



An  
Bord  
Pleanála

## Inspector's Report ABP320723-24

<b>Development</b>	Awning to shopfront.
<b>Location</b>	37 Dunville Avenue, Ranelagh, Dublin 6. A Protected Structure.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3876/24.
<b>Applicant(s)</b>	Mr. Kenneth and Miss Catriona Norton.
<b>Type of Application</b>	Retention permission.
<b>Planning Authority Decision</b>	Refuse retention.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Mr. Kenneth and Miss Catriona Norton.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	1 November 2024.
<b>Inspector</b>	B. Wyse.

## **1.0 Site Location and Description**

- 1.1. No.37 Dunville Avenue is a mid-terrace 2/3 storey Victorian building. The ground floor frontage includes two small shops, a hardware outlet and a grocer. Information included with the application indicates that there are two apartments above, accessed from the central front door.
- 1.2. The awning in question has been erected to the front of the grocery shop over the hardstanding/landing area used to display groceries, fruit and vegetables etc.
- 1.3. The immediately adjoining properties, both sides, appear to be in residential use. The general vicinity is predominantly residential but with a significant commercial element, particularly to the east where there is a substantial commercial presence, including shops and cafes, on both sides of Dunville Avenue.
- 1.4. No.37 appears to be the end house of a terrace of five/six similar houses on this side of Dunville Avenue.

## **2.0 Proposed Development**

- 2.1. The proposal is to retain the awning in front of the grocery shop.
- 2.2. The awning is a box-like structure fixed on the inside to the shopfront fascia. It is supported on the outside by columns. It has a retractable louvre PVC roof and retractable side screens. The main structure is aluminium, sandblasted and finished in an anthracite colour. The structure extends across the full width of the shopfront, 5.0m. It projects 3.0m forward of the shop front and is 2.775m in height. Drainage is integrated into the columns.
- 2.3. The application documentation included an Architectural Heritage Impact Assessment (AHIA). This is also submitted with the grounds of appeal – see Section 6.0 below.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The decision to refuse permission to retain the awning cites the following reason:

*By way of its design, siting, scale, form and materiality, the awning structure has obscured the legibility and harmony of the shopfront and seriously detracts from the special architectural character and setting of the Protected Structure and the wider historic terrace (which also comprises Protected Structures). Therefore the proposed retention is considered to contravene Policies BHA2(b),(d) and (e) of the Dublin City Development Plan 2022-2028, would devalue property in the vicinity and would create an undesirable precedent for similar type development. The proposed retention is contrary to 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 Report**

Basis for planning authority decision. Includes:

- The shop unit and the adjoining unit were originally copies of each other with similar fascia/shopfront colouring and matching retractable awnings which were stored when closed above the shopfront.
- The new structure is semi-permanent and is fixed directly at two points to the front façade and the two structural posts are fixed to the ground. There is also recessed strip lighting along the supports for the retractable PVC roof.
- The structure has broken the symmetry between the two shopfronts.
- The applicants references to other similar structures in the area were followed up but no relevant permission was identified.
- The report refers at some length to the other City Council internal reports received and which variously cite difficulties with the development (see below).

#### **3.2.2. Other Technical Reports**

##### **Conservation Officer**

Includes:

- No.37 identified as end of terrace of similar houses, up to and including No.47 Dunville Avenue (six houses in total). No.s 37-43 and No. 47 identified as Protected Structures.
- As the applicants AHIA states that the property was fully stripped out internally in 1997 under planning permission PA Ref. 0756/97, it is reasonable to assume that the front façade is the last significant remaining element of the building which retains its historic fabric and character. Any proposal to alter the facade must, therefore, be given careful consideration.
- The subject structure is inappropriate, bulky and obscures the legibility and harmony of the shopfront and the symmetry of the front façade of the protected structure. The structure, with the potential to be closed on both sides, is similar to a covered overextension to the shop rather than an awning. It seriously detracts from the special architectural character and setting of the protected structure and the wider historic terrace.
- Contrary to the assertion in the AHIA that a cantilevered awning, as previously used, is no longer suitable due a stronger and more frequent storms, it is considered that a management plan for the use of a retractable awning could be put in place.
- Recommendation for refusal of permission as per the planning authority decision.

### **Transportation Planning Division**

No objection subject to the public footpath between the private landing and the road be kept free at all times and standard costs condition.

### **Drainage Division**

Recommends additional information requiring amended drainage arrangements to ensure that water is not directed onto the public footpath but brought below ground into a piped system connecting to the public sewer.

It should be noted that the planning authority referred the application to: Irish Water; Department of Housing, Local Government and Heritage; Failte Ireland; The Arts Council; and An Taisce. No responses were received.

## 4.0 Planning History

### **PA Ref. 2574/96**

1996 permission for extensions to the two shops, including improvements to the two shopfronts.

### **PA Ref. 0756/97**

1997 permission for extensions to the two shops and for additions/alterations to the pre-1963 flats on the upper floors.

### **PA Ref. EO150/24**

This is the current enforcement file in relation to the subject awning structure.  
Warning Letter issued on 5 April 2024.

## 5.0 Policy and Context

### 5.1. Development Plan

#### **Dublin City Development Plan 2022-2028.**

**Zoning:** Objective Z3 Neighbourhood Centres *to provide for and improve neighbourhood facilities.*

Section 14.7.3 – Neighbourhood Centres. Includes:

Neighbourhood centres form a focal point for a neighbourhood and provide a range of services to the local population. They provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened.

#### **No. 37 Dunville is a Protected Structure – RPS Ref. 2413.**

No.s 39-43 and No.47, comprising most of the adjoining terrace, are also Protected Structures.

**Policy BHA2 – Development of Protected Structures.** Policy to conserve and enhance Protected Structures and their curtilage. Includes:

- (a) Regard to be had to the Architectural Heritage Protection Guidelines for Planning Authorities (DCHG 2011).
- (b) Protect such structures 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.
- (d) Ensure that any development affecting a Protected Structure or its setting is sensitively designed and is appropriate in terms of scale, materials etc.
- (c)(sic.) Ensure that the form and integrity of the protected structure is retained and that any new development does not adversely impact the curtilage or special character of the structure.

**Section 15.17.5 – Shopfront and Façade Design. Includes:**

- Shop front design makes an important contribution to the quality of the public realm and streetscape.
- Shop blinds should comprise traditional retractable canvas awnings.

**Dublin City Council Shopfront Design Guide 2001**

Includes (Section 5 – Canopies):

If the shopfront requires protection from the sun, a traditional style, open ended blind should be incorporated into the design of the shopfront. Perambulator style, closed end canopies seriously disrupt the streetscape, reducing the view to adjacent shopfronts, and are unacceptable.

**5.2. Natural Heritage Designations**

None relevant.

**5.3. EIA**

- 5.4. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for EIA screening or EIA does not arise.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a first party appeal against the decision of the planning authority. The main grounds can be summarised as follows:

- The development plan policies do not take into consideration the requirements of the current time, with climate change giving rise to unforeseeable and forceful weather events.
- The columned awning is the most suitable solution to substitute for the unrepairable previous retractable canopy which was destroyed by an inclement weather event.
- The modern shape and straight lines of the awning are a considerable contribution to the public realm, rejuvenating the streetscape and generating an attractive façade to the shop front. This is in line with Section 15.17.5 of the development plan.

The enclosed AHIA includes:

- The building is not recorded in the National Inventory of Architectural Heritage (NIAH). It would be rated as a building of local importance under the NIAH classification.
- The property was fully stripped out internally, refurbished and extended in 1997 as part of permission PA Ref. 0756/97. The works included a full refurbishment of the retail units.
- The focal point of the front façade is the first floor central arched timber sash window. The ground floor entrance door, also centred on the elevation, divides the two shops. Both shopfronts are framed with painted timber panelling with a continuous shop front banner sitting above. The shop fronts are almost copies of each other. The front elevation windows are replacement timber sash windows, replicating the original.

- The 1997 works as described were carried out prior to the building being registered on the Register of Protected Structures (RPS) further to Part IV of the 2000 Act.
- The retractable awnings were first installed in 1997. In 2021 the subject awning was replaced due to wear and tear. In 2024 it collapsed after damage from a storm.
- The new awning has been designed to be an obvious modern intervention, complimenting the scale, height and proportions of the building. It sits lower on the elevation than the previous awning, lining up with the external timber panelling of the shop. It has been powder coated to a complimentary hue of the existing navy of the shop panelling.
- The impact on the fabric of the building is limited. It is fixed at two points only, both connected to the painted joinery elements. It is easily reversible. The previous fixings of the awning are still visible. The new fixings are more discreet.
- The new awning has been designed to line up and compliment the painted timber panelling around the shop.
- No.37, by its very function as a retail unit, automatically has a different interface with the streetscape when compared to the neighbouring protected structures. It has been a node in the public realm for decades and has brought a welcome connection between the public and residential as only a quality local grocer can. The semi-permanent awning encourages this connection and should be considered an asset to the street in terms of urban design.
- The awning is used daily by the shop and is a necessity for the commercial viability of the premises.
- The document includes an extensive photographic record of the premises.

## 6.2. Planning Authority Response

None received.



### 6.3. **Observations**

None received.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no further substantive issues arise. The issues can be dealt with under the following headings:

- Suitability of the Awning Structure
- Appropriate Assessment

### 7.2. **Suitability of the Awning Structure**

7.3. As indicated the planning authority reason for refusal points, in particular, to the design, siting, scale, form and materiality of the awning structure, citing it as obscuring the legibility and harmony of the shopfront and seriously detracting from the special architectural character and setting of the protected structure and the wider terrace of protected structures. It is noted that the decision is based on the recommendation of the Conservation Officer.

7.4. The applicants appeal response to this includes the Architectural Heritage Impact Assessment (AHIA) originally submitted with the application.

7.5. I note that the planning authority Conservation Officer acknowledges the information provided in the AHIA that the building was fully stripped out during the redevelopment works in 1997 and accepts that the front façade of the building is the last remaining element of original fabric. Though not specifically referred to the current timber shopfronts were likely installed also as part of these works and are not original fabric. It is clearly stated in the AHIA that the front windows are replacements for the originals and the front door is likely the same. Notwithstanding its protected structure status, therefore, the building as it currently exists is of limited heritage value. The AHIA notes that it is not recorded on the National Inventory of Architectural Heritage (NIAH) and suggests that if it was it would be classified as of local importance.

- 7.6. I do agree with the Conservation Officer that the front façade is the most important part of the building remaining. This is not just because it is original fabric and that it retains its original form and character but also because it is part of a terrace of similar buildings, most of which are also protected structures. Some sensitivity, therefore, is certainly appropriate.
- 7.7. I am inclined to agree with the assertion in the AHIA that the structure compliments the design and proportions of the building and the shopfront. It aligns well with the timber panelling of the shopfront and the colour finish is appropriate. Contrary to the position of the Conservation Officer I do not find the awning to be particularly bulky. While it does obscure the shopfront to some degree, and it may be said to upset the symmetry of the building frontage, I do not consider that these impacts are seriously adverse. It is clear that the awning structure has little or no direct impact on the original fabric of the building. It is fixed at just two points to the timber shopfront. It is also an easily reversible addition.
- 7.8. In so far as the impact of the awning on the terrace as a whole is concerned I do not consider this to be very significant either. The very particular circumstances of the shop is an important factor here. The hardstanding/landing area was presumably the front garden of the house when originally constructed. Most of the other houses in the terrace retain their front gardens, enclosed by metal railings. The immediately adjacent front garden is also enclosed by high hedging. The result is that in the streetscape scene the awning occupies a relatively recessed position and it does not present as a particularly obtrusive structure. It is the commercial nature of the building frontage, rather than the awning structure, that is the most obvious point of difference associated with the subject property.
- 7.9. There is another factor to be considered here and this relates to the point made in the AHIA about the role of the retail shop in the neighbourhood and in the streetscape. It is clear, in this instance, that the hardstanding/landing area is an integral part of the retail space and the retail offer. It is likely essential to the commercial viability of the business. As the AHIA asserts, it functions as an important node in the street facilitating interactions and in this way contributes to the vitality of the neighbourhood. In this regard the Z3 zoning objective for the area must be given considerable weight. The subject retail premises is a long standing part of the local neighbourhood centre and the development plan makes it clear that these

centres play a vital role in residential areas and recognises the importance of maintaining and strengthening them.

- 7.10. The areas of development plan policy and guidance referenced in the planning authority reports in relation to shopfront design, and blinds and canopies in particular, and as referenced at Section 5.1 above, are not, in my view, very relevant in this case. I have already referred to the recessed nature of the hardstanding/landing area and its role as an integral part of the retail space of the shop. What is required here is a reasonable degree of shelter for this trading space. The references to blinds/awnings/canopies in the development plan documents are mostly aimed at typical shopfront scenarios along commercial streets where the primary purpose of these is to provide some protection from the sun for the shop window display and, perhaps, a degree of shelter for window shoppers. Of course, in certain situations, they may also be adapted for other uses such as outdoor seating or display areas but the guidance does not really address this.
- 7.11. In conclusion, and balancing all of the factors that need to be taken into account, I consider that the appeal should be upheld.
- 7.12. I note that the planning authority reason for refusal also refers to devaluation of property in the vicinity and to precedent. I do not consider that there is any basis for the former. If anything maintaining and strengthening an important retail node in the neighbourhood is more likely to enhance property values. In relation to precedent this does not arise either. I have outlined the very specific set of circumstances that apply to the subject premises and which will not be replicated in many other situations. In any case, as always, each development proposal will be assessed on its merits.
- 7.13. I also note that the planning authority Drainage Division recommended further information requiring revised arrangements to ensure that rainwater runoff from the awning be directed to below ground level into the piped system rather than via the support columns to ground and the public footpath as provided for at present. Given the nature of the awning structure I consider this to be an excessive requirement. The awning functions in a similar way to the previous retractable awning which would also have given rise to rainwater runoff to ground. The photographic evidence in the application and appeal submissions shows the retractable awnings (including the

awning to the adjacent hardware shop) extending to the edge of the footpath. They are/were clearly used to provide shelter to the entire hardstanding/landing area.

#### **7.14. Appropriate Assessment Screening**

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

### **8.0 Recommendation**

8.1. I recommend that permission be granted to retain the development subject to one condition.

### **9.0 Reasons and Considerations**

Having regard to:

- the extent of previous alterations No.37 Dunville Avenue and its limited heritage value, notwithstanding its protected structure status,
- the design of the awning structure, including materials and finishes, and which is considered to be reasonably compatible with the shopfront and building facade,
- the temporary nature of the structure which does not impact original building fabric and is an easily reversible alteration,
- the particular characteristics and layout of the shopfront location that minimises the impact of the awning on the adjoining terrace as a whole,
- the function of the awning to provide shelter to the hardstanding/landing area that is an integral part of the retail area of the shop,
- the Z3 Zoning Objective for the area to provide for and improve neighbourhood facilities and the recognition in the development plan of the importance of maintaining and strengthening neighbourhood centres,

it is considered that the retention of the awning would not seriously detract from the special architectural character or setting of the protected structure or of the adjoining terrace of protected structures and that it would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application.  Reason: In the interest of clarity.
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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.

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Brendan Wyse  
Planning Inspector

9 November 2024