



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320862-24

#### Development

PROTECTED STRUCTURE:  
Permission for construction of a new two-storey, one-bed mews dwelling and retention of 10 no. studio apartments within the Protected Structure and all associated works.

#### Location

36 Blessington Street, Dublin 7, D07 A4XY

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

3939/24

#### Applicant

Chris Capitol Limited

#### Type of Application

Planning Permission & Retention Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant

Chris Capitol Limited

#### Observer

Broadstone Basin Residents Association

**Date of Site Inspection**

27<sup>th</sup> November 2024

**Inspector**

Margaret Commene

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## **1.0 Site Location and Description**

- 1.1. The site, at 36 Blessington Street, Dublin 7, is located on the northern side of Blessington Street and has a stated site area of 194sqm. The site backs onto a service lane 'Berkeley Place' that in turn accesses Berkeley Street. On site is a 2-bay 3-storey over semi-basement mid-terrace listed Georgian-era c. 1800 building which is a Protected Structure (RPS No. 797). A double storey extension and dormer have been previously introduced to the rear (north) of this building. It is understood that the property has been in residential use for a no. of years.
- 1.2. The building adopts a c. 2.6 metre setback from the Blessington Street street frontage, with pedestrian entrances to the building's ground floor and basement level provided within the intervening space, delineated by decorative iron railings, gates and stone plinths. The rear (northern part) of the site comprises a tarmacadam surfaced amenity/car parking area, accessible off Berkeley Place.
- 1.3. The immediate area along Blessington Street, to the south, east and west of the site, comprises of similar substantial Georgian Buildings (also Protected Structures) in residential and commercial uses. To the north of the subject site, on the opposite side of Berkeley Place, is the James McSweeney House Site which is currently being redeveloped. Further west of the subject site is the Blessington Street Basin Public Amenity Area. The site is located c. 1.5km from Dublin City Centre (O'Connell Street) and is well served by public transport, with Bus Routes No. 4, 9, 38, 38A, 38B, 38D, 40, 46A, 120, 140 and 155 running along Blessington Street (further east), Bus Routes No. 38, 38A, 38B, 38D, 40, 46A and 120 running along nearby Mountjoy Street and the Broadstone Luas Stop lying c. 800 metres south-west of the subject site.

## **2.0 Proposed Development**

- 2.1. Planning Permission and Retention Permission is sought for alterations to No. 36 Blessington Street, Dublin 7, a Protected Structure (RPS No. 797).
- 2.2. Planning Permission is sought for the following:
  - Construction of a new 2 storey one-bed mews dwelling, with side pedestrian access, to the rear of the site/Protected Structure;
  - New external access and escape stairs to the rear of the Protected Structure;

- Relocation of the existing external ground floor rear stairs of the Protected Structure to allow for the new stairs to the basement;
- New first floor window to existing extension to the rear of the Protected Structure and blocking up of existing 1<sup>st</sup> floor window adjacent inside Protected Structure;
- Replacement of existing basement concrete floor with new concrete floor, DPM, insulation, boxing in and protection of existing fireplaces, installation of automatic opening vent in roof over staircase; and
- All associated drainage, bin storage, bicycle parking and ancillary works necessary to facilitate the entire development.

2.3. Retention Permission in the Protected Structure is sought for the following:

- 10 no. studio apartments (2 no. studios & ancillary accommodation at the basement level; 3 no. studios at ground floor level; 3 no. studios at first floor level and 2 no. studios at second floor level);
- Removal of non-original partition walls at basement level;
- Timber stud partition walls on all floors; and
- First fix electrical and plumbing installation.

## 3.0 Planning Authority Decision

### 3.1. Decision

On 23<sup>rd</sup> August 2024, the Planning Authority decided to refuse the development sought under this application for the following stated reasons:

1. The proposed retention of the unauthorised 10 no. studio units within the *Protected Structure would have a seriously injurious and adverse impact on the special architectural character and fabric of the interior of the Protected Structure at No. 36 Blessington Street and would be contrary to policies BHA2 (a), (b), (d), (e), (f), (g), (h) of the 2022-2028 Dublin City Development Plan and would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

2. *The reduction of the amenity space serving the Protected Structure that would arise from the construction of the mews building would constitute overdevelopment of the subject site and would have an adverse and injurious impact on the setting and amenity of the Protected Structure, and would contravene policies BHA2 (a), (d), (h) of the 2022-2028 Dublin City Development Plan and would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
3. *Having regard to the fact that the 10 no. studio units are substantially substandard in terms of the overall minimum accommodation requirements for studio units as set out in the national guidelines i.e. the DHLGH's 2023 Design Standards for New Apartments and as per 15.8 of the 2022-2028 Dublin City Development Plan would in combination with the proposed 1-Bed mews unit which are all located on a restricted site would constitute overdevelopment of the site and would provide substandard residential amenity for future occupants of the proposed units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

- Residential 'use' is a permissible use under the land use zoning; therefore the proposed development is acceptable in principle.
- It is considered that the development in the main Protected Structure, its extension(s), combined with the mews development and minimal open space provided represents significant intensification of development and ultimately amounts to overdevelopment. It is considered that there are other more reasonable options for residential subdivisions of such heritage properties that provide for good residential amenity beyond single family use.
- The works see no evident major amendments to the frontage of the protected structure while the mews will not be in view of the primary public realm. However, the impact on the Protected Structure by the subject works is considered inappropriate.

- In light of the commentary received from the Conservation Section, which raised concerns in relation to the extent of intervention proposed, intensification of residential use proposed, retention of the unauthorised works, the absence of amenity space, materials/finishes of the proposed mews building and overdevelopment; refusal is recommended.
- It is considered that the proposal does not comply with unit mix as set out the 2023 Apartment Guidelines noting the substandard accommodation provision. None of the 'studio' apartment units to be retained meet the minimum unit size or internal accommodation standards, the minimum requirement being 37sqm and the studios varying between 12.4sqm and 23.3sqm in size. The development is closer to the now defunct co-living residential type scenario but would be at a lower standard especially with the lack of high-quality communal facilities.
- In this instance, all the studio units are single aspect (100%) – with 4 no. north facing. National guidance does however note that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspect.
- No detailed assessment of access to daylight or sunlight has been provided. There would be a great deal of doubt over the level of access to daylight for some of the northern facing studio units – and certainly for both basement units. It is also not clear what the change in obstruction to daylight the proposed new rear external stairs and landing arrangement represents. Further assessments would be required. It would appear that the proposed mews' living space which is located at 1st floor level should receive reasonable access to daylight with also a rooflight overhead. The scheme should not unduly affect adjoining 3rd parties' access to daylight and sunlight over and above existing baseline impacts.
- With regards to potential overlooking, there are no new opes in the main Protected Structure. The proposed new mews dwelling will look across the lane

to the north at an opposing apartment scheme on Berkeley Street but is sufficiently distanced and angled from its neighbours, however the applicant is proposing a 1<sup>st</sup> floor western side ope to the presumed unauthorised rear 1st floor extension to the main building which will be less than 3.0m from the party boundary with No. 37 Blessington Street – and as such could be prejudicial to any future reasonable developments on the neighbouring site. Alternative measures would be required to obviate overlooking up to and including omitting the ope altogether thus requiring a repurposing of the room within. Within the scheme it would appear that the new proposed rear external landing may allow looking straight into studio unit 04's northern ope. Some obviation measures may well be required – but as noted – in turn could further obstruct access to daylight to the northern facing studio unit within. A minimal 1.8m high side screens should be applied to the 1st floor rear/northern terrace to serve the proposed mews unit.

- No open space is provided for any of the subject retained studio units. The private open space serving the mews dwelling is substandard in terms of quantum/aspect, however, it is considered that a compromise may be had noting the location in the central city area.
- The residual area of ground floor open space as proposed in this instance is north facing and tightly confined and overshadowed and would not meet the recommendations of 3.3.17 of BRE 209 (3rd Edition) i.e. 50% of amenity space to have 2 hours of sunlight on March 21. The left-over open space is service space for circulation/access along with hosting storage of cycle parking and bins rather than useable communal open space.
- No public open space is provided on site and any provision of a usable size of same on site would be unfeasible – therefore, as the scheme exceeds 9 no. units, a financial contribution in lieu of Public Open Space is required.
- No details of the management of the development have been provided – noting that there are also a refuse storage area/communal facilities on site. It is not clear as to what degree the occupants of the mews are able to share such communal/refuse storage facilities.



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

**Environmental Health Officer (17/07/24):** No objection, subject to conditions.

**Road Planning Division (09/08/24):** Recommended that further information be requested regarding bicycle parking provision, an outline Mobility Management Plan and a Service Delivery and Access Strategy.

**Drainage Division (23/07/24):** Recommended that further information be requested regarding flood risk management.

**Conservation Section (16/08/24):** Recommended that the application be refused for the following reason:

*The proposed retention of the unauthorised 10 no. studio units within the Protected Structure would have a seriously injurious and adverse impact on the special architectural character and fabric of the interior of the Protected Structure at No. 36 Blessington Street and would be contrary to policies BHA2 (a), (b), (d), (e), (f), (g), (h) and would set an undesirable precedent for similar development in the area. The reduction of the amenity space serving the Protected Structure that would arise from the construction of the mews building would constitute overdevelopment of the subject site and would have an adverse and injurious impact on the setting and amenity of the Protected Structure, and would contravene policies BHA2 (a), (d), (h) and would set an undesirable precedent for similar development in the area.*

### 3.3. **Prescribed Bodies**

- **Transport Infrastructure Ireland (17/07/2024):** No observations to make on the proposed development but asks that if the above application is successful a condition requiring payment of a Section 49 Levy (associated with Luas) be included, unless exempted.
- **Department of Housing, Local Government and Heritage (31/07/2024):** Raised concerns regarding potential disturbance to nests of Swifts and/or Swallows (listed under Birds of Conservation Concern Red List and Amber List), the roosting habitat of bat species (listed under Annex IV of the EU Habitats Directive (Council Directive 92/43/EEC)) and/or nesting birds (protected under S.22 of The Wildlife Act 1976 (as amended)), caused by demolition of old building. To mitigate such potential impact, they recommended

that conditions be attached relating to Swift and Swallow surveys/destruction of Swift or any other protected wild bird nests, bat surveys/Derogation Licences and potential mitigation methods.

### **3.4. Third Party Observations**

No third-party observations were received by the Planning Authority during the consultation period for the application.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. The following previous applications pertaining to the subject site are of relevance:

#### ***PA Reg. Ref. 4000/15***

Planning permission was granted by Dublin City Council in January 2016 for change of use from office/commercial accommodation to a single residential unit at ground, first, second and third floors to include single storey extension at first floor level over existing rear annex.

This permission was not implemented and has since lapsed.

#### ***PA Reg. Ref. 4253/04***

Planning permission was refused by Dublin City Council in October 2004, for change of use from office to residential on the ground floor, first floor and second floor; conversion of existing house to apartments consisting of two no. 1 bedroom and 2 no. 2 bedroom apartment; and demolition of existing return to rear of building and construction of a new two storey extension consisting of two no. 1 bedroom apartments.

### **4.2. Adjacent Sites**

4.2.1. The following recent applications on adjacent sites are pertinent to the current proposal.

### **38 & 39 Blessington Street, Dublin 7 (west of the appeal site)**

#### **PA Reg. Ref. 3274/19 (ABP Ref. ABP-306349-20)**

This application relates to an application for (in summary) change of use from offices to residential at basement, ground, first and second floor level, to provide a total of 8 no. one-bed apartments; associated internal and external amendments to accommodate same; general restoration and refurbishment works; upgrading of the rear car parking area; and all associated site and engineering works necessary to facilitate the development.

Permission was refused by Dublin City Council in December 2019. The Planning Authority's decision was appealed to An Bord Pleanála by the applicant (Appeal Ref. ABP-306349-20). The Board granted permission for this application in July 2020 concluding as follows:

*'Having regard to the provisions of the Dublin City Development Plan 2016- 2022, the Z8 zoning objective, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development, including the positive design/layout amendments made with the appeal, would not seriously injure the integrity, character and setting of the Protected Structures and the visual and residential amenities of the Georgian Conservation area. The Board noted the significant loss of historical fabric arising from previous uses, the current vacant status of the properties and considered that the proposed development would deliver considerable conservation benefits which would prolong the life of the Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.'*

### **42-43 Blessington Street, Dublin 7 (south-west of the appeal site)**

#### **PA Reg. Ref. 3334/21**

This application relates to an application for (in summary): - change of use from commercial to residential land use; demolition of existing single-storey warehouse to the rear of the site (fronting Blessington Lane) and existing single storey extension to the rear of Nos. 42 and 43 Blessington Street (Protected Structures); works to Nos. 42 and 43 Blessington Street to provide 8 no. apartments (6 no. 1-bed apartments and 2 no. 2-bed apartments); internal and external refurbishment/restoration works to Nos.

42 and 43 Blessington Street; and construction of a three-storey apartment building, comprising 6 no. one-bedroom apartments, fronting Blessington Lane.

Permission was granted by Dublin City Council in February 2022 subject to 19 no. conditions, including Condition No. 5 which required (among other things) that the building facing Blessington Lane be reduced in height to two storeys, containing a maximum of four apartments.

**PA Reg. Ref. 3953/24**

This application relates to an application for (in summary) the following alterations to development previously approved under Reg. Ref. 3334/21: - demolition of the existing warehouse; and alterations to the approved apartment building, comprising the construction of a three-storey over-basement residential development comprising 10 no. apartments (5 no. one-bedroom duplex units, 2 no. one-bedroom apartments, and 3 no. studio apartments), on lands fronting Blessington Lane. Permission was refused by Dublin City Council in December 2024 for the following reasons:

- 1. Having regard to the site's location within a Z8 zoned Georgian Conservation Area, the planning authority is not satisfied, on the basis of the information before it, that the mews apartment development will be provided with sufficient useable private open space across the scheme, but particularly the studio units in line with the requirements of 15.9.7 (Private Amenity Space) of the Dublin City Development Plan 2022-2028, or with Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023), and as such will have undue negative impacts on the residential amenity of future occupants. Noting the deficiency the proposed development is considered to constitute overdevelopment of this restricted site. The development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The layout of the lower ground-floor studio apartments does not meet with the minimum width standards, set down for such units in the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2022)", prepared by the Department of Housing, Local Government and Heritage. The proposed development would, therefore, be detrimental to the residential amenities of future occupants of the units.*

**Rear of 45 Blessington Street, Dublin 7 (south of the appeal site fronting Blessington Lane)**

***PA Reg. Ref. 2201/20***

Permission was granted by Dublin City Council in July 2020 for the construction of a 2-storey terraced 2 bed dwelling to the rear of 45 Blessington Street (a Protected Structure) fronting Blessington Street.

**James McSweeney House, Berkeley Street, Dublin 7 (north of the appeal site on the opposite side of Berkeley Place)**

***PA Reg. Ref. 3893/18***

Permission was granted by Dublin City Council in July 2019 for demolition of the existing building James McSweeney House and construction of a five storey building, accommodating 35 no. one bedroom apartments; ground floor community room and 2 no. offices.

## **5.0 Policy Context**

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

#### **5.1.1. Land Use Zoning**

The appeal site is zoned 'Z8 - Georgian Conservation Areas' under the Dublin City Development Plan 2022-2028, with a stated objective to '*protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective*'. In the context of Z8 zoned lands, Section 14.7.8 states that '*the aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged*'.

#### **5.1.2. Relevant Sections/Policies**

The subject site is occupied by a 2-bay 3-storey over semi-basement mid-terrace listed Georgian-era c. 1800 building which is a Protected Structure (RPS No. 797).

The following policies are considered relevant to the consideration of the subject proposal:

#### **Section 4.5.3 – Policy SC11: Compact Growth**

*In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:*

- *enhance the urban form and spatial structure of the city;*
- *be appropriate to their context and respect the established character of the area;*
- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

#### **Section 4.5.3 – Policy SC12: Housing Mix**

*To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.*

#### **Section 5.5.2 – Policy QHSN6: Urban Consolidation**

*To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.*

#### **Section 5.5.2 – Policy QHSN8: Reduction of Vacancy**

*To promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings, including Dublin City Council's Estate Renewal Programme.*

### **Section 5.5.2 – Policy QHSN10: Urban Density**

*To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.*

### **Section 5.5.7 – Policy QHSN36: High Quality Apartment Development**

*To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.*

### **Section 5.5.7 – Policy QHSN37: Houses and Apartments**

*To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.*

### **Section 5.5.7 – Policy QHSN38 Housing and Apartment Mix**

*To encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities.*

### **Section 11.5.1 – Policy BHA2: Development of Protected Structures**

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

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- (e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- (f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- (g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (j) Have regard to ecological considerations for example, protection of species such as bats.*

### **Section 11.5.3 – Policy BHA9: Conservation Areas**

*To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. 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:*

- 1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*
- 2. Re-instatement of missing architectural detail or important features.*
- 3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*
- 4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*



5. *The repair and retention of shop and pub fronts of architectural interest.*
6. *Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*
7. *The return of buildings to residential use.*

*Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability.*

### **Section 11.5.3 – Policy BHA14: Mews**

*To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.*

### **Section 15.8.6 Public Open Space**

Section 15.8.6 requires that where land zoned Z8 is to be developed, a minimum of 10% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. Public open space will normally be located on-site, however, in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity.

### **Section 15.15.2.2 - Conservation Areas**

*All planning applications for development in Conservation Areas shall:*

- *Respect the existing setting and character of the surrounding area.*
- *Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.*
- *Protect the amenities of the surrounding properties and spaces.*
- *Provide for an assessment of the visual impact of the development in the surrounding context.*
- *Ensure materials and finishes are in keeping with the existing built environment.*

- *Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist.*

### **Appendix 3 – Section 3.2 Plot Ratio and Site Coverage**

The development plan sets indicative requirements of 1.5-2.0 for plot ratio and 45-50% for site coverage for Conservation Areas. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

### **Appendix 3 – Sections 3.2 and 4.0 Density**

As a general rule, a density range of 100-250 units per ha (as set out in Table 1) will be supported in the City Centre and Canal Belt. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.

*The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.*

### **Appendix 5 - Section 3.1 Bicycle Parking Standards for Various Land Uses**

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments.

### **Appendix 5 - Section 4 Car Parking Standards**

A car parking rate of 0.5 spaces per apartment is specified for houses/apartments/duplexes located within Zone 1 as identified within Map J of the Dublin City Development Plan 2022-2028.

## **5.2. Regional Policy**

### **5.2.1. The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area, 2019 – 2031**

The RSES provides a framework for development at regional level. It encourages the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The site is located within the identified 'Dublin City and Suburbs' area. The following Regional Policy objectives are noted in particular:

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3 - Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

A Metropolitan Strategic Area Plan (MASP) has also been prepared for Dublin and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure.

## **5.3. National Policy**

### **5.3.1. Project Ireland 2040 - National Planning Framework**

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

- NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more

jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

- NPO 13 - In urban areas, planning, and related standards, including height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **5.3.2. Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

The building featuring on site is a Protected Structure (RPS. No. 797). Therefore, these guidelines are considered relevant. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. Chapter 7 outlines a series of Conservation Principles. Section 7.3 identifies active use as the best method of conserving a historic building. While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected and every effort should be made to minimise change to, and loss of, significant fabric. In the context of proposals within the curtilage of a Protected Structure, Section 13.5 of the Guidelines states that care should be taken to ensure proposals do not have an adverse effect on the special interest of the Protected Structure.

#### **5.3.3. Section 28 - Ministerial Guidelines**

The following Section 28 - Ministerial Guidelines are considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).

**Other Relevant Policy Documents include:**

- Cycle Design Manual (2023).

#### **5.4. Natural Heritage Designations**

5.4.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210), located c. 2.7km east and c. 4.5km south east of the site, respectively. There are no direct pathways between the site and the Natura 2000 network.

#### **5.5. EIA Screening**

5.5.1. Having regard to the nature and scale of the proposed development and its location in a serviced urban area absent of any significant environmental sensitivity, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- In response to the first refusal reason, it is noted that the property has been used as bedsits for many years and accordingly, little remains of the original interior of the Protected Structure and no record of the same exists. The National Inventory of Architectural Heritage description of the building's contribution makes no reference to its internal features/the interior, as referenced in Refusal Reason No. 1. As outlined in the Conservation Report accompanying the application, '*the interiors retain door surrounds, window casings and plastered walls only*' – none of which are proposed to be removed. No special architectural character and fabric of the interior (other than those referenced) have existed and therefore, cannot suffer a seriously injurious/adverse impact by the proposed development.
- The proposed development is not contrary to Policy BHA2 and would not set an undesirable precedent for similar development in the area/is not contrary to proper planning and sustainable development, for the following reasons:
  - In the context of Policy BHA2(a), the proposed development has regard to the Architectural Heritage Guidelines with no external works/changes proposed to the Protected Structure, no changes to the setting/curtilage on Blessington Street and only improvements to the setting/curtilage to Berkeley Place. The proposed internal works seek to improve the existing situation on site.
  - In the context of Policy BHA2(b), none of the proposed works will negatively impact on the special character/appearance of the Protected Structure, as is. Few original features remain in the Protected Structure.
  - In the context of Policy BHA2(d), the proposed development is sensitively designed and appropriate in scale, mass, height, density, layout and materials.

- In the context of Policy BHA2(e), the proposed use is residential which is compatible with the architectural character and special interest of the Protected Structure.
- In the context of Policy BHA2(f), all remaining original features will be retained and protected.
- In the context of Policy BHA2(g), there are no existing historic landscape, garden and trees associated with the Protected Structure.
- In the context of Policy BHA2(h), there are no ecological considerations to this Protected Structure, bats or otherwise.
- In the context of the second refusal reason, the reduced amenity space resulting is justified having regard to the site's proximity to the Blessington Street Park and the Royal Canal Linear Park & Playground. The necessity for more accommodation and increased densification results in the vast majority of accommodation in Dublin City relying on a combination of communal and public amenity spaces.
- The rear area is currently a car park and offers little amenity with nearby public amenity spaces offering being superior to anything that could be provided on site. Although smaller than the required area, this proposal will represent an improvement in the current car park setting.
- In the context of the third refusal reason, it is acknowledged that the proposed units are substandard in terms of the national minimum space requirements. However, in the context in which the proposed development sits is the epicentre of the national accommodation crisis, it being proximate to the Mater Hospital, TUI Grangegorman and Kings Inn, all of which have large unfulfilled demand for accommodation.
- The proposed units are entirely suitable for students and others whose lifestyles do not require long-term residence in one location. The mews development is in full compliance with the applicable standards/policies, including Section 15.13.5 of the Development Plan, and will encourage similar development along Berkeley Place.

## 6.2. Planning Authority Response

- It is requested that the Planning Authority's decision to refuse permission be upheld.

## 6.3. Observations

An observation on the first-party appeal was lodged by Broadstone Basin Residents Association. The main points raised therein can be summarised as follows:

- It is requested that the Board refuse the first party appeal as approval would set an undesirable precedent.
- In responding to the Planning Authority's first refusal reason, the appellant fails to address any of the conservation concerns highlighted in the Planners Report. Rather than addressing these substantial concerns, they the appellant focuses solely on Policy BHA2 in the Dublin City Development Plan using very general/unsubstantiated statements. The appellant provides no new evidence to address concerns raised.
- With regards to the Planning Authority's second refusal reason, the appellant admits that the proposed development reduces the amenity space and justifies this reduction by stating that the site is near public amenities. Neither the Apartment Guidelines or the Dublin City Development Plan allows the elimination of communal amenity space due to proximity to public amenity space.
- The communal amenity space will effectively be reduced to zero given the minimal distance between the rear return and proposed mews development and the bin/bicycle store featuring therein. The appellant argues that the current amenity level of the rear area is low due to it being used as a car park and this proposal will represent an improvement for this area. The rear area should instead be converted to a good quality amenity space rather than accommodating a mews development.
- In the context of the third refusal reason, the appellant justifies the non-compliance with the minimum spatial requirements by stating that it would be *'suitable for students and others whose lifestyles do not require long-term*



*residence in one location*'. Blessington Street and the surrounding area suffers from an overprovision of dwellings unsuitable for long-term living which has contributed to reduced social capital and public realm neglect.

- The Broadstone Basin Residents Association is not against the conversion of these Protected Structures to apartments, if done in a manner that respects the historic fabric and provides suitable long-term accommodation. The subject proposal does not do so.

#### **6.4. Further Responses**

- None.

### **7.0 Assessment**

Having examined the application details and all other documentation on file; including the submissions received in relation to the appeal, the reports of the Local Authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Impact on Built Heritage
- Standard of Residential Development Proposed
- Impacts on Surrounding Properties
- Other Matters
- Appropriate Assessment

#### **7.1. Principle of Development**

- 7.1.1. As previously discussed, the development site is zoned 'Z8 - Georgian Conservation Areas' under the Dublin City Development Plan 2022-2028. Section 14.7.8 of the Development Plan identifies 'residential' as a permissible use under Zoning Objective Z8. Having regard to the site context and the zoning objective for the site, I am satisfied that the principle of developing residential units at this location is generally acceptable

in principle provided the proposed development provides adequate residential amenity, adequately safeguards the amenities of the adjoining properties, protects the built heritage and would be in accordance with the provisions of the Dublin City Development Plan 2022-2028. These matters are considered in the subsequent sections. Further to this, the proposed development is consistent with a no. of local and national planning policies which encourage the refurbishment/retrofitting of existing buildings and the return of such buildings to residential use.

## **7.2. Impact on Built Heritage**

- 7.2.1. The Planning Authority's first and second refusal reasons both pertain to the proposed development's impact on the Protected Structure featuring on site. The injurious and adverse impact on the special architectural character/fabric of the interior of the Protected Structure arising from the proposed retention of the unauthorised 10 no. studio units forms the basis of the first refusal reason. More specifically, the Planning Authority make specific reference to this aspect of the proposed development contravening Policies BHA2 (a), (b), (d), (e), (f), (g) and (h) of the 2022-2028 Dublin City Development Plan. There are 2 broad aspects of the proposed development that are of particular concern to the Conservation Officer – the extent of intervention to historic fabric arising from the intensification of residential use within the Protected Structure and the minimal information provided regarding surviving historic fabric/retention of the same. In response to these refusal reasons, the applicant states that the property has been used as bedsits for many years and little remains of the original interior of the Protected Structure and no record of the same exists. As no special architectural character and fabric of the interior (other than the door surrounds, window casings and plastered walls featuring which are to be retained), they argue that a seriously injurious/adverse impact cannot result from the proposed development as suggested by the Planning Authority. The Conservation Report and Architectural & Built Heritage Assessment accompanying the application states that the following in terms of surviving internal architectural features: - *'the building is intact in plan form, profile and elevations with the exception that the front façade has been rendered in recent years'* and that *'the interiors retain few internal features of note, the floors are modern plywood throughout, the ceilings are modern plasterboard throughout, the walls are plain lime plastered'*.

- 7.2.2. Turning my attention firstly to the proposed intensification of residential use within the Protected Structure. When first constructed, this Protected Structure would have comprised a single multi-level dwelling and over the years, this dwelling came to be used as offices (planning permission was previously granted (under Reg. Ref. 4000/15) for change of use from office/commercial accommodation to residential units and construction of a single storey extension at first floor level, however this does not seem to have been implemented). The subject application seeks retention permission for the introduction of residential apartments within the Protected Structure. Section 6.8.8 of the Architectural Heritage Protection Guidelines identifies active use as a means of prolonging the life of a Protected Structure and the conversion of such buildings to multiple dwelling units is common practice within the City and ensures the continued use and survival of such Protected Structures. In this context, I consider the change of use to apartments to be acceptable in principle, subject to the changes involved in such a change being suitable in the context of the special interest of the structure.
- 7.2.3. Section 7.3.1 of these Guidelines outlines that while a degree of compromise will be required in adapting a Protected Structure to meet modern day requirements, it is important that the special interest of the structure is not unnecessarily affected when carrying out such residential conversions and Section 7.7 promotes the principle of minimum intervention in a Protected Structure. Having reviewed the plans/particulars submitted with the application and visited the site, I consider the introduction of 10 no. studio apartments across the buildings four floors requires extensive interventions/alterations to the building. Whilst the proposed development sees the removal of a no. of unoriginal partition walls previously introduced (for example in the first and second floor rooms fronting Blessington Street), introducing 2-3 no. studio apartments per floor level requires the introduction of extensive mechanical/electrical services associated with ensuites and kitchens and the introduction of numerous new partition walls to facilitate the installation of ensuite bathrooms, which in turn results in significant changes to the original plan form and room proportions. Further to this, the layouts proposed will see the concealment/obstruction of historic fire surrounds/chimney breasts. The original plan form/original room proportions of Protected Structures should be protected or re-instated and not compromised by unsympathetic alteration. This is contrary to the aforementioned policies of the

Architectural Heritage Protection Guidelines and Policy BHA2 included in the current Development Plan which requires, among other things that *‘any development which affects the interior of a protected structure must be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces...’*. Given the above, I would concur with the Planning Authority/their Conservation Officer that permission should be refused in this instance.

- 7.2.4. In the context of the information accompanying the application, Section 6.4.8 of the Architectural Heritage Protection Guidelines states that *“the drawings should clearly indicate the location of works and the extent of alteration of the existing fabric. All works comprising proposed reconstruction, alteration or extension must be marked or coloured on the drawings to distinguish clearly between the existing structure and the proposed work”*. The Conservation Officer contends that minimal information has been provided regarding surviving historic fabric/retention of the same, with the absence of a comprehensive set of pre-unauthorised works photographs, contradictory descriptions across the application material and a lack of details regarding proposed works noted. Further to this, having visited the site and walked through the internals of the building, it would appear that the plans/particulars submitted with the application are not entirely reflective of the existing situation on site (there are a no. of existing partition walls that will need to be removed to accommodate the proposed development which do not appear to be accurately reflected in the application drawings). I would share the view of the Conservation Officer that, having regard to the information provided with the application and the inconsistencies contained therein, the applicant has not furnished sufficient information to support/sufficiently demonstrated how the existing fabric/character of the interior of the Protected Structure would not be detrimentally impacted upon by the proposed works. The onus is on the applicant to demonstrate compliance with the Development Plan Policies/Objectives, as well as applicable national planning policies, and I am of the view the applicant has failed to clearly demonstrate that the proposed development complies with Policies BHA2 of the Dublin City Council Development Plan 2022–2028 and the conservation principles outlined in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Refusal is therefore merited in this instance.

- 7.2.5. The second refusal reason pertains to the adverse/injurious impact on the setting and amenity of the Protected Structure arising from the reduction in the amenity space serving the Protected Structure that would arise from the construction of the mews dwelling. More specifically, the Planning Authority make specific reference to this aspect of the proposed development contravening Policies BHA2 (a), (d) and (h) of the 2022-2028 Dublin City Development Plan. Turning my attention firstly to Policy BHA2(h), which pertains to the protection/retention of historic gardens, stone walls, entrance gates/piers and any other associated curtilage features. Contrary to the opinion formed by the Planning Authority, I do not consider this aspect of the policy to be applicable in the context of the subject proposal. While the area it is proposed to introduce the mews dwelling was originally a garden serving the dwelling when built, it does not constitute a historic garden as envisaged in Policy BHA2(h) in my view.
- 7.2.6. Policies BHA2 (a) and (d) pertain to development within the curtilage/setting of Protected Structures and development, modification, alteration, or extension affecting a Protected Structure and/or its setting. The proposed mews dwelling would be two storeys in height (extending to a maximum height of 6.735 metres) and located to the rear of the site fronting Berkeley Place. It would occupy the full width of the rear plot, have a maximum depth of c. 7 metres and adopt a setback of c. 9.5 metres and c. 1.9 metres from the rear façade of the Protected Structure and later rear extension, respectively. Given its height, positioning on site, separation distance from the Protected Structure and the presence of the later rear extension in the intervening space, I am satisfied that the proposed mews dwelling would remain suitably subservient to the Protected Structure featuring on site. Further to this, due to its positioning/height and scale, the proposed mews dwelling would not be visible from the Blessington Street streetscape and would also be subservient to the Protected Structures featuring on adjacent plots to the east and west. I do accept the Conservation Officer's view that the use of uPVC, for windows and doors, is unacceptable in the context of the adjacent Protected Structure. However, I am satisfied that a condition requiring all external materials to be agreed with the Planning Authority, would allow a suitable compromise to be reached on the matter were the Board inclined to grant permission.
- 7.2.7. Having regard to the foregoing, I do not have concerns regarding the reduced amenity space serving the Protected Structure having an adverse and injurious impact on the

setting and amenity of the Protected Structure. However, I would have concerns regarding the reduction in open space resulting from the introduction of the mews dwelling in the context of the residential amenity afforded residents of the studio units featuring within the Protected Structure. These concerns are discussed in greater detail in the subsequent sections of this report.

7.2.8. Consideration is also needed in relation to the other modifications proposed to the Protected Structure, being the proposed relocation of the existing external ground floor rear stairs and the new window to the existing extension/blocking up of the existing window adjacent. I do not have any concerns regarding these aspects of the proposal, the window amendments pertaining to the later rear extension rather than the Protected Structure itself/the new window being setback some distance from the rear façade of the same and the altered stairs being located to the rear of the Protected Structure/involving minor alterations to the existing railings.

7.2.9. In conclusion, having regard to the foregoing, I consider that the proposed development would materially and adversely affect the character of the Protected Structure and would conflict a number of provisions of Policy BHA2 of the Dublin City Development Plan 2022-2028 as well as the conservation principles outlined in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Therefore, I consider that the proposed development should be refused permission.

### **7.3. Standard of Residential Development Proposed**

7.3.1. The Planning Authority's 3<sup>rd</sup> refusal reason considered that the proposed development would provide substandard residential amenity for future occupants of the proposed studio units having regard to the fact that they are substantially substandard in terms of the overall minimum accommodation requirements. In the context of this refusal reason, the appellant highlights the sites proximity to the Mater Hospital, TUI Grangegorman and Kings Inn, all of which have large unfulfilled demand for accommodation, and contends that the proposed units are entirely suitable for students and others whose lifestyles do not require long-term residence in one location. The standard of residential development is considered in this section, particularly with regard to the quantitative and qualitative standards outlined in the Dublin City Development Plan 2022-2028 and the 2023 Apartments Guidelines.

### *Mix of Units*

- 7.3.2. In terms of national policy, Specific Planning Policy Requirement (SPPR) 1 of the 2023 Apartment Guidelines states that developments may include up to 50% 1-bed or studio type units, with no more than 20-25% of the total proposed development as studios. SPPR2 of these guidelines allows for flexibility in the application of SPPR1 in building refurbishment schemes or urban infill schemes on sites of up to 0.25ha. Notwithstanding this, SPPR2 also highlights that all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development. In terms of local policy, the unit mix specified for the Liberties and the North Inner City areas in the Dublin City Development Plan 2022-2028 is not applicable in this instance as less than 15 no. units are being proposed.
- 7.3.3. The proposal would entail the provision of 10 no. studios apartments, as well as 1 no. 1-bedroom mews dwelling, which is contrary to the requirements set out in SPPR1. I do not consider the unit mix proposed to be appropriate in this instance. While I acknowledge the flexibility afforded building refurbishment schemes/urban infill schemes on sites of up to 0.25ha regarding these requirements, I do not consider the proposed development to be of a quality (as will be elaborated upon in the subsequent sections) that merits the exercise of the discretion afforded to Planning Authorities. Further to this, the buildings traditional floor plan/layout provides scope for the provision of 1 and 2 bedroom apartments so there is an opportunity for a great unit mix to be provided.

### *Floor Area and Room Size*

- 7.3.4. SPPR3 of the 2023 Apartment Guidelines outlines a minimum apartment floor area of 37sqm for studio apartments, with associated minimums set out in Appendix 1 in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. Further to this, pursuant to paragraph 3.8 the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. For building refurbishment schemes/urban infill schemes, where

between 10 to 49 residential units are proposed, it shall generally apply, but in order to allow for flexibility, may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality.

- 7.3.5. Upon review of the plans/the Area Schedule of Accommodation accompanying the application, floor areas of between 12.4sqm and 23.3sqm are proposed which fall short of the minimum area/size requirements. The appellant acknowledges that the proposed units are substandard in terms of the national minimum space requirements but argues this is appropriate given the developments proximity to the Mater Hospital, TUI Grangegorman and Kings Inn, all of which have large unfulfilled demand for accommodation.
- 7.3.6. Having reviewed the proposed floor plans, I am not satisfied that the studio apartments are of a suitable size/suitably laid out internally to provide an adequate level of residential amenity to future residents. While I acknowledge Section 6.9 of the guidelines, in which it is recommended that planning authorities practically and flexibly apply these guidelines particularly in relation to historic buildings, and appreciate the constraints associated with conversion of such historic buildings, the deficit in overall floor area is significant across all the proposed studio apartments – between 13.7sqm and 24.6sqm. Further to this, there are limited communal facilities and amenity spaces provided for residents of these apartments (as will be elaborated upon subsequently). I do not consider that the proposed studio apartments would provide a satisfactory living environment and as such are unacceptable in terms of overall floor areas provided.
- 7.3.7. Turning my attention to the proposed mews building, the proposed 1-bed (2P) mews dwelling has a total floor area of 50.6sqm across the 2 floors which complies with the requirements set out in the Quality Housing for Sustainable Communities, 2007 (the requirements for a 1BED/2P 1-storey House deemed the closest fit to the subject proposal). Further to this, the proposed dwelling complies with the requirements specified in relation to minimum main living area, aggregate living area, aggregate bedroom area and storage. Having reviewed the proposed floor plans, I am satisfied that the mews dwelling is suitably designed and adequately sized internally to provide an adequate level of residential amenity to future residents.



### *Open Space Provision*

- 7.3.8. Private amenity space standards and communal amenity space standards for apartments are set out in Appendix 1 of the Apartment Guidelines. More specifically, 4sqm of private amenity space standards and 4sqm of communal amenity space is required for studio apartments, which would equate to a minimum requirement of 40sqm in the context of communal amenity space. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, both private amenity space and communal amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality. The proposed studio apartments are devoid of private amenity space and the applicant has indicated the residents have access to an area of communal amenity space featuring centrally on the site.
- 7.3.9. Given this aspect of the proposal involves the refurbishment of an existing building which is a Protected Structure, I consider the non-provision of private amenity spaces to serve each studio apartment to be appropriate in this instance, subject to the provision of an appropriate area of communal amenity space to serve residents of the same.
- 7.3.10. With regards to the communal amenity space proposed, the Planners Report raised concerns about the quality of the same having regard to its northerly orientation and its confined/overshadowed nature. They considered it to be service space for circulation/access along with hosting storage of cycle parking and bins rather than useable communal open space. This view was shared by the observers to the first party appeal who contend that the rear area should instead be converted to a good quality amenity space to serve the proposed studio apartments rather than accommodating a mews development. In response to this commentary, the appellant has argued that although smaller than the required area, this aspect of the proposal represents an improvement in the current car park setting and that nearby public amenity spaces offer superior amenity to anything that could be provided on site.
- 7.3.11. The proposed communal amenity space does not satisfy the quantitative requirements specified and from a qualitative perspective, although I am satisfied that the proposed communal amenity space is appropriately overlooked and conveniently located relative to the proposed studio apartments, I would share the Planning Authority's

concerns regarding its quality. Due to the positioning of the bin storage/bicycle storage areas and the proposed external stairs to the rear of the Protected Structure and the limited dimensions of the area, the space would become a thoroughfare rather than providing space for residential amenity. Further to this, the Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. A similar sentiment is expressed in Section 15.9.8 of the current Development Plan. Due to it being sited to the north (rear) of the original building, its limited size and its being enclosed by the existing rear extension/the proposed mews dwelling, the communal open space would be overshadowed. The application was not accompanied by a daylight/sunlight assessment of the communal open space area. In the absence of this, it has not been appropriately demonstrated that the resultant communal open space would receive adequate levels of sunlight/provide an appropriate level of residential amenity for residents of the proposed development.

7.3.12. In the context of the proposed mews dwelling, it is provided with a 7.9sqm private balcony at first floor level which is considered appropriate to serve residents of this unit.

7.3.13. In addition to the foregoing open space requirements, Section 15.8.6 of the Development Plan requires that, in the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 15.8.7 goes on to state that where it is not feasible or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park, then a financial contribution in lieu of public open space may be applied. The proposed development is devoid of public open space. This is considered appropriate in this instance given the small size of the subject site and its proximity to a number of public open space areas, including Blessington Street Basin Public Amenity Area. It is recommended that, if the Board are inclined to grant permission, they attach a suitably worded condition requiring payment of a financial contribution in lieu of public open space provision, in accordance with the Dublin City Development Contribution Scheme 2020-2023. It is also noted that the subject site is located within the applicable catchment area relating to the Section 49 Supplementary Development Contribution Scheme (Luas Cross City).

### *Aspect*

7.3.14. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration. More specifically, SPPR 4 of the Guidelines outlines that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. Furthermore, on urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects. Upon review of the plans submitted with the application, all studio apartments proposed are single aspect and 4 no. of the 10 studio apartments have a northerly aspect. The proposed apartment development is contrary to the numerical requirements of SPPR 4. Further to this, I would have concerns about the amount of daylight received by the north facing units and those featuring at basement level. As previously mentioned, the buildings traditional floor plan/layout provides scope for apartments with a different dual aspect layout to be provided in compliance with this aspect of the Guidelines. The no. of units has been maximised rather than doing so.

### *Parking Provision*

7.3.15. The site is within Parking Zone 1 as identified within Map J of the Dublin City Development Plan 2022-2028. According to Section 4 of Appendix 5 of the Development Plan, a maximum of 0.5 car parking spaces per dwelling is outlined in the context of house and apartments/duplexes. The proposed development is devoid of car parking. Having regard to the City Centre location of the site, its close proximity to multiple public transport services, the proposal involving the refurbishment of an existing building and the wide range of services available in the surrounding area; I consider that a 'zero-parking' approach is acceptable in this case.

7.3.16. In terms of cycle parking, based on the plans accompanying the application the proposed studios/mews dwelling will be served by 10 no. bicycle parking spaces, provided in a 2-tier rack located within the central communal open space area indicated, accessible via Berkeley Place (rear of the site). This falls slightly short of the 11 no. long term spaces required pursuant to Section 3.1 of Appendix 5 of the Development Plan and makes no provision for short stay/visitor parking. In the context of the resident spaces provided, I am satisfied that the quantity of cycle spaces

proposed is acceptable and that the shortfall is minimal. I also consider the applicable cycle spaces to be appropriately located, secure and accessible to residents. In the absence of details regarding the type of double tier rack to be provided, I would have some concerns regarding the potential visual impact/height of the same. I am satisfied however, that this matter can be appropriately dealt with by way of condition should the Board be inclined to grant planning permission. I do not consider the absence of short stay/visitor parking spaces problematic in this instance, given the presence of a no. of on-street bicycle racks featuring along Blessington Street.

### *Conclusion*

- 7.3.17. In conclusion, I am not satisfied that the proposed development would provide quality apartments which provide a suitable level of amenity for future residents. Notwithstanding the relaxation of requirements allowable in the context of historic buildings/small urban infill sites, the proposed development fails to comply with the majority of numerical standards set out in the Apartment Guidelines and a number of qualitative issues were also uncovered upon review of the drawings. This is indicative of the proposed development comprising overdevelopment of the subject site. This is also illustrated by the proposal's exceedance of the site coverage and density figures outlined in Appendix 3 of the current Development Plan for areas such as this, a site coverage of 62.5% and density of 569dph being proposed. Having regard to the foregoing, it is recommended that the proposed development is refused in this instance due to the poor level of residential amenity afforded future residents of the studio apartments.

## **7.4. Impacts on Surrounding Properties**

### *Overlooking*

- 7.4.1. The existing windows are to be utilised in the context of the Protected Structures. The proposed mews dwelling features a south-facing habitable room window and a north-facing balcony at first floor level, the eastern and western facades being devoid of windows. Overlooking from the south-facing window (associated with the kitchen/living/dining area) is restricted by way of obscure glazing and so there are no opportunities for overlooking from the same. Upon review of the plans submitted with the application, the northern, eastern and western edges of the balcony feature a 1.1 metre high metal rail balustrade which due to its open nature, provides an opportunity

for overlooking of the rear yards associated with Nos. 35 and 37 Blessington Street and the balconies/habitable room windows associated with the apartment block currently under construction on the James McSweeney House site, on the opposite side of Berkeley Place. However, I am satisfied that such potential overlooking could be addressed by way of frosted glazed screening to an appropriate height being introduced to the applicable balcony edges, which could be required by way of condition if the Board is minded to grant permission.

#### *Overbearing*

- 7.4.2. Turning my attention to the matter of potential overbearing impacts on the surrounding properties. Although the proposed mews dwelling occupies an area currently comprising a hard-surfaced parking area, I do not consider it would have an unreasonable overbearing impact on surrounding properties. It extends to a maximum height of 2 stories/6.735 metres and abuts a laneway (Berkeley Place)/hard-surfaced parking areas associated with its Blessington Street abutments.

#### *Overshadowing*

- 7.4.3. Given its 2-storey scale, positioning adjacent to the northern boundary/Berkeley Place, its orientation relative to the adjacent Blessington Street properties and its separation distance from the of the adjacent dwelling to the north-west of the proposed block, the separation distances that exist between the proposed block and the James McSweeney House site, I do not consider the proposed development would result in unreasonable overshadowing of adjacent properties.

#### *Visual Impact*

- 7.4.4. Existing development along Blessington Street comprises of 3-storey over semi-basement Georgian-era buildings, many of which feature later extensions or detached buildings to the rear. The James McSweeney House site on the opposite side of Berkeley Place is currently being redeveloped, a 5 storey building having been granted permission on the site. The proposed two storey mews dwelling would have a pitched roof, extend to a height of 6.735 metres and feature walls of brick/render finish. I consider the design, scale and this aspect of the material/finishes proposed are appropriate in terms of visual impact on the surrounding area. The Conservation Officer has expressed concerns about the materials/finishes proposed in the context of the mews building. More specifically, they deem the use of an inferior and

unsympathetic, material such as uPVC, for windows and doors to be unacceptable. I would share their concerns regarding this aspect of the materials/finishes having regard to the existing Protected Structure featuring on site. However, I consider this issue could be addressed by way of condition if the Board were inclined to grant planning permission.

## **7.5. Other Matters**

7.5.1. *Referral Comments* - I note that both the Drainage and Road Planning Divisions of Dublin City Council recommended further information be requested in the context of the subject application. Should the Board be inclined to grant planning permission, I am satisfied that these requests can be suitably fulfilled and addressed by way of conditions.

7.5.2. *Prescribed Body Comments* – The Department of Housing, Local Government and Heritage in their commentary on the application raised concerns regarding potential disturbance caused by demolition of the old building. To mitigate such potential impact, they recommended that certain conditions be attached to any grant of permission issued. If the Board are inclined to grant permission, I would recommend that suitably worded conditions relating to surveys, derogation licences and potential mitigation methods be included on any Order issued.

## **7.6. Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

8.1. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out overleaf.

## 9.0 Reasons and Considerations

- 1. The proposed retention of the unauthorised 10 no. studio units within the Protected Structure would have a seriously injurious and adverse impact on the special architectural character and fabric of the interior of the Protected Structure and would be contrary to Policy BHA2 of the Dublin City Development Plan 2022-2028 and the conservation principles outlined in the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023), it is considered that the unauthorised 10 no. studio units, by reason of the size/design/layout of the apartments proposed, the inadequacy of the proposed communal open space and the restricted overall site size, would result in an unsatisfactory standard of residential amenity. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development in the area, be contrary to proper planning and sustainable development.*

*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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Margaret Commane  
Planning Inspector

6<sup>th</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-320862-24		
<b>Proposed Development Summary</b>	Construction of a new two-storey, one-bed mews dwelling and retention of 10 no. studios apartments		
<b>Development Address</b>	36 Blessington Street, Dublin 7, D07 A4XY		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Class 10(b)(i)(iv) - Infrastructure Projects	Proceed to Q3.
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Class 10(b)(i)(iv) - Infrastructure Projects. Thresholds: > 500 homes > 10 hectares	Preliminary examination required (Form 2)



5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

# Form 2

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320862-24	
<b>Proposed Development Summary</b>	Construction of a new two-storey, one-bed mews dwelling and retention of 10 no. studios apartments	
<b>Development Address</b>	36 Blessington Street, Dublin 7, D07 A4XY	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development comprises a small scale residential development in residential area so is not exceptional in the context of the existing environment.</p> <p>A short-term construction phase and permanent operational phase will generate different waste streams, emissions and pollutants but none are considered significant due to the limited scale of the proposal.</p>	No
<b>Size of the Development</b>	The existing building is 281m <sup>2</sup> which is similar in scale to nearby buildings. The	No

<p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>proposed mews development will be 55m<sup>2</sup> which is not exceptional in the context of the existing environment.</p> <p>I am not aware of any other plans or projects in the area which would lead to significant cumulative impacts when considered in tandem with the proposed development.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>No.</p> <p>There are no waterbodies or ecological sensitive sites in the vicinity of the site. While the site features a Protected Structure, having inspected the site and the nature of the building in situ, I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area, including cultural heritage.</p>	No
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)