent for the acceptability of bi-fold doors. The appellant argues that the Coliemore public house is located at the end of Castle Street and views are framed from Castle Street toward the elevation accommodating the bi-fold doors. The appellant also notes that numerous other stores have modified entrances that have been developed to suit the nature of their business over time. Furthermore, the precedent that bi-fold doors would set on Castle Street is solely for ice cream parlours that by their very function benefit from being directly accessible from the street.
- 7.10. The subject bi-fold doors to be retained are glazed and exhibit a PVC material finish. I consider the presence of PVC bi-fold doors an aberration on the Castle Street north and subject south streetscapes. The street frontage on Castle Street is characterised by robust shopfront frames to buildings that collectively represent the

ground floor streetscape comprising below fascia level window display areas defined on street by stall risers and punctuated by proportionately sized entrance openings with traditional doorways giving access to the interior commercial area.

- 7.11. The planning case officer states in the matter of the shopfront to be retained that the existing shopfront, particularly the loss of the panelled stall riser, has dramatically altered the character of the shopfront and arguably eroded the traditional character of the streetscape of the ACA. I would concur with the planning case officer assessment.
- 7.12. I consider that the removal of the stall riser and the substitution of an opening for the full width of the shopfront display area (window) providing no physical visual definition between the street edge and the shopfront interior compromises the integrity of the shopfront. The applicant by way of further information response demonstrated under D21A/0227 that the traditional shop frontage could be sympathetically altered to accommodate a dedicated retail entrance direct from the street while preserving the proportion and composition of the shopfront respecting the elements of vertical pilasters, fascia and stall riser. I consider this an optimum design solution.

Optimum design solution

- 7.13. It is considered that the permitted shop frontage granted under D21A/0227, which provides for a direct entrance door from the street in proportion with the shopfront frame, would satisfy policy objectives HER 13, 15 and 20, Section 12.6.8.1 (Shopfronts) and Appendix 4.2.7 (Commercial Frontage) of the Dun Laoghaire-Rathdown Development Plan 2022-2028.
- 7.14. I concur with the planning case officer that the alteration of the shopfront at no. 39 Castle Street by the insertion of the bi-fold doors would set a poor precedent and would collectively injure and visually detract from the streetscape character of the ACA. The planning case officer states that the adjacent shopfront was at the time of installation modelled on the format of the traditional shopfront to no. 39 Castle Street.
- 7.15. I note on the day of my site visit the similarity of the adjacent shop frontage, which forms part of the “Supervalu” commercial frontage to the east of the subject frontage. I consider that the composition of the adjacent shop frontage exhibiting framing pilasters, fascia board and stall riser illustrates the adverse impact of the inappropriate bi-fold door insertion to the shop frontage of no. 39 Castle Street.

Conclusion

- 7.16. In conclusion, the proposed development to be retained is inconsistent and out of character with the dominant commercial shop frontages on Castle Street in terms of design and material finish by reason of incorporation of glazed PVC bi-fold doors. I conclude that the bi-fold doors set a poor precedent and visually detract from the streetscape character of the ACA having regard to the scale and proportion of the door opening and the inappropriate PVC material finish within the timber shop front frame.

I conclude the permitted shop frontage granted under D21A/0227, which provides for a direct retail entrance door from the street appropriate in scale and in proportion to the shopfront frame in combination with a display window with stall riser is on balance an optimum shopfront replacement design and, as such, would satisfy the policy objectives HER 13, 15 and 20, Section 12.6.8.1 (Shopfronts) and Appendix 4.2.7 (Commercial Frontage) of the Dun Laoghaire-Rathdown Development Plan 2022-2028.

7.17. Appropriate Assessment Screening

The proposed development comprises the retention of bi-fold PVC entrance doors 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 refusal of planning permission having regard to the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the grounds of appeal, the reason for refusal, the location of the development in a commercial streetscape zoned neighbourhood centre ("NC"), which is within the designation Dalkey Architectural Conservation Area (ACA), and the overall policy framework of the Dun Laoghaire-Rathdown Development Plan 2022-2028, it is considered that the insertion of PVC bi-fold doors to be retained to

the traditional timber shopfront frame would be inconsistent with policy objectives HER 13, 15 and 20, Section 12.6.8.1 (Shopfronts) and Appendix 4.2.7 (Commercial Frontage) of the Dun Laoghaire-Rathdown Development Plan 2022-2028, which protects against the introduction of shopfronts to buildings within the ACA that may damage the special character of the ACA, and, as such, would be inconsistent with the proper planning and sustainable development of the area.

10.0 Refusal

1.	<p>The subject site is located within Dalkey Architectural Conservation Area (ACA), as set in the Dun Laoghaire-Rathdown Development Plan 2022-2028. Having regard to the existing streetscape character of the ACA, with particular regard to the traditional proportions and historic style of the original shopfront, it is considered that the proposed bi-fold doors, the subject of this retention application, would seriously injure and visually detract from the traditional streetscape character of Dalkey Village.</p> <p>Accordingly, it is considered that the proposed development fails to accord with Policies HER 13, 15 and 20, Section 12.6.8.1 (Shopfronts) and Appendix 4.2.7 (Commercial Frontage) of the Dun Laoghaire-Rathdown Development Plan 2022-2028. Therefore, to permit the proposed retention of the bi-fold doors as detailed in the application would set a poor precedent for similar developments which and would be contrary to the proper planning and sustainable development of the area.</p>
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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
12 April 2024