



An
Bord
Pleanála

Inspector's Report

ABP-319111-24

Development	PROTECTED STRUCTURE: Change of use from office to hotel and associated works.
Location	No. 19-24 St. Andrew's Street, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	4845/23.
Applicant(s)	Appalachian Property Holdings Ltd.
Type of Application	Planning Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellant(s)	Appalachian Property Holdings Ltd.
Observer(s)	1. Philip O'Reilly. 2. Popple Investment Ltd.
Date of Site Inspection	17 th day of December, 2024.
Inspector	Patricia M. Young.

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1.0 Site Location and Description

- 1.1. No.s 19 to 24 St. Andrew's Street, the appeal site contains an existing mid-20th Century four storey building that has been subject to later additions and alterations. It has a given floor area of 3,893m², is a designated Protected Structure (RPS Ref. No. 7569), forms part of a Red-Hatched Conservation Area under the Dublin City Development Plan, 2022-2028, and is located within the zone of archaeological constraint of the Recorded Monument and Place (Note: DU018-020 - Historic City).
- 1.2. The site could be described as having an irregular shape and has a given area of 845m². It is located on the northern side of St. Andrew's Street c19.7m to the south west of its junction with Church Lane/Suffolk Street, c12m to the north east of its junction with Trinity Street and opposite St. Andrews Church (RPS. Ref. No. 7563), also a Protected Structure, in south Dublin's city centre.
- 1.3. The site forms part of a historic city block containing a qualitative architectural mixture of period buildings and styles that vary in their overall built form and height from three storeys to five storeys. This city block is bound by St. Andrew's Street on its southern side, Dame Street (R137) to its north, Trinity Street to its west and Church Lane to its easternmost side.
- 1.4. No.s 19 to 24 St. Andrew's Street is listed in the National Inventory of Architectural Heritage survey where it is referred to as 'Andrew Street Post Office', given a 'Regional' rating and its categories of special interest are listed as: 'Architectural', 'Artistic' and 'Social' (Reg. No. 50910195). Given the nature of the development sought under this application as set out under Section 2 below I consider that the NIAH description is of relevance to note at this point. It states:

"Attached seven-bay four-storey post office, built 1948. Flat roof, hidden behind granite parapet with granite coping. Ashlar granite walls over channelled ashlar granite plinth, having platband to sill level of first floor; middle five bays of middle floors set within moulded frame, with moulded brackets to continuous sill to first floor windows, moulded pilasters between windows, and carved granite roundels between floors. Square-headed window openings with steel windows. Square-headed door openings, main entrance having carved granite surround, double-leaf timber panelled door and overlight, and subsidiary doorway to west having channelled ashlar granite reveals, timber panelled door and overlight".

- 1.5. I further consider it of relevance to note at this point that the NIAH appraisal for No.s 19 to 24 St. Andrew's Street states:

"This large post office constructed in the late 1940s, to replace an earlier building on nearby Church Lane, is an impressive addition to the street. Designed by Sidney Maskell and John Fox of the Office of Public Works, although in stripped-classical style it is a very influenced by the emerging modernism, with a strong horizontal emphasis created by extensive glazing and granite cladding. The otherwise plain exterior is decorated with carved roundels representing historic forms of communication. A high standard of detailing is evident throughout the building, even those areas not seen by the general public".

- 1.6. At the time of inspection, the parts of the building that are occupied by 'An Post' and as an office are in relatively good states of repair. However, the exterior of the building itself is showing signs of deterioration with for example the granite stone cut exterior finish showing signs of fatigue in its jointing through to the timber frames that hold the bronze and steel windows similarly showing deterioration. The principal entrance and western side entrance contain period joinery, glazing through to qualitative door furniture. These are in a good state of repair.
- 1.7. In terms of the interior there are various parts of it that are in particularly poor condition and in need of preventative repair to avoid further deterioration of surviving period built fabric. The most deteriorated floor level within the building is the basement which is showing signs of long-term water ingress which is taking its toll on the basement levels overall built fabric. Only small areas within this level appear to be in any active functional use by 'An Post' who occupy part of this floor and the main ground floor levels of this building.
- 1.8. Additionally, within the interior of the building as it survives there are a number of key features that survive with this including an attractive staircase with terrazzo finish. This links to a reception area space with matching terrazzo finish that is unfortunately showing some signs of wear and tear in the form of vertical and horizontal cracking. Notwithstanding, as a finish where it is visible, including in first floor level toilets, it is in a good state of repair and particularly in the case of the aforementioned staircase when observed together with the metal detailing as well as timber work is a highly quality surviving feature of this building. I further observed that despite the inclement

weather on the day of inspection that the large window openings within this building particularly on its southern elevation but also on the upper floor level of its main northern elevation provide high qualitative light into this building's interior spaces. For the most part the upper floor levels contain dropped later ceilings and raised floor levels. The rear the roof levels over the lower-level projections are in a particularly poor state of repair as are the surviving lantern features. The period windows that survive to the rear are in varying states of poor repair. The rear yard area is modest, is hard surfaced and landlocked. It provides connectivity to a series of metal fire escapes for the upper floor levels.

- 1.9. On the St. Andrew's Street adjoining public domain there is a period freestanding oval-plan cast-iron double post box on plinth base. This dates to circa 1940. This structure is also included in the NIAH (Reg. No. 50910194) and is given a 'Regional' rating alongside its categories of special interest are listed as 'Social' as well as 'Technical'.
- 1.10. The site is bound by No. 18 St. Andrew's Street on its western side. This building is listed under the NIAH (Reg. No. 50910196) under which it is given a 'Regional' rating, and its Categories of Special Interest are listed as 'Architectural' as well as 'Artistic'. On its eastern side the site is bound by the No. 23-27 College Green, Church Lane, which is a designated Protected Structure (RPS Ref. No. 1994). This building is also included in the National Inventory of Architectural Heritage (NIAH) where it is given a 'National' rating and its categories of special interest are listed as: 'Architectural', 'Artistic' and 'Historical'. On the northern side the site is bound by No.s 16 to 17; 18 to 19 and No. 20 to 22 Dame Street. These buildings are also of built heritage interest being designated Protected Structures as well as included in the NIAH. The period buildings within the subject city block are in varying states of repair in terms of their rear presentation and include varying additions. There is a high degree of overlooking due to the tight grain nature of this city block. With the buildings containing a variety of uses at ground and upper floor levels.
- 1.11. The appeal site forms part of a vibrant historic inner city streetscape scene that lies c130m to the north west of northern end of Grafton Street where it junctions with Nassau Street and is located to the west of historic Trinity College Dublin's campus. This location is highly accessible by active travel means as well as is served by a variety of bus routes, the Luas through to its within walking distance of Tara Street Dart Station.

2.0 Proposed Development

2.1. Planning permission is sought for:

- Change of use of the basement, a portion of the ground floor and the 1st - 3rd floor of the existing building from office (and small area of retail at ground floor) to hotel use.
- Construction of a one-storey extension at roof level and a six-storey extension to the rear to accommodate hotel bedrooms together with a four-storey (over existing) extension to the rear to accommodate a new fire escape and lift core.
- Proposal includes roof plant and green (blue) roofs at 1st floor level and topmost roof level.
- Proposed development will result in a 111-no. bedroom hotel (the existing post office at ground floor level is retained by the development) and will also consist of internal and external alterations, including:
 - Removal of non-original office partitions to 1st, 2nd and 3rd floor.
 - Alterations to back of house post office area at ground floor.
 - Removal of the external fire escape stairs.
 - Removal of all partitions at basement level.
 - Removal of external walls and windows to rear of 3rd floor level.
 - Removal of the concrete flat roof and structural beams at 3rd floor level; reconfiguration of the ground floor entrance lobby.
 - Provision of a fire escape corridor within and to the side of the post office retail unit; replacement of ground floor window with double door.
 - Refurbishment of bronze and steel windows to front and rear.
 - Removal/relocation of 3 no. steel windows and reconfiguration of a further 2 no. steel windows all to the rear.
 - Removal of all protective steel grates from rear windows.
 - Redecoration and repair work to existing render facade to rear and removal of rooflights from 1st floor flat roof.
- All other associated works and services.

2.2. This application is accompanied by the following documentation:

- Cover Letter/Planning Report
- Conservation Method Statement
- Archaeological Survey
- Civil Engineering & Servicing Report
- Daylight and Sunlight Assessment Report
- Energy and Sustainability Statement
- Outline Construction Management Plan
- Operational Waste Management Plan
- Resource and Waste Management Plan
- Townscape and Visual Impact Assessment
- Visitor Accommodation Audit
- Flood Risk Assessment
- Photographic record of the existing building
- Appropriate Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 25th day of January, 2024, the Planning Authority decided to **refuse** permission for the proposed development set out in Section 2 for the following stated reasons:

- “1. The proposed works, including the extent of demolition to the rear, the loss of historic windows and rooflights, the proposed subdivision of the larger office spaces by the introduction of wall partitions in arbitrary locations without consideration for the extant fenestration pattern or character or legibility of the spaces and the proposed separation distances between the new extensions and the Protected Structure itself, would give rise to an unacceptably adverse and injurious impact on the special architectural character and setting of the Protected Structure and would materially contravene Policies BHA2 (a), (b), (d),*

(e), (f), (g): BHA9; BHA15 (a), (b) of the 2022-2028 Dublin City Council Development Plan and Section 7.3.1 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The proposed development would seriously injure the character of the Protected Structure at 19-24 St. Andrew's Street and would also have significant impacts on the setting and architectural character of the adjacent Protected Structures. The proposal would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

2. The development, by itself and by the precedent for which a grant of permission for it would set, would be contrary to the stated provisions of the City Development Plan 2022-2028 where the core principles of the Dublin Housing Strategy and Policy QHSN38 are to encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the Housing Need Demand Assessment (HNDA). The HNDA recognises a high demand for long term residential rental properties such as apartments in Dublin City where the emerging trend shows an increase of rental demand for this type of residential accommodation. It is considered that the proposed change of use to hotel could contribute to a lack of variety of uses in the vicinity. As such the proposal is contrary to Policy SC3, Policy QHSN7 and Section 15.14.1 of the 2022-2028 Dublin City Development Plan which seeks to promote a mixed-use land policy in the city centre including the provision of high quality, sustainable residential development. On balance, taking into account the ongoing housing crisis, national planning policy and the clear direction in the current development plan in terms of promoting mixed use development with a focus on residential in the city centre, it is considered that the proposed change of use is not in accordance with development plan policy and does not represent the best use of the upper floors of this partially vacant city centre site. The proposed development would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. It includes the following comments:

Change of Use

- It is necessary to avoid an overconcentration of hotel developments in the city and to create a rich as well as vibrant range of uses within the city centre.
- The focus for the inner city is to encourage a more liveable inner city, balanced economic strategy with an increased focus on residential development coupled with significant enhancements to the public realm.
- The Housing Needs & Demand Assessment (HNDA) notes a strong demand for housing over the plan period for the inner city.
- Governments policy in relation to utilisation of visitor accommodation to house those who require international protection is unclear. This creates difficulty in forecasting the future requirements for visitor accommodation within the city.
- Given that the site is located in a prime city centre location the complementary ground floor use and internal layout could be appropriate for residential development.
- The documentation includes no feasibility study for possible residential use, and it considers that the upper floor levels would be better used for residential use.

Residential Amenity Impact

- Further assessment in relation to the daylight, sunlight and overbearing impacts of the proposed development on residential amenity in the vicinity could be assessed by way of further information.

Proposed Roof Level Extension

- This element would benefit from a redesign.

Other

- Reference is made to the interdepartmental reports.
- No EIA or AA issues arise.

- Recommends refusal as recommended as per Section 3.1.1 of this report above.

3.3. Other Technical Reports

3.3.1. **Conservation (19.01.2024):** The Conservation Officers report includes the following comments:

- The Case Study written by Carole Pollard, contained in Volume 2 1940 – 72 of ‘The More Than Concrete Blocks’ Series describes the subject building as: *“meticulously detailed and beautifully finished”*, example of mid-century Office of Public Works architecture. Additionally: *“this new four storey reinforced concrete structure was designed to sit on a land-locked city site with only one street elevation. As such, the street elevation becomes more than the building’s public façade – it becomes its very essence”*.
- This large custom designed post office building constructed in the late 1940s to replace an earlier building is an impressive addition to the street and was very much influenced by emerging modernism.
- The front retains its large bronze framed windows at ground, first and second floor levels with a row of smaller square windows at an attic fourth floor level. Large multi-pane steel windows survive on the first and second floors of the rear elevation, with less survival at the setback on the top floor. The ground floor single storey above basement rooms is lit by circular, square and rectangular roof lights, along with small external yard. The large windows on the front and rear elevations create a wonderful sense of light and airiness within the building’s interiors. Reflecting their modern technological function.
- Not all of the original fabric may exist beneath later coverings and suspended ceilings, but this needs further exploration.
- Concern raised in relation to the impacts associated with the proposed hotel use and its bedroom layouts on the historic windows as well as the significant servicing that would be required for en-suite facilities.
- It is acknowledged that a significant amount of the original interior features and finishes have been lost through unsympathetic refurbishment and reorganisation of the post office interiors particularly at ground level. It is understood that original fabric

remains within the entrance lobby and at upper floor levels that would need to be revealed when later unoriginal interventions and coverings are removed.

- It would be preferable if the upper floor levels were retained in office use, though this would require fire/acoustic separation considerations.
- The applicant has not demonstrated that residential use is unfeasible.
- A detailed window schedule has not been provided.
- Concern is raised that original structural diagonal beam arrangements have survived but are in places concealed by a later suspended ceiling and that an oak paraquet floor survives at first floor level.
- Concern is raised that the proposed change of use and its associated works would be injurious and adversely impact the architectural character as well as setting of this Protected Structure.
- Recommends refusal of permission.

3.3.2. **Transportation Planning Division (15.01.2024):** This report includes the following comments:

- No consent has been provided for the glazed paving lights. These would not be suitable for taking in charge and as such should be omitted.
- The site is centrally located and well served by public transport.
- There is a variety of parking provisions within the setting including loading/taxi bays, motorbike and cycle parking.
- The existing footpath fronting the site varies from c2.3m to c2.7m in its width and it is planned that 'The Coombe to College Green' active travel projects alignment will include St. Andrew's Street.
- Concerns are raised that the proposed quantity of secure cycle parking is not sufficient to cater for the quantum of use proposed.
- No concern is raised to the zero-car parking provision.
- It is noted that delivery and servicing would utilise the existing loading bay to the front of the site. However, the submitted Operational Waste Management Plan sets out that the bins will be brought from a store room for collection from the front of the

building and returned once emptied. In relation to this it is noted that the applicant should be advised that the placement or storage on the public roadway or footpath is not acceptable.

- During construction it is intended that a tower crane would be required on site and a construction loading bay would also be required to the front of the site. Such arrangements would require agreement with the City Council.
- Should permission be granted it is recommended that the measures set out in the accompanying Outline Construction Management Plan (CMP) and Resource and Waste Management Plan (RWMP) be required together with a detailed CMP be agreed prior to the commencement of any development.
- Concludes with a request for further information in relation to its concerns.

3.3.3. Archaeology (10.01.2024): This report includes the following comments:

- The site is within the zone of archaeological constraint for the Recorded Monument DU018-020 (Historic City), and therefore Policy BHA26 of the Development Plan is an applicable consideration.
- A detailed background is given on the archaeology of this location through to archaeological discoveries in the vicinity including 18th century material at No.s 16-17 St. Andrew Street beneath a 20th Century basement.
- Reference is made to the desk based archaeological assessment accompanying this application which includes recommendation that any works which require the opening of the existing basement slab be monitored by a suitably qualified archaeologist. This recommendation is concurred with.
- No objection is raised to the proposed development subject to the imposition of a recommended detailed archaeological condition.

3.3.4. Environmental Health (13.12.2023): This report concludes with no objection to the proposed development subject to the imposition of a number of proposed conditions that relate to the construction, demolition and operational phases as well as includes air pollution mitigation measures to be adhered with.

3.3.5. Engineering Department (12.12. 2023): No objection subject to standard safeguards.

3.4. Prescribed Bodies

3.4.1. **Fáilte Ireland:** Their submission supports the proposed development and includes the following comments:

- There is a strong demand for hotel accommodation in the capital, with Dublin recording a hotel occupancy rate of 90% in August, 2023.
- With the continuing development of the Dublin tourism offering the current projections indicate that visitor numbers to Dublin could reach pre-pandemic levels by 2025.
- Tourist accommodation serves a vital provider of employment and amenities to the local area.
- At peak times hotel bedroom demands far exceeds the supply in Dublin and this results in a scenario where room rates increase, and visitors find it difficult to secure accommodation at any price which gives the message that internationally Dublin is not a competitive destination to visit.
- There is a recognised shortage of accommodation in Dublin. Based on their analysis in 2023 there was a shortfall of 9,000 rooms and currently there are just over 24,000 hotel rooms in Dublin city with an estimated 3,500 coming on stream over the next two years.
- The additional 111-no. bedrooms proposed would be a valuable addition to the tourist accommodation shortage faced by the city, subject to safeguards.

3.4.2. **Transport Infrastructure Ireland (TII):** This development is not exempt from the payment of the Section 49 Light Rail Scheme Levy.

3.5. Third Party Observations

3.5.1. The Planning Authority received 2 No. Third Party Observations during their determination of this planning application. I consider that the substantive issues raised in these submissions correlate with those raised in their observations received by the Board.

4.0 Planning History

4.1. Site

ABP-303903-19 (P.A. Ref. No. 4576/18):

On appeal to the Board permission was **granted** subject to conditions for the removal of timber framed glazed internal lobby doors and screens and replace with hardwood timber framed glazed doors and screens in new configuration. Of relevance to the proposed development sought under this application I note that the Board in its given reasons and considerations to grant permission considered that the proposed alterations to the public entrance to provide for enhanced security arrangements within the existing lobby area would not seriously injure the architectural character, and it would not result in a significant loss of historic fabric within the Protected Structure. Further it considered that the proposed development would not set an undesirable precedent for similar such works.

Decision date: 13/06/2019.

4.2. In the Vicinity

- **No. 18/19 Duke Street and 8 Duke Lane Upper, Dublin 2 (Protected Structure)**
(Note: 260m to the south east of the site the bird would fly)

ABP-319920-24 (P.A. Ref. No. 3449/24):

Concurrently with the Board is a First Party Appeal against the Planning Authority's decision to **refuse** planning permission for the retention of (a) Change of use from retail office to Hotel with 17 No. of Hotel bedrooms (at First, Second, Third and Fourth levels); (b) General alterations including the following: provision of bathrooms and relocation of internal partitions, upgrading of fire resistance of doors and floors, and repair of sliding sash windows, with internal modifications and associated site works for the following stated reasons:

- “1. *Having regard to the Dublin City Council Development Plan 2022-2028 Section 11.5.1, the works to be retained do not respect the early historic fabric and the special interest of the interior of the Protected Structures, including their historic plan form, hierarchy of spaces, architectural detail, fixtures and fittings and*

materials resulting in causing serious injury to their special architectural character and legibility. The works for retention have contravened Policies BHA2 and BHA7 of the Dublin City Council Development Plan 2022-2028, would create an undesirable precedent for similar type development which materially affect the Protected Structures and as such, are contrary to the proper planning and development of the area.

2. *The development, by itself and by the precedent for which a grant of permission for it would set, would be contrary to the stated provisions of the City Development Plan 2022-2028 where the core principles of the Dublin Housing Strategy and Policy QHSN38 are to encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the Housing Need Demand Assessment (HNDA). The HNDA recognises a high demand for long term residential rental properties such as apartments in Dublin City where the emerging trend shows an increase of rental demand for this type of residential accommodation. It is considered that the proposed change of use to hotel could contribute to a lack of variety of uses in the vicinity. As such the proposal is contrary to Policy SC3, Policy QHSN7 and Section 15.14.1 of the 2022-2028 Dublin City Development Plan which seeks to promote a mixed-use land policy in the city centre including the provision of high quality, sustainable residential development. On balance, taking into account the ongoing housing crisis, national planning policy and the clear direction in the current development plan in terms of promoting mixed use development with a focus on residential in the city centre, it is considered that the proposed change of use is not in accordance with development plan policy and does not represent the best use of the upper floors of this partially vacant city centre site. The proposed development would create an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.”*

Decision date: 16th day of May, 2024.

- **Nos. 14 -15 Trinity Street and No.s 1 - 4 Dame Lane fronting onto St Andrew’s Lane, Dublin 2 (Note: at its nearest point c25m to the west of the site as the bird would fly).**

ABP-309400-21 (P.A. Ref. No. 2421/20):

On appeal to the Board permission was **granted** subject to conditions for a development consisting of the demolition of Moira House, Trinity St Carpark, retail units and offices suites. Additionally, the construction of a nine storey over basement building with restaurant at ground level.

Decision date: 14/06/2021.

- **No.s 9-17, St. Andrew's Lane, Dublin 2 (Note: at its nearest point c52m to the south west of the site as the bird would fly).**

ABP-304654-19 (P.A. Ref. No. 2537/19):

By way of a First Party Appeal taken by the same appellant as in this case the Board a **spilt decision** was concluded upon on an application that consisted of the alterations and additions to Hotel Development permitted by the Board under ABP-PL29S.248844 (P.A. Ref. No. 4342/16). This planning application sought permission for the reconfiguration of the internal layout at upper ground and first floor level; reconfiguration of the roof profile to include an additional storey involving an increase to nine storeys plus plant level over the lower ground floor from eight storey plus plant level. It included an increase in hotel bedrooms from 136 to 156 and additional overall height of the building as amended would be 26.1 metres. The Board whilst granting permission for the reconfiguration of the internal layout out at upper ground and first floor level **refused** permission for the reconfiguration of the roof profile to include the development of an additional storey to create a nine storey and plant level over lower ground floor development for the following reasons and considerations:

“Having regard to the prominent and sensitive location of the site, by reason of its important location within the historic city core and its proximity to the South City Retail Quarter, it is considered that the proposed additional floor would have a significantly detrimental visual impact due to its scale and bulk on the adjacent South City Retail Quarter Architectural Conservation Area. Furthermore, the proposal would, by reason of visual intrusion, have a significant and detrimental visual impact on a number of important views and vistas in the city including from Grafton Street towards Wicklow Street and from Drury Street towards Exchequer Street. The proposed development would, therefore, seriously injure the urban character and visual amenities of the

historic city core and would therefore be contrary to the proper planning and sustainable development of the area”.

Decision date: 10/09/2019.

I further note that under ABP-PL29S.248844 (P.A. Ref. No. 4342/16) the Board granted permission for the construction of a hotel. Permission was sought for the demolition of the existing buildings and for construction of a hotel nine storey plus plant level, over lower ground floor, 155-bedroom hotel building to a height of 27.9 metres. Notwithstanding, the Board’s notification to grant permission included the reduction in height of the proposed hotel by the omission of one floor (Condition No. 3).

5.0 Policy Context

5.1. Local - Development Plan

- 5.1.1. The Dublin City Development Plan, 2022-2028, is the operative plan, under which the site forms part of a larger parcel of land zoned ‘City Centre - Z5’. The stated objective for ‘Z5’ zoned land is: *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.*
- 5.1.2. According to Section 14.7.5 of the Development Plan: *“the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development (see also Chapters 6, 7, and 15 for policies, objectives, and standards). The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night”* and *“ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses, e.g., retail, commercial, residential, will be desirable throughout the area and active, vibrant ground floor uses promoted”.* In addition, it indicates that ‘hotel’ land uses are permissible on ‘Z5’ zoned land.
- 5.1.3. The appeal site contains No.s 19 to 24 St. Andrew’s Street which is a designated Protected Structure (Note: RPS Ref. No. 7569). Section 11.5 of the Development Plan sets out the Policies and Objectives for Protected Structures. It provides the following definition for Protected Structures: *“any structure or specified part of a structure, which is included in the RPS. Unless otherwise stated, it includes the interior of the structure,*

the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features specified as being in the attendant grounds including boundary treatments."

5.1.4. In relation to External and Internal Works Section 11.5.1 states: *"City Council will manage and control external and internal works that materially affect the architectural character of the structure through the development management process."*

5.1.5. On the matter of Demolition Section 11.5.1 states: *"permission shall not be granted for the demolition or substantial demolition of a protected structure or a proposed protected structure except in exceptional circumstances (Section 57(10)(b) of the Planning and Development Act, 2000 (as amended)). It is accepted that in some circumstances, the loss of a protected structure may be the only option, and this may be permitted where it will secure substantial public benefit or where there is no other viable option. Any proposal regarding the demolition of a protected structure will require the strongest justification provided by a qualified professional with expertise in architectural conservation. The applicant will be required to provide preservation by written and visual record of the structure or any element of the structure that contributes to its special interest, or the architectural salvaging or reinstatement of any such element before the authorised development takes place."*

5.1.6. The following policies are relevant:

BHA2: Seeks to conserve and enhance protected structures and their curtilage.

BHA3: Resist the total or substantial loss of protected structures in all but exceptional circumstances.

BHA4: Sets out that regard will be had to the NIAH.

BHA5: This policy states: *"that there is a presumption against the demolition or substantial loss of any building or other structure assigned a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH), unless it is clearly justified in a written conservation assessment"*.

BHA6: Presumption against demolition of buildings or structures shown in the historic maps up to and including the Ordnance Survey of Dublin City, 1847.

5.1.7. Section 11.5.4 (and Policy BHA21) of the Development Plan on the matter of Retrofitting, Sustainability Measures and Addressing Climate Change states that: *“enhanced thermal performance requirements (Part L) of the Building Regulations do not apply to buildings included on the Record of Protected Structures. Notwithstanding such exemptions, and in the overall interest of promoting sustainability, the Council recognises the need to improve energy efficiency, provided that the retrofitting of energy efficiency measures does not harm or compromise the special interest of protected structures.”*

5.1.8. Policy BHA24 of the Development Plan states that: *“City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses and support the implementation of the National Policy on Architecture as it relates to historic buildings, streetscapes” ... “by ensuring the delivery of high quality architecture and quality place-making”.*

5.1.9. The site forms part of a red hatched area in Map ‘E’ of the Development Plan and as such Section 11.5.3 is of relevance. It states that: *“Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas”.*

5.1.10. The following policies are relevant:

BHA9: This policy seeks to protect the special interest and character of all Dublin’s Conservation Areas and that development within or affecting them must contribute positively to its character and distinctiveness.

BHA10: This policy states that: *“there is a presumption against the demolition or substantial loss of a structure that positively contributes to the character*

of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit”.

BHA11: This policy seeks the rehabilitation and reuse of existing older buildings which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

BHA15: This policy seeks to encourage the retention and reinstatement of internal and external features, which contribute to the character of exemplar twentieth century buildings.

5.1.11. The site is located within the area identified under Figure 11-1 of the Development Plan as Dublin City Centre/Medieval Core and is located within the Zone of Archaeological Constraint for Recorded Monument DU018-020 (Historic City) and therefore Policy BHA26 is relevant. Under subsection 1 this policy seeks to protect and preserve Monuments and Places listed on the statutory Record of Monuments and Places (RMP) and under subsection 2 this policy seeks to protect archaeological material *in situ* by ensuring that only minimal impact on archaeological layers.

5.1.12. Section 15.14 of the Development Plan deals with commercial development/miscellaneous development on the matter of ‘hotels’ and ‘aparthotels’. It states: *“to ensure a balance is achieved between the requirement to provide for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses, there will be a general presumption against an overconcentration of hotels and aparthotels”*; and, that: *“pending the outcome of an analysis of the supply and demand for tourism related accommodation in the Dublin City area (to be carried out by Dublin City Council), hotels and aparthotels will be considered on a case by case basis having regard to the location of the site and existing hotel provision in the area”*.

5.1.13. Policy CEE28 of the Development Plan sets out the Planning Authority considerations for hotel developments. They are:

- The existing character of the area.
- The existing and proposed mix of uses (including existing levels of visitor accommodation) in the vicinity.

- The existing and proposed type of existing visitor accommodation.
- The impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre.
- The need to prevent an unacceptable intensification of activity.
- The opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities with reference made to Chapter 12 and Development Plan Objective CUO38.

5.1.14. Section 15.14.1.1 on the matter of hotel developments states that: *“hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. Hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity”*. Additionally, it states: *“hotel development should also be accompanied by operational management plans that demonstrate how the hotel will be serviced and traffic / drop off managed. All loading, waste collection and servicing must be provided off road in a designated loading area where feasible. Pick up and drop off services can be accommodated on street subject to adequate space being provided. Hotel room size and layout should be designed and to ensure a high level of amenity is obtained to accommodate both short and long stay durations. Adequate provision should also be provided for the storage of laundry facilities and materials”*.

5.1.15. Policy CUO39 of the Development Plan is relevant. It states out in relation to hotels that exceed 100 bedrooms that the Planning Authority will: *“encourage the opportunity presented by new larger developments, including a requirement for all new large hotels* and aparthotels*, within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses”*.

5.1.16. Chapter 3 of the Development Plan deals with Climate Action and includes Policy CA6 which supports the retrofitting and reuse of existing buildings; Policy CA8 deals with the matter of climate mitigation actions in the built environment; Policy CA9 deals with

the matter of climate adaptation actions in the built environment and Policy CA10 sets out a requirement for 'Climate Action Energy Statements'.

5.1.17. Chapter 4 of the Development Plan includes the following policies:

Policy SC2 which seeks: *"to develop the city's character by:*

- *cherishing and enhancing Dublin's renowned streets, civic spaces and squares.*
- *developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise.*
- *protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city.*
- *revitalising the north and south Georgian squares and their environs and realising their residential potential.*
- *upgrading Dame Street/College Green as part of the Grand Civic Spine ..."*

Policy SC3 states: *"to promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential"*.

Policy SC5 states: *"to promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in"*.

Policy SC19 which seeks: *"to promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods"*.

5.1.18. Section 15.5 of the Development Plan sets out Site Characteristics and Design Parameters for new developments with:

- Section 15.17.5 dealing with Shopfront and Façade Design. Recognising that they play a key part in contribution to the quality of the public realm. It states that: *“attractive facades and shopfronts have the ability to rejuvenate the streetscape and create an attractive public realm environment”*.

5.1.19. Policy QHSN38 of the Development Plan which is referred to in the second reason for refusal given by the Planning Authority's. It states on the matter of housing and apartment mix that the City Council will seek: *“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. Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City are set out in Section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1”*.

5.1.20. Appendix 3 of the Development Plan sets out the height strategy for the city. It indicates in relation to the city centre a default position of 6 storeys will be promoted subject to site specific characteristics including heritage and proposals for increased height within key sensitive areas of the city including the city centre including around Trinity College and the historic Georgian core must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. In addition, Section 6 of Appendix 3 of the Development Plan which provides guidelines for higher buildings in areas of historic Sensitivity indicates that consideration of the sensitivities of the receiving environment is required as appropriate throughout the planning hierarchy and that buildings of height as well as scale are generally not considered appropriate in historic settings including conservation areas or where the setting of a Protected Structure would be seriously harmed.

5.2. Local - Development Plan Appendices

- Appendix 3 - Achieving Sustainable Compact Growth Policy
- Appendix 5 - Transport and Mobility
- Appendix 9 - Basement Development Guidance

- Appendix 11 - Green & Blue Roof Guide
- Appendix 12 - Sustainable Drainage Design
- Appendix 13 - Surface Water Management Guidance
- Appendix 16 - Sunlight & Daylight

5.3. Local - Other

- **Dublin City Centre – Developing the Retail Core.** The site forms part of the study area of this document.
- **Shopfront Design Guide.**

5.4. Regional Planning Context

5.4.1. ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019:*** The primary statutory objective of the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority is to support the implementation of the NPF. I note:

- Regional Policy Objective 4.3 supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.
- The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.
- Section 9.7 sets out that local authorities by way of their designation of Protected Structures enable places of architectural value to be protected and that: “*good heritage management should be incorporated into spatial planning*” and that: “*the National Inventory of Architectural Heritage (NIAH) is an invaluable built heritage resource for local authorities and the general public*”.

5.5. National Planning Context

- Architectural Heritage Protection Guidelines for Planning Authorities, (2011).

- Project Ireland 2040 – National Planning Framework, (2018).
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, (2024).
- Building For Everyone: A Universal Design Approach.
- Climate Action Plan, 2024.
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022).
- National Sustainable Mobility Policy, 2022.
- Smarter Travel - A Sustainable Transport Future, 2009 –2020.
- Transport Strategy for the Greater Dublin Area, 2016-2035.
- Cycle Design Manual (National Transport Authority), 2023.
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities, (2009, updated 2010).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (2018).

5.6. Natural Heritage Designations

- 5.6.1. This appeal site lies c2.7m to the south west of South Dublin Bay and River Tolka Estuary (Site Code: 004024) and c3.3km to the north west of South Dublin Bay SAC (Site Code: 000210) at their nearest point, as the bird would fly.

5.7. EIA Screening

- 5.7.1. See completed Appendix 1- Form 1 attached to this report.
- 5.7.2. On the matter of environmental impact assessment screening regarding the proposed development sought under this application, the proposed development comprises of the change of the basement, a portion of the ground floor together with the 1st and 3rd floor level of the existing Protected Structure building of No. 19 to 24 St. Andrews

Street to hotel use. It also includes the construction of a one storey extension at roof level to this building and a six-storey extension to the rear which would accommodate 111-no. hotel bedrooms as well as a four storey over existing fire escape and lift core. Additionally, this proposal consists of other alterations to the interior and exterior of this building together with all associated site works and services on a stated 845m² site.

- 5.7.3. I consider that the development sought under this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 10 hectares in size or 2 hectares if the site is regarded as being within a business district and 20 hectares elsewhere. I note that in this paragraph, “*business district*” means a district within a city or town in which the predominant land use is retail or commercial use. I also note that Class 14 of Part 2 to Schedule 5 of the Planning Regulations is also in this case relevant due to the development including demolition. Therefore, the proposed development sought under this application is of a class but does not exceed the relevant quantity, area, or limit of the classes noted.
- 5.7.4. This proposal is located on brownfield serviced lands in inner city Dublin that are zoned ‘Z5’ in the current Dublin City Development Plan, 2022-2028. The objective of such lands seeks to: “*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*”
- 5.7.5. Whilst the proposed demolition relates to the Protected Structure of No.s 19-24 St. Andrew Street, it relates to mainly alterations and additions to its historic building layers, with these works facilitating its change of use to hotel use from the existing but extended structures at No.s 19 to 24 St. Andrews Street. The site setting includes other Protected Structures, the site is within a Red Hatched Conservation Area under the Dublin City Development Plan (2022-2028), and it is located within a zone of archaeological constraint for a Recorded Monument & Place (DU018-020). This component of the proposed development could be undertaken in a reasonable and safe manner complying with a Construction Environmental Management Plan (CEMP), Demolition Plan through to Operative Waste Management Plan for the project together with oversight by an Archaeological Expert during excavations and an Architectural Conservation Expert to ensure compliance with best accepted practices and guidance in dealing with such matters. Additionally, the proposed development

is not one that is uncommon with the level of change to be expected in an evolving inner-city Dublin location.

- 5.7.6. This site does not form part of any Natura 2000 Site and is situated at a significant lateral separation distance from the nearest such site. As set out in this report above the nearest such sites are the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) which is located c2.7km to the northeast and the South Dublin Bay SAC (Site Code: 00210) which is located c3.3km to the south east of the site at their nearest points, respectively.
- 5.7.7. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other mixed-use developments in this inner-city neighbourhood, including those that include restaurant and residential land uses. It would not give rise to a risk of major accidents or risks to human health. The existing public infrastructure, including foul drainage, has sufficient capacity to accommodate the scale of development proposed subject to standard safeguards.
- 5.7.8. I consider that the issues arising from the proximity/connectivity to a Natura 2000 Site, including connectivity to Dublin Bay and the River Liffey which is located c255m to the north at its nearest point, can be adequately dealt with under the Habitats Directive.
- 5.7.9. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A and other information which accompanied this application including all relevant information on file.
- 5.7.10. Additionally, I have also completed a screening assessment which are set out in the accompanying appendices attached to this report. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation as well as submission of an Environmental Impact Assessment Report would not therefore be required in this case. This conclusion of this is assessment is based on:
- The nature, scale, and extent of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

- The nature, scale, and extent of the proposed development, which is under the mandatory threshold in respect of Classes 14 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands on zoned lands which seek to consolidate and facilitate the development of the central area, subject to standard safeguards.
- The location of the development is outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations, 2001, (as amended).
- The results of the strategic environmental assessment of the Dublin City Development Plan, 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC).
- The existing pattern of development in this area, its setting as well as in the intervening lands between it and the nearest Natura 2000 sites. This intervening landscape consists of compact, dense and urbanised serviced brownfield lands with the site itself being a brownfield site covered by buildings and hard surface with no biodiversity or no exposed deep soil thereon.
- The availability of mains water and wastewater services to serve the additional quantum of development sought under this proposed development.
- The features and measures proposed by applicant to ensure no connectivity to any sensitive location.
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended).
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, (as amended).

Conclusion: On the basis of the foregoing, I have concluded that by reason of the nature, scale and extent of the quantum of development sought, the location of the subject site in a serviced urbanised landscape through to the lateral separation

distance between it and the nearest European site, that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party's grounds of appeal seeks that the Board overturn the Planning Authority's decision on the basis that the proposed development accords with the proper planning and sustainable development of the area. It can be summarised as follows:

- ***Planning Authority's decision***

- It is unlikely that the change of use for a hotel would give rise to a materially different physical intervention to the Protected Structure when compared to a residential conversion.
- It is not accepted that the proposed development is contrary to Policies BHA2, BHA9 and BHA15 of the Development Plan.
- Hotel use is a permissible land use at this location and whether any works effect the Protected Structure is a subjective as well as professional judgement call. In this instance it therefore cannot be considered to constitute a material contravention in planning terms.
- The Planning Authority's conservation assessment is not accepted.
- The core grounds of refusal relate to the second reason for refusal which relates to the interpretation of the Development Plan's land use policy as promoting residential first above other uses.
- It is unclear why the Planning Authority's reasons for refusal cite Policy QHSN38 in relation to a development that essentially seeks the change of use and provision of a hotel development.
- The hotel overconcentration policy set out under Section 15.14.1 of the Development Plan is flawed in respect of seeking to use a 1km catchment in a

small city centre like Dublin. It creates a situation where it is at odds with Fáilte Ireland and the National Tourism Development Authority in regard to hotel provision.

- Matters including persons seeking international protection and their accommodation provision is outside of the Planning Authority's remit.
- Development Plan includes a strong policy base for hotel provision and tourism.

- ***Suitability of Location for the Proposed Development***

- The site is located in the commercial and tourism heart of Dublin's city centre within easy walking distance of the city's cultural, retail, social and tourist attractions. The site is highly suitable for the provision of a hotel.
- St. Andrew's Street is partly designated as a 'Category 2' retail street and the surrounding streets are similarly designated.
- Hotel proliferation in this location was not cited as a reason for refusal and this site is located in an area that is heavily frequented by the visitors to the city.
- The proposed development will enhance the mix in this area.
- At present hotel type developments are subject to case-by-case examination.
- This development was refused on the basis that the upper floor levels were not proposed for residential conversion.

- **Existing Building**

- Currently over 50% of the building is vacant and unused.
- The original layout, fittings and apparatus of both the Post Office as well as the Telephone Exchange are long gone.
- The original stairwell and terrazzo finishes have survived. These will be retained and conserved as part of the development.
- The demolitions relate to removal of some modern and some associated with the Telephone Exchange in the basement as well as others relating to the removal of the sub-standard fire escape as well as enabling works for the proposed additional storey.

- All original bronze windows on the St. Andrews Street building frontage are to be retained and conserved. Of the fourteen original 1st and 2nd floor rear steel windows two are to be altered and two are to be removed while all seven to the rear at 3rd floor level will be removed. The rectangular rooflights are all modern replacements and three original circular rooflights will be retained. The infilling of the removed rooflight openings will be fully reversible and the original circular rooflights will be retained to be reinstated in the future.
- The new subdivisions have been designed to form an inner thermally efficient wall so the original windows will not be altered or visually impacted as viewed externally.
- The 1st and 2nd floors are proposed to be sub-divided, however their designed and original use as telephone exchange would have seen them filled with floor to ceiling racks and consoles. The open office space of these floors probably dates to the 1980s when the telephone exchange ended.
- The original restaurant, kitchen and office subdivisions on the 3rd floor are also gone.
- The hotel use would give rise to equal impact on the Protected Structure but when soil vents are considered residential use would require 15 no. soil vents in comparison to the 13 no. for the hotel use. Additionally, to comply with Building Regulations this would have further impacts on the Protected Structure than a hotel use. Alongside the courtyard to the rear would be of greater importance for residential accommodation in comparison to hotel use.
- Office use was not the original use of the Protected Structure. Office use commenced after the end of the telephone exchange 40 years ago and is wholly unviable in a depressed office market.
- The original use and its design were very specific to the requirements of a telecommunications exchange which cannot be replicated or appreciated unless the original function is reinstated.
- It is not feasible to provide private amenity space with the original glazing and if used as residential it would result in mainly single aspect apartments with many of the single aspect having a northerly aspect. Additionally, there would

be challenges to providing communal open space given the nature of the site and its surroundings. It is further considered that units to the rear would suffer from noise and odour nuisances.

- The feasibility of residential development on site would not be technically compliant upon completion and therefore would not be viable in construction terms.
- Should this building be divided into residential units then the ownership of the Protected Structure would be divided which would not be best conservation practice in line with the Venice Charter.
- The St. Andrew's street façade has been addressed to be publicly accessible. This façade would be conserved, repaired and slightly altered.

- ***Proposed Roof Extension***

- This has been carefully designed with form and materials taking their cues from the original Maskel & Fox design, while the predominantly glass extension contrasts with the original stone façade.
- It will only be partially visible from South William Street and Suffolk Street but from no other locations.
- The additional floor level was deemed acceptable to the Planning Authority's Conservation Officer.

- ***Adjoining Protected Structure***

- The proposed development will have no impact on the adjoining Protected Structures.

- ***Procedural***

- The Planning Authority have been inconsistent in their decision making in relation to visitor accommodation.

- ***Other***

- The provision of publicly accessible facilities accords with Section 15.14.1 of the Development Plan.

- The reason that the applicant did not provide a residential feasibility study is because there is no requirement for the same in the Development Plan when residential use was not sought.
- This development would not give rise to any precedent as every planning application must be considered on their individual merits.
- Reference is made to a number of hotel planning applications in the city.
- The Planning Authority's Roads Department recommended further information on minor matters.
- 12% of registered hotel stock is under contract with the Government for use by international protection. This serves to limit available hotel bedroom stock for tourist use, reducing supply and increasing demand. It is likely that this situation will continue for the foreseeable.
- This development gives rise to no EIA or AA issues.
- Accompanying this response is a residential feasibility plan which concludes that the conversion of the upper floors of this building to residential use is not commercially viable.

6.2. Planning Authority Response

- 6.2.1. The Board is requested to uphold their decision; however, should the Board decide to grant permission it is requested that the required Section 48 and Section 49 Luas X City contribution conditions be imposed.

6.3. Observations

- 6.3.1. The Board received the following Third-Party Observations:

- Phillip O'Reilly (04.03.2024).
- Popple Investments Ltd (15.03.2024).

I note that both observers support the decision of the Planning Authority and seek that it is upheld by the Board.

- 6.3.2. The Third-Party Observation received from Philip O'Reilly can be summarised as follows:

- **Land Use**

- This development would give rise to another hotel in area that is oversaturated by existing and proposed hotels in a manner that fails to accord with the proper planning and sustainable development of the area.
- There are two mega hotels within the immediate area and another under construction on Exchequer St.
- The Central Hotel, also a Protected Structure, is undergoing a similar development which will destroy its unique character.

- **Design**

- The extension is incompatible with the existing building.

- **Protected Structure**

- This proposal would result in the destruction of the character and setting of one of the city's most outstanding examples of 20th Century architecture.

6.3.3. The Third-Party Observation received from Popple Investments Ltd can be summarised as follows:

- **Ownership**

- They are the owner of the adjoining College Green Apartments at No. 25 St. Andrew Street and No.s 23 to 27 College Green which are a designated Protected Structure (RPS Ref. No. 1994). Their property adjoins the site to the east and north east as well as it comprises of a mixture of lands including retail at basement, ground, mezzanine, first and second floor levels and with 8 no. apartments at third, fourth and fifth floor levels.

- **Residential Amenity Impact**

- The College Green Apartments windows and terrace area on level three will be severely impacted by diminishment of light, in turn adversely impacting the amenities of this property. The Daylight and Sunlight Assessment submitted with this application identifies this impact.
- The hotel use would give rise to undue overlooking of their apartment units and their amenity areas, including the additional roof level communal space.

- Concern is raised that there is a separation distance of c6.6m and 7m between the application boundary and the communal terrace area at fourth floor level at their College Green apartment units.
 - The drawings submitted with this application fail to demonstrate the relationship between the proposed development and the Planning Authority's Planning Officer considered that further information would be required to assess the impact of the proposed development on the residential units in their property.
 - It is not accepted that the proposed development accords with Policy SC3 of the Development Plan in relation to mixed use.
 - It is not accepted that the proposed use of the upper floors is the best use for this Protected Structure.
- ***Visual Amenity Impact***
 - The extension above roof level would be visually overbearing and would benefit from being redesigned.
 - There is minimal setback of the proposed roof addition and the front elevation of this Protected Structure.
 - The roof level addition would impact this Protected Structure, adjoining Protected Structures and its Conservation Area setting in a manner that would be contrary to Development Plan policies.
 - ***Protected Structure & Other Protected Structures***
 - This development does not respect the character of this Protected Structure or its setting.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having carried out an inspection of the site and setting, having examined all documentation on file, including the Third Party Observations received by the Board, together with having regard to relevant local through to national planning policy provisions and guidance, I am satisfied that the key issues that arise in this appeal case are those that centre around the Planning Authority's notification to refuse

permission for the proposed development set out under Section 3.1.1 of this report above. I therefore propose to assess these matters as well as sundry matters under the following broad headings:

- Principle of the Proposed Development
- Planning Authority's First Stated Reason for Refusal
- Planning Authority's Second Stated Reason for Refusal
- Other Matters Arising

7.1.2. To this I also note that the matter of '*Appropriate Assessment*' also requires assessment. This matter I propose to deal with at the end of this assessment below.

7.1.3. Prior to the commencement of my main assessment, I note that the sensitivity of this appeal site and its setting is derived from a number of factors including the fact that No.s 19 to 24 St. Andrew's Street is a Protected Structure that dates to mid-20th Century with the frontage of this building being the only point where this site has access to the public domain. With this via a primary and secondary pedestrian opening in the ground floor level of its St. Andrew's street façade. This frontage has a zero setback from the pedestrian footpath on the northern side St. Andrew's Street. Immediately beside which there is a loading bay, motorbike and cycle parking bays which are indented into this footpath and the one-way carriageway of St. Andrew's Street.

7.1.4. This public domain which as set out in the Development Plan and is earmarked for public domain renewal with this following on from the Dublin City Public Realm Strategy – Your City, Your Space, 2016 masterplan which has been carried forward and further development in Development Plans up to the present Dublin City Development Plan, 2022-2028. With in the case of St. Andrew's Street is the planned College Green Dame Street Public Realm Project which includes its public domain.

7.1.5. It is therefore of relevance to note that under the proposals for the area from College Green to the junction with South Great George's Street that this will become traffic-free, apart from timed deliveries and limited local access. Additionally, it is proposed that the public domain subject to this plan will be a high-quality pedestrian priority space that also provides for safe cycle routes through to supporting local economy through enhanced footfall. This project I also note will be co-funded by the National

Transport Authority and its pre-design public consultation has recently been completed.

- 7.1.6. Of additional note is that No. 19 to 24 St. Andrew's Street includes a modest yard area that serves as a back of house. This area is landlocked and is hard surfaced accommodating access also to this buildings fire escape and the upper floor level flat roof over the projecting single storey element.
- 7.1.7. No. 19 to 24 St. Andrew's Street is also adjoined to its north, west and east by buildings of recognised built heritage merit. These buildings are afforded protection as Protected Structures as well as are for the most part listed in the NIAH survey.
- 7.1.8. Additionally, the tight grain historic urban block this appeal site forms part of a larger parcel of inner-city land that is designated a Red-Hatched Conservation Area. Within its immediate context that includes an architecturally rich collection of buildings, structures and spaces. With this including St. Andrews Church on the opposite side of Andrew Street public domain frontage of this site. As such this setting this Conservation Area designation recognises the special interest and value of buildings, streetscapes and spaces within the setting of the site. Alongside the Development Plan requires special care in terms of development proposals in this location with developments required to enhance this setting and its character.
- 7.1.9. The sensitivity of this location is further added to by the site's location within the zone of archaeological constraint for Recorded Monument and Place DU018-020 – Historic City. With archaeological excavations in the immediate setting of the site having uncovered surviving archaeological materials of interest. As such any interventions to the basement level of No.s 19 to 24 St. Andrews Street or any other associated excavation within its highly confined site area has the potential for archaeological discovery of earlier manmade building layers.
- 7.1.10. Within the tight grain block of the site, it is of further note that the adjoining period buildings to the east and north east include a mixed land use function. Of particular sensitivity to change are the eight dwelling units that form part of the Protected Structure to the east and north east of the site (Note: No.s 23 to 27 College Green which is a Protected Structure (RPS Ref. No. 1994)/No. 25 St. Andrew Street).
- 7.1.11. In addition to the above, despite the sensitivity of this site and it's setting as described, I am generally satisfied that all other planning matters outside of the broad headings

set out above can be appropriately dealt with by way of mainly standard in nature conditions. These matters include:

- The appropriate management of the demolition, construction and operational phases of the proposed development which during each phase would give rise to potentially various nuisances that would require various standard in nature conditions to limit potential for serious injury on their setting, including but not limited to the amenities of adjoining residential units.
- Ensuring best practice standards and outcomes in terms of the excavation and basement works associated with the proposed development within a zone of archaeological constraint.
- Ensuring best practice standards and outcomes in dealing with restoration works through to have the potential to impact upon the built fabric of the subject Protected Structure which is listed as Regional in its rating as well as of architectural, artistic and social special interest in its National Inventory of Ireland (NIAH) listing. In this regard No.s 19 to 24 St. Andrew's Street adjoins period buildings and structures on three sides.
- Ancillary matter such as signage; lighting; operational management; servicing through to nuisances that are to be expected to arise from the nature and extent of the development sought which includes a publicly accessible restaurant and bar, a 111-bedroom hotel facility with ancillary front and back of house facilities, within a tight grained historic urban block location that as a receiving environment is highly sensitive to change.

7.1.12. Alongside I am also satisfied that the use of bespoke conditions could be used to deal with other concerns raised by the Planning Authority in their determination of this planning application. In particular, an appropriately worded conditions could be used to:

- 1) Omit the glazed paving lights proposed on the public domain of St. Andrew's Street as part of a revised basement and ground level design.
- 2) Amend the internal design so that it could meet the requirements of Appendix 5 of the Development Plan, and the guidance set out under the 'Cycle Design Manual'.

This would ensure that there is an adequate provision of cycle spaces as well as associated facilities to accord with the Development Plan.

7.1.13. Further I concur with the Planning Authority's Transportation Department that despite the quantum of use proposed, which is significantly people intensive in comparison to the existing situation of the subject building, that the zero provision of car parking once operational is acceptable. This is on the basis that the site is located within Zone 1 of the Dublin City Development Plan, 2022-2028, Map J – Parking Area Map, and is a location where there is local planning provision for flexibility for what is considered to be a highly accessible to public transport, well served by amenities and other synergistic land uses to the nature of development sought. Notwithstanding, given the envisaged level of functional change of the public domain in this area I consider that there is a need for dialogue between the Planning Authority and the developer so that matters such as traffic management and implications of the construction works on the public domain is agreed through to that the proposed development is appropriately designed so that loading, deliveries and the like during operations can be managed in a manner that has been informed by the envisaged significant public realm changes in this locality. Which as said seeks to create a pedestrian priority space through to significantly limiting vehicular access into this area.

7.1.14. My final comment relates to the procedural concerns raised in the submissions received by the Board.

7.1.15. Firstly, they include concerns with regards to the Planning Authority's handling of this application. On this particular matter I note that the development proposed is considered by the Board "*de novo*". That is to say that the Board will consider this proposal having regard to the same planning matters to which a Planning Authority is required to have regard when deciding on a planning application in the first instance. This includes consideration of all submissions and inter departmental reports on file together with the relevant local through to national planning policy provisions as well as guidance. Additionally, it includes accompanying submissions and any relevant planning history relating to the application. Further having carried out an inspection of the site and had regard to all the information on file I am satisfied that there is adequate information available to the Board to make a determination on this appeal case.

7.1.16. The second procedural matter of concern raised is the consent for the making of this application and the nature of the development sought. In this regard the proposed development includes infringement on the public domain for which I acknowledge lies outside of the red line site area and for which the applicant has not demonstrated consent for. I therefore note as a precaution that the provisions of Section 34(13) of Planning and Development Act, 2000, (as amended), relating to 'Permission for Development', states that: "*a person shall not be entitled solely by reason of a permission under this section to carry out any development*". Therefore, in the event permission is granted, there may be other legal considerations that apply, and which the landowner may need to address outside of the planning system. This concern could in my view be dealt with by the Board should it be minded to grant permission by either omitting this element of the proposed development by way of condition given that the Planning Authority's Transportation objects to the provision of any glazing units onto the pedestrian footpath or it could include an advisory note setting out the provisions of Section 34(13) of the said Act on the basis that there are other such interventions in the immediate public domain.

7.2. Principle of the Proposed Development

- 7.2.1. By way of this planning application permission is sought for the change of use of the basement, part of the ground floor and the first to third floor levels of No.s 19 to 24 St. Andrew's Street, a Protected Structure, to hotel use. It also includes the construction of a one storey extension at roof level over this building and a six-storey extension to the rear to accommodate hotel bedrooms as well as a four storey over an existing extension to the rear to accommodate a fire escape and lift core. The proposed development would give rise to a hotel with 111-no. guest bedrooms and would retain part of the existing ground floor level in its existing use as a post office. Additionally, to facilitate the proposed development a variety of demolition, alterations and as said additions works are also sought to this period mid-20th Century building.
- 7.2.2. The site forms part of a larger parcel of Dublin's inner city that is zoned 'Z5' under the Development Plan. The land use zoning objective for such land is provided for under Section 14.7.5 of the Development Plan. It seeks to consolidate and facilitate the development of the central area as well as to identify, reinforce, strengthen, and protect its civic design character as well as dignity. Alongside the strategy for the

development of the central area Dublin city is to provide for a dynamic mix of uses which interact with each other to sustain its vitality as well as vibrancy by day and by night.

- 7.2.3. No.s 19 to 24 St. Andrews Street has a floor area of 2,605m² which is in part used as post office and office space with circa half of its internal floor area not in any current functional use. The existing uses that are present accord with the list of permissible land uses for 'Z5 – City Centre' zoned land as listed under Section 14.7.5 of the Development Plan. This section of the Development Plan states that: *"ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses, e.g. retail, commercial, residential, will be desirable throughout the area and active, vibrant ground floor uses promoted"*. With Chapter 6 of the Development Plan stating that: *"the focus of the strategy for the inner city and its immediately surrounding neighbourhoods within the canals will be to encourage balanced economic investment with an increased focus on liveability, enhanced public realm and mobility measures. The city centre will retain and build upon its existing role as one of Ireland's most important employment areas with a mix of office, retail, residential, tourism related and cultural activities"*.
- 7.2.4. Also, Section 6.5.5 of the Development Plan states that the: *"expedient redevelopment of extensive vacant/under-utilised sites, especially in the city centre area, is critical to sustainable development. Putting in place a critical mass of investment and development in the short-term is essential to break the negative cycle of underdevelopment"*. With Section 4.4 of the Development Plan setting out that its strategic approaches include the regeneration of underutilised buildings as part of achieving a high quality, sustainable urban environment, which is attractive to residents, workers and visitors.
- 7.2.5. The proposed change of use would maintain the post office use but in a smaller 610m² floor area out of the retained and new floor area of 3,893m² sought under this proposed development. The remainder of the retained and new floor area (Note: 3,283m²) would function as a hotel which would include an accessible to the public restaurant and bar at its lower levels. In relation to this proposed change of use and in relation to the extended floor area sought I note that 'hotel' use is listed as permissible under Section 14.7.5 of the Development Plan.

- 7.2.6. I am generally satisfied that the resulting redevelopment sought would not result in a mono use of the site's 845m² area in a manner that could be considered to be inconsistent with Section 14.7.5 of the Development Plan which also in part seeks to avoid mono-use developments on 'Z5' zoned lands.
- 7.2.7. It is in my view of further relevance to the nature of the proposed development sought under this application that Section 14.7.5 of the Development Plan indicates that in the interests of promoting a mixed-use city that it may not be appropriate to allow an overconcentration of hotel uses in a particular area.
- 7.2.8. Also, under Section 15.4.1 of the Development Plan it sets out that the Council has a presumption against an overconcentration of such uses within the city. In relation to this point it indicates that the Development Plan requires as part of applications for hotel developments the submission of a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment of such proposals. It indicates that this report should demonstrate evidentially that the proposed hotel development would not undermine the principles of achieving a balanced pattern of development in the area and that it would be compliant with the criteria set out under Policy CEE28 of the Development Plan. I note that this Development Plan policy requires applications for hotel developments to demonstrate compliance with a number of criteria. These I have set out under Section 5.1.13 of this report above.
- 7.2.9. The criteria in summary include having regard to the existing character of the area in which the development is proposed; local amenities and facilities in its vicinity; the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity; the existing and proposed type of existing visitor accommodation; the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including in terms of residential, social, cultural and economic functions. Furthermore, the proposed developments generation of activity at street level and contribution to evening as well as night-time activities.
- 7.2.10. I note to the Board that this application is accompanied by an examination of existing and proposed hotel provision within a 1km radius of the subject site. This examination is mainly set out in the document titled: 'Visitor Accommodation Audit', dated

November, 2023. This document is provided by the applicant as part of the documentation lodged with the subject planning application. I further note that this examination is further added to in their appeal submission to the Board.

7.2.11. I note that the accompanying audit seeks to address the Development Plan requirement to identify hotels and aparthotels within the required 1km catchment of the site. With this providing an overview of the hotels within this area and their star rating. It sets out that within this radius that there is a range of visitor accommodation options. Within this catchment area it identifies 32 tourist related developments yet to be implemented; 9 for assessment with the Council; and 5 with the Board at the time the audit was prepared. The audit identifies the following sources used in its preparation:

- Fáilte Irelands database
- Dublin City Councils Planning Portal.
- Google Maps.
- Booking.com.
- Hotels.com.
- Eircode Finder.

7.2.12. It also clarifies that the audit carried out by them excluded 'short-term rental accommodation' such as AirBnB's with it concentrating on existing as well as future provision of purpose-built tourist accommodation only.

7.2.13. Overall, at the time the audit was prepared it notes the presence of 106 no. individual visitor premises operating within the required 1km catchment radius from the site (Note: 70 no. hotels; 12 no. hostels; 18 no. guesthouses and 6 no. aparthotels). It indicates that these visitor premises on average contained 92 no. rooms, and they observed a clustering pattern in areas like Temple Bar, Gardiner Street, Harcourt Street as well as in major regeneration areas including the Liberties, Docklands and Smithfield. It considered that the Development Plan's required catchment area centred on St. Andrew's Street encompassed a substantial part of the city centre including north and south of Dublin's River Liffey. On this basis it contends that it should not be considered as an accurate means to assess whether or not there is an issue of hotel overconcentration given the make-up of this historic inner-city area.

- 7.2.14. Within the immediate area of the subject site, it contends that their examination supports a lack of tourist accommodation despite this area being heavily frequented by visitors to the city. It highlights that the site is located within close proximity to the site are a number of major visitor destinations and is ideally situated within the cultural heart of Dublin city. Additionally, it also benefits from proximity to Grafton Street Retail Quarter. In its receiving environment it contends that there are no hotel developments within its immediate setting and that, if permitted, the proposed hotel with its 111 no. bedrooms together with its restaurant and bar that would be publicly accessible alongside the retention of the retail space at ground floor level would support the vibrancy and vitality of its mixed-use setting by day and by night. The latter it considers accords with Policy CEE28 of the Development Plan.
- 7.2.15. In relation to the above I raise a concern that the condensed catchment area set out under Figure 6.1 of the audit is not in my considered opinion an accurate reflection of the immediate area around the subject site in terms of the actual presence of visitor accommodation. In particular hotel accommodation as it appears to be based on excluding visitor accommodation that is within the immediate vicinity of the site including the nearest hotel establishment at No.s 9-17, St. Andrew's Lane (Wren's Urban Nest). This hotel facility would appear to be in the applicant's interest, and I note is located within c52m to the south west of the site as the bird would fly with available information on it suggesting that it contains 137 no. bedrooms. Of further concern in my view, it concentrates its examination to include areas to the east and south east of the site. With the site located towards the northern portion of this limited catchment area with its catchment boundaries terminating before they overlap with any of the existing hotels within the immediate vicinity of the site.
- 7.2.16. Despite this concerns in relation to Figure 6.1 in general I accept the findings of the accompanying visitor accommodation audit provided including it demonstrates the suitability of this site's location within the historic inner-city for a hotel development subject to safeguards. A location that I concur with the audit and the documentation accompanying this application as well as with the appeal submission is highly accessible by public transport, is within walking distance of many of Dublin city's tourist offers as well as is accessible to Dublin's key retail centres through to business districts and conference facilities. Alongside in time I consider that this location is one that will

become more vital as vehicle traffic is limited to it and priority is given to active travel as well as public transportation within an enhance public realm.

- 7.2.17. I also note the suitability of the proposed location for a hotel development is supported by the submission received from Fáilte Ireland, a Prescribed Body. Their submission sets out that there is a well-recognised shortage of tourist accommodation in Dublin and their review of capacity conducted in 2023 finding a shortfall of 9,000 rooms. Despite the additional provision coming on stream over the next two years it indicates that there is need for these rooms as well as more hotel bedrooms are needed to meet the latent demand.
- 7.2.18. I also accept that Dublin city is in constant state of change. On this point it is over a year since this audit was carried out and in the interim period there have been additional hotel bedspaces permitted by the Planning Authority and on appeal to the Board within the historic Dublin inner city, including within the 1km catchment of this appeal site.
- 7.2.19. Furthermore, I am cognisant that there have been implementation previously permitted hotel developments through to there are concurrently with the Planning Authority and on appeal with the Board other hotel developments. With this context including a concurrent First Party appeal with the Board that seeks the Planning Authority's decision to refuse permission for a more modest in scale hotel development scheme of 17 no. bedrooms at the Protected Structure of No. 18/19 Duke Street and No. 8 Duke Lane Upper is overturned (Note ABP-319920/P.A. Ref. No. 3449/24).
- 7.2.20. Similarly in the intervening time there are also examples of other synergistic land uses permitted by both the Planning Authority as well as on appeal to the Board through to commenced.
- 7.2.21. These cumulatively will further enhance the mixed-use character, vitality and vibrancy of Dublin's inner-city including within the setting of the site.
- 7.2.22. Alongside as said Dublin City Council are actively pursuing significant public realm improvements throughout the city including as discussed above long St. Andrew's Street.
- 7.2.23. Moreover, in the intervening time there has also been increased pressure placed on existing hotel accommodation in general to cater for housing needs beyond that do

not fall under the bracket of what is generally considered to meet the definition of short stay accommodation. With the Government contracting short stay hotel bedspaces to meet other housing demands and social care needs. The result of which is that there has been a reduction in the availability of short stay accommodation.

7.2.24. On the basis of the above, despite the concerns raised by Third Parties to this appeal on the matter of overconcentration of hotel developments, I am satisfied that the applicant in this case has evidentially demonstrated that there is no basis to refuse permission for the proposed development on the basis of overconcentration of tourist accommodation. Nor on the basis that it would undermine the principles of achieving a balanced pattern of development in the context of its surrounding setting in a manner that is inconsistent with the provisions of the Development Plan.

7.2.25. I further consider the maintenance of the existing retail unit use as a Post Office also aligns with Policy SC3 of the Development Plan in that it seeks to promote a mixed-use land use within the city centre including by way of facilitating the conversion of historic buildings.

7.2.26. It is also consistent with Section 6.8.8 of the Architectural Heritage Protection Guidelines which states: *“in the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure”*. Notwithstanding, careful more detailed consideration of the change of use together with the demolition, alterations and additions implications on the fabric and character of this Protected Structure are required as part of this assessment. This particular matter overlaps with the Planning Authority’s first reason for refusal which I propose to examine under Section 7.3 of this assessment below.

7.2.27. As a precaution I also note to the Board that Section 15.14.1 of the Development Plan sets out that the City Council proposes to complete their analysis of the supply and demand for tourism related accommodation in the Dublin City area. I note to the Board that at the time this report was prepared this analysis had yet to have been carried out. The Development Plan provides that until such a time as this is available Section 15.14.1 that hotel developments will be considered on a case-by-case basis.

- 7.2.28. Additionally, I also note that Section 15.14.1.1 of the Development Plan encourages publicly accessible facilities to generate activity at street level throughout the day and night. I am satisfied that this would be achieved by the retention of the retail use at ground floor level the provision of the hotel's front of house, the provision of the publicly accessible restaurant and bar through to having active land uses at upper floor levels. Together, these would generate activity at street level as well as would provide animation of this building's contribution to its streetscape scene in the evening and into the night time hours.
- 7.2.29. Hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building. With the Development Plan indicating that this can be achieved through the provision of roof terrace restaurant and bars to further generate activity. This is not achieved as part of the overall design of the retained and new building levels, but I note that a level of flexibility is provided for Protected Structures as part of facilitating keeping such buildings in viable sympathetic functional use.
- 7.2.30. I also consider that the maintenance of the post office use is a positive outcome safeguarding part of this buildings original function as well as providing a tangible relationship with the period post box on the adjoining public domain of Andrew Street.
- 7.2.31. Conclusion: Having regards to the above considerations I am satisfied that the general principle of the proposed development is acceptable and that key matters in particular built heritage and amenity impacts should be separately adjudicated upon by the Board as part of their determination on whether or not the proposed development as a whole is consistent with the proper planning and sustainable development.
- 7.2.32. **Additional Fourth Floor Level & Additional Extensions to the Rear of the Protected Structure of Similar Height**

I am cognisant that local through to national planning policy provisions are generally supportive of additional height as part of achieving more compact and sustainable urban development at appropriate locations. I am also cognisant that within the city centre of Dublin that there are examples of additional floor levels added to period buildings with later permitted examples in general being of a light weight contemporary architectural design. The examples include to Protected Structures and buildings that may not be designated Protected Structures but are listed in the NIAH. Moreover, there are also examples of such interventions to buildings dating to the mid-20th

Century and later. With these interventions also being carried out alongside deep retrofitting of older building stock which overall aligns with local through to national planning policy provisions as well as guidance that seek more climate resilient responses to spatial development in general.

In relation to the additional height I note to the Board that Section 3 of the Urban Development & Building Height Guidelines for Planning Authorities, 2018, sets out the principles for the assessment of applications, which should adopt a general presumption in favour of increased height in town/city cores and urban locations with good public transport accessibility, which is a key consideration for development of scale within an inner city context as part of making efficient use of serviced lands and in this case also highly accessible to a number of public transport options.

The Building Height Guidelines also state that: *“historic environments can be sensitive to large scale and tall buildings”* and that an assessment of the existing character and setting of a place will assist in the decision-making process as part of establishing the sensitivities of a place and its capacity for development or change.

Further, the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024, under Section 3.4.2 similarly recognise that historic environments historic environments can be particularly sensitive to change. It indicates that new development should therefore respond to the receiving environment in a positive way and should not result in a significant adverse impact on character of their setting.

Of particular relevance the Architectural Heritage Guidelines under Section 13.8 on the matter of development affecting the setting of a Protected Structure, indicates that in dealing with applications for works outside of their curtilage and attendant grounds that similar consideration should be given as for proposed development within the attendant grounds.

This approach I consider relevant given the context of the subject Protected Structure forming part of the visual setting of adjoining and neighbouring Protected Structures in its setting.

I also note that Section 13.8.2 of the said Guidelines states that: *“new development both adjacent to, and at a distance from, a Protected Structure can affect its character and special interest and impact on it in a variety of ways. The proposed development*

may”...“take the form of a new structure within the attendant grounds of the protected structure. A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure directly about the protected structure”.

Additionally, under Section 13.8.3 of the said Guidelines it states: *“large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA”.*

At a local planning context level, Appendix 3 of the Development Plan sets out that at a strategic level Dublin City has an intrinsic quality as a predominantly low-rise city in terms of its building height. It states that: *“there is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. In particular, development proposals must be sensitive to the historic city centre”.* It goes on to state that: *“it is important to protect the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity”.*

In keeping with this the Development Plan identifies opportunities for where height will be promoted on sites under Section 4 of Appendix 3, subject to the performance criteria set out in Tables 3 and 4 being demonstrated. Of particular relevance having regard to the built heritage sensitivity of the site and its setting is that Section 4 of Appendix 3 identifies a default height of 6-storeys in the city centre, subject to site specific characteristics, including heritage, environmental and other considerations. In relation to increased height in sensitive city areas it states that such applications: *“must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context”.*

While I consider that in general a five storey building height is not inconsistent with Section 4 of Appendix 3 of the Development Plan, on the basis of the more detailed examination of the proposed development under Section 7.3 of this assessment below which examines its impact on the Protected Structure and its setting, I consider that the additional height when taken with the overall heaviness of its built form, its limited

separation from the parapet of this Protected Structures principal façade which fronts onto the northern side of St. Andrew's Street, with this Protected Structure as a result of its built height and width being a visually dominant built insertion within the northern stretch of St. Andrew's Street between its junction with Church Lane to the east and Trinity Street to the west. The overall design of this additional storey not only overwhelms the host Protected Structure but also the period buildings on either side of it alongside there is a poor visual integration between it and the overall new additions in terms of the new rear additions that face into this tight grain historic period block.

While I consider that this proposal seeks a modest amplification of height in relation to its prevailing setting it is of note that Section 5 of Appendix 3 of the Development Plan recognises that taller buildings can potentially be detrimental to the character of an area and may be unsuitable where there is protection given to sensitive urban character and city's heritage assets.

Furthermore, Section 6.0 of Appendix 3 of the Development Plan provides guidance on higher buildings in areas of historic sensitivity. In this relation to such settings, it sets out that new development must respond to local character as well as protect and enhance the built heritage with this including Protected Structures.

Moreover, it sets out that new development should not have an adverse impact on a Protected Structure or its curtilage in terms of scale, height, massing, alignment and materials.

Given the concerns raised in Section 7.3 of this assessment alongside having regard to local through to national planning provisions on such sensitive to change sites and settings I am not satisfied that the additional height and accompanying rear extensions in terms of their design, mass, scale and volume would be harmonious or respectful with the visual attributes and qualities of this Protected Structure. Nor would it be sensitive to the low scale character of the adjoining and neighbouring St. Andrew's Street streetscape scene as well as the visual setting which encompass a Red-Hatched Conservation Areas.

Conclusion: On the basis of the above I consider that the concerns arising from the fourth-floor addition and rear extensions are of sufficient merit on their own that they could support a separate reason for refusal. Particularly given that the Dublin city's

height strategy as set out under Section 4 of Appendix 3 of the Development Plan in a similar manner to national guidance on such matters, e.g. Urban Development and Building Height Guidelines for Planning Authorities, 2018, set out a requirement for taller built insertions to form a positive response to the overall built environment as part of contributing healthy placemaking in built heritage rich as well as visually sensitive to change settings.

7.3. Planning Authority's First Stated Reason for Refusal

- 7.3.1. The first reason for refusal given by the Planning Authority as part of their decision notification raises concerns that the proposed development would by way of the extent of demolition, alterations and additions to No. 19-24 St. Andrews Street, a Protected Structure, would give rise to an unacceptable adverse and injurious impact to its special architectural character and setting, in a manner that would be contrary to Policies BHA2, BHA9 and BHA15 of the Development Plan provisions as well as Section 7.3.1 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- 7.3.2. It notes the extent of demolition, the loss of historic windows and rooflights, the proposed subdivision of the larger office spaces by the introduction of wall partitions in what it considers to be in arbitrary locations without consideration for the extant fenestration pattern or character or legibility of the spaces.
- 7.3.3. It further notes as a concern the proposed separation distances between the new extensions and the host Protected Structure itself. Alongside it considers that, if permitted, it would give rise to an undesirable precedent for other similar type development.
- 7.3.4. No. 19-24 St. Andrews Street is a Protected Structure (Note: RPS 7569), that adjoins and neighbours several Protected Structures, as well as forms part of a Red-Hatched Conservation Area.
- 7.3.5. As set out in the description provided under Section 1 of this report above it is also listed in the National Inventory of Architectural Heritage (NIAH Ref. No. 50910195) as is the post box in the public domain to the immediate front of its St. Andrew's Street façade.

7.3.6. There are similar designations and listings given to several of the period buildings within its visual setting and in particular its subject urban block. With the sensitivity of this historic urbanscape added to by the fact that it also forms part of a zone of archaeological constraint for Recorded Monument and Place DU018-020 (Historic City) and that there are significant public realm improvements for St. Andrew's Street as part of the College Green – Dame Street Public Realm Project.

7.3.7. In relation to the overall scope of works proposed to No.s 19-24 St. Andrews Street I note firstly that it includes a number of positive repairs and restoration works to this Protected Structure which I observed during inspection was in various states of repair and structural condition. The proposed works include but are not limited to what could be described as maintenance to the retained original exterior and interior. This is in addition to the proposed new build elements that include the creation of an additional fourth floor level, a bedroom block which would include a replacement fire escape enclosure to the rear, through to the provision of an internal modern insulated box within the interior envelope to accommodate the proposed main hotel use which would be the predominant use of the retained and new floor area under this proposed development scheme. The works include:

- Removal of later rear metal shed structure (Note: I observed that this structure appears to have already been removed from the site).
- Repairs to the existing sand cement render of its shaped granite block external envelope (Note: I observed that that in places that this render was modestly cracked and missing in places from the main external envelope of the building and that the more detailed decorative granite stone work was in general in a good state of repair as well as not showing signs of any significant environmental erosion).
- Repairs to external joinery and paintwork, including existing entrance door as well as existing entrance doors to retail unit from side entrance and associated signage (Note: while the two external timber doors fronting onto St. Andrew's Street are in a good condition as is the surviving associated joinery, notwithstanding part of the visible timbers that are holding the bronze metal windows in place need general repair).
- Repairs to existing bronze windows in front façade and retained existing steel windows to the rear (Note: I observed that where the bronze window survive, they are in a good state of repair despite their age and loss of some original glass panels. The

latter is evident in the front ground floor level windows. The period less qualitative metal windows to the rear are in more need of repair).

- Repairs and cleaning to the stone façade fronting the public domain onto St. Andrew's Street.
- Repairs to roof level parapet capping and flashings.
- Removal of non-original and of no merit later internal partitions.
- Repairs to 4 no. circular rooflights.
- Repair and restoration of terrazzo floor and upstand at ground floor level. Also repair and retention of terrazzo floors to bathrooms at first and second floor level. (Note: as described in Section 1 this is a key feature of the finishes of this building's original internal fit out and in places needs repair).
- Repairs to the main staircase including its handrails and metal balustrades (Note: I observed that this staircase and its terrazzo steps and risers are generally in a good condition. It is one of the surviving qualitative key features within the interior of this building.

7.3.8. Though I raise it as a concern that there is potential for existing coverings internally to hide the presence of potentially other surviving features that may be of special interest, notwithstanding, I raise no substantive concerns in relation to the repair and restoration works to the original external as well as interior built fabric of interest of the host Protected Structure proposed under this application, subject to standard in nature safeguards. Therefore, the following assessment below relates to the implications of other components of the proposed development sought under this application works to the special character and integrity of this Protected Structure as well as its setting. In particular the proposed demolition, alteration and extensions sought as part of the proposed development.

7.3.9. In this regard, I first of all note that Protected Structures are provided with the following definition under Section 11.5.1 of Development Plan as any structure which is included in the RPS, unless otherwise stated and: *"it includes the interior of the structure, the land lying within the curtilage of the structure, any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of the above structures. The protection also extends to any features*

specified as being in the attendant grounds including boundary treatments". I consider that this meaning accords with the definition provided by Section 2 of the Planning & Development Act, 2000, as amended and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

- 7.3.10. The first component of the development I propose to examine is the change of use of this Protected Structures, basement level as well as portions of its ground, 1st through to 3rd floor levels from office use, albeit mainly not functioning as such, as well as a small part of the existing in associated retail post office use to hotel use. This I note excludes the remainder of the main retail of existing post office use which would be retained but having a reduced floor area 610m². Which gives rise to no significant concerns outside of that any of the associated restoration, alterations through to signage works proposed are subject to standard safeguards for such sensitive to change period buildings and visually sensitive streetscape scenes.
- 7.3.11. In relation to a material change of use I note that the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, state that: "*the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use*" and "*where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure*". It advocates that a Planning Authority should carefully consider any such proposals in relation to the implications it would give rise to the fabric and character of Protected Structures. It also indicates that cognisant should be had to other implications which may not be immediately obvious, including but not limited to compliance with Building Regulations and other codes. These Guidelines also recommend that balance should be had to continuing Protected Structures economic viability if the change is not to be permitted. Through to the effect on the character and special interest of its fabric of any consequent works, if permission, is granted. Moreover, it sets out that where, having considered these issues, that the alterations required in relation to the change of use should ultimately not give rise to an undue adverse effect on the special interest of the structure.
- 7.3.12. Section 11.5.1 of the Development Plan is in my view consistent with this national guidance and it states in a similar manner that the: "*historic use of the structure is part of its special interest and often the best use for a building will be that for which it was built*". It also recognises that: "*on occasion a change of use will be the best way to*

secure the long-term conservation of a structure” and where this is proposed it requires that the building should be capable of being converted into the new use without harmful extensions or modifications, through to substantial subdivision of historic floor plans and/or serious loss of historic fabric. It also sets out that other matters such as: “fire protection, sound proofing, servicing and access will also require careful consideration”.

- 7.3.13. In relation to the above local through to national planning provisions and guidance while I consider that the retention of the post office use forms a positive part of the proposed development when taken together with the repair and restoration works already outlined above. Notwithstanding, in order to facilitate the material, change of use, to retained floor area and exterior of this Protected Structure what I consider are substantive in terms of implications to its surviving fabric and character demolition, alteration and additions works are proposed. This is against the context where it is considered that despite the loss of internal fabric and features after its function as a telephone exchange ended in order to facilitate its use as office related spaces. Through to the later alterations that occurred to the ground floor level post office which resulted in its original interior being lost.
- 7.3.14. Of concern the accompanying conservation method statement with this application was not informed by more thorough investigation into what surviving fabric of interest that may be at this current time covered over. Additionally, during inspection there was inadequate areas of the building were opened up to allow an informed decision to be made on this matter.
- 7.3.15. The statement that is provided contends that the major surviving internal elements of interest for this Protected Structure are its stairwell, its associated terrazzo floors and its decorative ironwork which for the most part the design of the proposed hotel includes where practical and possible their retention, conservation and exposure. Where not exposed, it indicates that the surviving terrazzo floors would be covered by raised floors over. This intervention they contend would minimise impact on them as well as would be reversible as part of what is described as a modern designed box to be provided within the existing built format of this Protected Structure to facilitate the internal layout of the proposed hotel.

- 7.3.16. In relation to facilitating the proposed material change of use I share the view of the Planning Authority's Conservation Officer that despite this Protected Structures loss what is described in the accompanying conservation method statement as a significant amount of original interior features and features from later refurbishment and repurposing of its internal spaces. As said, I share the concerns that the design derived at and for consideration under this planning application that the design was not informed by a more thorough investigation of the potential for the presence of surviving interior-built fabric of interest. This is in a context where it would appear during the preparation of this proposal it is likely that over half of this buildings floor area was not in any active use.
- 7.3.17. On this point I note that Policy BHA2 of the Development Plan under subsection (d) seeks to ensure that any development to a Protected Structure is sensitively designed and under subsection (c) requires that their form and structural integrity is retained in any redevelopment as part of ensuring no adverse impact on their special character.
- 7.3.18. Further subsection of Policy BHA2 of the Development Plan (d) requires development to a Protected Structure to respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure through to architectural detail, fixtures and fittings and materials. Alongside its subsection (e) seeks to ensure that new and adapted uses are compatible with their architectural character and special interest.
- 7.3.19. Moreover, the Architectural Heritage Protection under Section 7.4.2 indicates that as part of keeping a building in active use that the analysis should include the physical fabric of the site and to inform future proposals.
- 7.3.20. Within this context I share the concerns of the Planning Authority that the level of intervention to this surviving Protected Structure would result in the demolition and removal of a number of its key steel windows at first and second floor levels to the rear of the Protected Structure as part of providing access to the proposed extension.
- 7.3.21. Additionally, demolition is further proposed for the entirety of this Protected Structures third floor level rear envelope which survives partially intact in its original state but also includes later built fabric as well as the loss of roof lights on the ground floor level which survive as original features in order to facilitate integration with the proposed extension. This is in addition to a wide range of what could be considered in isolation

as modest alterations and interventions. However, when considered cumulatively as part of the overall proposal to insert the box which would internally accommodate the main hotel spaces it has the potential to give rise to significant erosion of this buildings surviving period built fabric of interest through to appreciation of its historic floor plan and surviving historic spaces. Including as appreciated from St. Andrew's Street and from within its historic urban block as observed from other period properties including Protected Structures that also have rear elevations facing into the centre of this urban block.

- 7.3.22. In this regard I note in relation to the existing rooflights at first floor roof that only 4 of the circular rooflights would be retained as part of this proposal with the remainder circular as well as pyramid roof lights removed and stored for potential re-use; an existing original window would be lost and surrounding fabric from its St. Andrew's Street façade as part of the creation of a new escape door; extensive raised floor levels and suspended internal ceilings with new wiring, plumbing and the like; structural and built interventions to cater for the fourth floor level over; significant loss of fabric to provide linkage to the bedroom and fire/escape block; loss of fabric to accommodate installation of a lift shaft through the building and its proposed fourth floor level; through to there is loss of original openings including steel windows from the rear façade.
- 7.3.23. In addition to these built fabric interventions of note overall as part of facilitating the proposed hotel use the historical internal plan area and spaces particularly between first and third floor levels would be further subdivided within the block into several small in size hotel bedrooms.
- 7.3.24. Additionally, these very modest in size bedrooms would in my view be legible from behind the proposed secondary glazing in a manner that would not correspond harmoniously with the original bronze glazed windows that survive in this building's principal façade. These are one of this buildings key surviving features with these windows designed to have facilitated qualitative penetration of southerly light and together with the counterpart rear windows also provided qualitative internal cross ventilation.
- 7.3.25. In relation to this concern I note that the secondary glazing and the arrangement of internal partitions are placed in many cases in proximity to the main glazed elements

of these key windows and I am not satisfied that it has been demonstrated that this is the most effective response to the placement of spaces within this historic period building that has only one façade that addresses the public domain. The use of the space particularly behind the surviving bronze metal windows would in my view have been more appropriate for use for more people intensive uses within a hotel and as such would have allowed these windows to contribute more positively to animating this building through the day and into the night in a manner that was sympathetic to working with its key features as well as their appreciation from the public domain.

- 7.3.26. The roof level over the existing façade outside of its parapet surrounds would in my view be effectively lost by the proposed additional single storey element that is positioned with a minimal circa 300mm setback from this building's principal façade for the most part. There is a more generous setback towards its westernmost of circa 2.9m. The overall height of the additional floor as addressing St. Andrew's Street would give rise to an overall height of 24.078m at its tallest point. With this reducing by circa 1.1m in proximity to its southernmost elevation which is modestly setback from the subject buildings 18.72m parapet height.
- 7.3.27. I note that behind the main flat roof structure of the existing host Protected Structure includes an additional plant addition that projects above the 18.72m high parapet. Notwithstanding, this is not visible from the public domain.
- 7.3.28. Of further relevance in my view is the relationship with the existing Protected Structures principal façade which forms part of a streetscape scene where it and buildings that front the southern side of this stretch of St. Andrew's Street have a coherent zero setback from the public domain. In a consistent manner these buildings though of varying architectural styles and height visually abut one another with their principal facades together aligning with the northern side of this stretch of St. Andrew's Street which has a south westerly inflexion. With this also allowing for a greater lateral separation distance in the public domain towards Church Lane in comparison to Trinity Street which forms an important component of the space around with the St. Andrews Church is sited. As well as allows for it to be a focal point alongside the corner building at the southwestern corner of Church Lane and Suffolk Street.
- 7.3.29. In terms of its immediate context the adjoining property of No. 18 St. Andrew's Street to the immediate west of the subject Protected Structure I note has a principal façade

with a lower parapet of circa 3.63m in comparison to No.s 19 to 24 St. Andrew's Street. To the immediate west the adjoining Protected Structure also has a lower parapet height by 3.48m. With the roof structures of these properties adding visual interest to the roofscape of this tight grain block which is comprised of period buildings that predate that of this subject Protected Structure. I consider that when taken together with minimal setback of the additional fourth floor level, the visual incongruity of this additional floor to No.s 19 to 24 St. Andrew's Street heavy exterior expression largely arising from its lack of setback from its principal parapet, its asymmetrical southern elevational alignment through to its overall built expression would materially and significantly adversely diminish the special character of this building as appreciated from its public domain. In turn it would also visually diminish its setting by way of its visual overbearing relative to adjoining Protected Structures on either side of it as well as those neighbouring it and that form part of its visual context within a Red-Hatched Conservation Area.

- 7.3.30. In relation to the rear extension together with the loss of the existing fire escape. In relation to these components of the proposed development while I am cognisant that these extensions to the eastern and western side of the original rear elevation would outside of their uppermost fourth and roof level would not be visible from the public domain. Notwithstanding, as detailed above they would give rise to the cumulative loss of surviving built fabric through to their placement to the eastern and western side of this building would result in significant additional visual overbearing on adjoining buildings to its east and west.
- 7.3.31. Alongside they would inevitably give rise to additional overshadowing on what is an already constrained tight grained urban block which includes dwelling units in the adjoining Protected Structure to the east and north east. Alongside these dwellings have a shared communal open space that would be located to the east and north east of the proposed extensions.
- 7.3.32. I also consider that the design including its solid to void treatment would have the potential to give rise to undue overlooking of dwelling units that face into the centre of this urban block. Moreover, I consider that a more innovative architectural design response could have been taken to address this concern as part of providing a more site sensitive of its time coherent approach for the additions proposed. On this point I

note that the host Protected Structure includes a level of visual coherence in its elevational response to the rear facing into the centre of this urban block.

- 7.3.33. Furthermore, I consider that the rear additions and alterations that are proposed are unduly heavy and visually overbearing in terms of their juxtaposition and relationship with the subject Protected Structure. If permitted, they would in my view seriously diminish this building's second key elevation.
- 7.3.34. Additionally, I consider that the solid to void treatment, the external palette of materials, treatments and finishes are not of any particular qualitative merit nor suitably durable. I also consider that in part the treatment of the north elevation of the eastern addition is unduly monolithic and an inappropriate response to such a setting.
- 7.3.35. Overall, the proposed rear additions do not respect or enhance the host Protected Structure nor the adjoining and neighbouring period buildings including the Protected Structure to the east and the other Protected Structures that face into the centre of this tight historic urban block. They would, if permitted, would cumulatively diminish the interior of this block when taken together with other later additions that have been constructed to the rear of a number of period buildings in this urban block.
- 7.3.36. In relation to the proposed rear addition when taken together with the additional roof structure over this further adds to the visual incongruity of the proposed alterations and additions to this Protected Structure and its sensitive to change setting.
- 7.3.37. I also note that Section 6.8.1 of the Architectural Heritage Guidelines sets out that extensions should be appropriate to the Protected Structure and it further states under Section 6.8.2 that: *"if permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure"*.
- 7.3.38. Additionally, under Section 6.8.3 of the said Guidelines it states that: *"extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time"* and under Section 6.8.7 it states

that extensions should not be permitted where they compromise the architectural significance of a Protected structure or its setting.

- 7.3.39. Of further note is Section 7.3.1 of the said Guidelines indicates while a degree of compromise will be required in adapting a Protected Structure to meet modern requirements it states that: *"it is important that the special interest of the structure is not unnecessarily affected. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised"*.
- 7.3.40. Of further note as previously set out in the assessment above the Development Plan seeks under Policy BHA2 (b) seeks to protect Protected Structures from any works that would negatively impact their special character and appearance. Additionally, under Section 11.5.3 of the Development Plan in relation to Red-Hatched Conservation Area it indicates that they warrant protection.
- 7.3.41. Under Policy BHA9 of the Development Plan it sets out that development within or affecting such areas must contribute positively to its character and distinctiveness as well as take opportunities to protect and enhance their character, appearance and setting wherever possible. It also indicates that contemporary architecture, where proposed in such sensitive to change settings, should be of exceptional design quality, which is in harmony with the Conservation Area. Through to the Architectural Heritage Protection Guideline in relation to contemporary interventions sets out that these should be of sufficiently high quality and should not detract from the character of the historic fabric and setting.
- 7.3.42. Of further concern is that the host Protected Structure could be considered an architectural outlier in an urban block that contains significantly older buildings. In this context its architectural quality and the innovative design of its architects which sought to marry it as a new addition of its modernist time but also sought that as a new built insertion that its built form, height through to architectural expression and materials were sympathetic to as well as together had the capacity to positively contribute to its period setting. This is also achieved by the principal façade including a stripped-classical style and lightness with its large bronze windows through to carved granite exterior façade with a high level of mica schist in a silvery hue that provided lustre to it as a finishing material.

7.3.43. In relation to Twentieth Century buildings of architectural merit like is the case for No.s 19 to 24 St. Andrew's Street, the Development Plan under Policy BHA15, seeks to firstly encourage their appropriate development and ensure that their character is not compromised. Secondly, it seeks to: *"encourage the retention and reinstatement of internal and external features, that contribute to the character of exemplar twentieth century buildings, such as roofscapes, boundary treatments, fenestration pattern, materials, and other features, fixtures and fittings"* considered worthy of retention.

7.3.44. I consider its Regional rating by the NIAH which sets out its categories of Special Interest as 'Architectural', 'Artistic' and 'Social' (Reg. No. 50910195) is a reflection of this buildings merit. As noted in Section 1 of this report the NIAH describe this building's principal façade, in eloquent detail and its appraisal rightly in my view considers it to be an impressive addition to its streetscape scene.

7.3.45. The proposed development while providing some repair and restoration provides a material change of use, demolitions, alterations and additions that cumulatively would in my considered opinion materially and adversely erode the intrinsic special character of this Protected Structure and its appreciation within it's Red-Hatched Conservation Areas setting in a manner that would be contrary to relevant local planning policy provisions and national planning guidance set out above. It would also visually erode other period buildings of recognised merit that form part of its historic context. Overall, the impacts are such that the proposed development if permitted would be contrary to local through to national planning policy provisions as well as guidance by virtue of its built heritage, visual amenity and residential amenity impacts. They are also of such cumulative magnitude that they could not be overcome by way of a request for further information by the Board or by way of the use of conditions.

7.3.46. Conclusion:

Though I am cognisant that Policy Objective BHA11 of the Development Plan encourages rehabilitation and the reuse of existing older buildings as well as finding a viable economic use for them and I consider that this building is one that needs a viable economic use that would safeguard it into the future. Alongside the restoration components of the proposed development when considered in isolation from the main development that is sought is welcome. Notwithstanding, the cumulative impacts of the proposed development to facilitate the quantum of development sought would

result in material and adverse diminishment particularly of the host Protected Structure but also would result in undue adverse built heritage, visual amenity and residential amenity impacts in a manner that would not accord with the proper planning and sustainable development. On this basis I recommend that the Board uphold the Planning Authority's first given reason for refusal.

7.4. Planning Authority's Second Stated Reason for Refusal

- 7.4.1. The Planning Authority's second stated reason for refusal considers that the proposed development by itself and the precedent it would set would be contrary to the Housing Strategy set out in the Dublin City Development Plan, in particular they reference the core principles of their Housing Strategy and Policy QHSN38 of the Development Plan.
- 7.4.2. I note to the Board that these local planning provisions in summary seeks to encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures throughout the city. With this to be provided in a manner that accords with the City Councils Housing Need Demand Assessment (HNDA) which the second reason of refusal indicates that it recognises a high demand for long term residential rental properties within the city and in this context it is considered that the change of use to hotel could contribute to the lack of variety of uses in the city in a manner that would be contrary to Policy SC3, Policy QHSN& and Section 15.14.11 of the Development Plan.
- 7.4.3. In relation to these particular local planning provisions it notes that these collectively seek to promote a mixed-use land policy within the city centre that includes the provision of high quality sustainable residential development. It further considers that when taking into account the on-going housing crisis that local through to national planning policy provisions whilst promoting mixed use in this type of location also places a clear direction on residential development in the city centre.
- 7.4.4. In this context the Planning Authority concludes that the proposed development sought under this application does not represent the best use of the upper floor levels of this partially vacant city centre site and raises the concern if permitted it would set an undesirable precedent for similar types of development.
- 7.4.5. This reason for refusal concludes that the proposed development would be contrary to the proper planning and sustainable development of the area.

- 7.4.6. The second reason for refusal in my view reflects the Planning Authority's considerations that they consider that the proposed development is one that fails to accord with local through to national planning provisions as well as guidance that in a consistent manner seek where change of uses, alterations and additions are proposed to a Protected Structure in such a built heritage sensitive setting that applicants demonstrate that an appropriate balance is reached between the continuing economic viability of the Protected Structure if the change of use through to its associated alterations and additions is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted. In this case as is considered in Section 7.3 of this assessment having considered these issues, I concur with the Planning Authority that the alterations and additions required to facilitate the quantum of development proposed would give rise to material and significant undue adverse effect on the special interest of No.s 19 to 24 St. Andrew Street, the Protected Structure, period buildings within its setting through to its visual setting as part of a Red-Hatched Conservation Area.
- 7.4.7. I therefore consider that it is against this context that the Planning Authority considers that whilst there is potential for a change of use to safeguard the host Protected Structure going forward a change of use that does not give rise to such undue adverse effect on the special interest of the structure would be preferable. It is in this light that other land uses in particular as set out in the Planning Authority's second reason for refusal that residential use may be a more appropriate change of use for this building alongside at a time where there is a recognised demand for dwelling units within Dublin's inner city. This I acknowledge is identified in the Development Plan and by the Housing Need and Demand Assessment carried out as part of the preparation of this plan. Alongside it is accepted that there is a significant demand throughout the country for additional housing stock of all types to meet the country's growing population.
- 7.4.8. While I share the Planning Authority's considerations that this Protected Structure requires a reversal of its current underutilised state through to that the provision of a viable economic use for this building is an important component of achieving its appropriate custodianship in the short to long term the proposed development sought under this application does not seek permission for any residential change of use or

expansion to the floor area of this building to accommodate the provision of dwelling units.

- 7.4.9. The Appellant indicates that they considered the suitability of this building for apartment units. On this point they contend that the effect on the character and special interest of No.s 19 to 24 St. Andrew's Street's fabric of any consequent works would have similar implications for this Protected Structure when compared to the hotel development sought. They also provide as part of their appeal submission an examination of the host building broken into what they describe as a typical residential floorplan containing 17 dwelling units.
- 7.4.10. In relation to this scenario they note that the building would provide no private amenity space as balconies would not be feasible having regards to the original glazing, that the majority of apartments would be single aspect with a number of apartments only having northerly aspects. They further contend that if communal space were provided at roof level this would be of poor quality given the surrounding environment alongside in their view it would be difficult to provide residential development that would be technically compliant with relevant codes through to achieving dwelling units that would provide an appropriate residential quality for future occupiers. Moreover, in their view they consider that this location would not be supported by other land uses that are accepted to be synergistic to the provision of dwelling units at this location. Based on this examination they conclude that residential development would not be a viable option for this building or for the applicant.
- 7.4.11. I consider that the proposed development sought under this application can be summarised as a material change of use to a Protected Structure together with associated alterations as well as additions as part of a 111-no. bedroom hotel development which includes a restaurant and bar that would be publicly accessible. It also includes the retention of the existing post office use with a modestly reduced floor area. It does not seek a mixed-use development that includes any dwelling units for rent or for sale. Nor as a hotel development is it designed or laid out to include aparthotel rooms for short or longer stay guests.
- 7.4.12. While I share the considerations of the Planning Authority and particularly their Conservation Officer in regards to their concerns that the quantum of the proposed development is one that would be contrary to the proper planning and sustainable

development of the area on the basis of the adverse implications it would have on the special character and fabric of this Protected Structure as well as it would give rise to an adverse impact on the built heritage, residential through to visual sensitivities of its setting. Notwithstanding, I am cognisant that there is a level of flexibility in relevant planning policy provisions and guidance in relation to this type of development circumstance including in relation to compliance with other codes as part of achieving an appropriate balanced outcome for keeping Protected Structures in appropriate viable economic use.

7.4.13. For example I note that Section 7.15.3 of the Architectural Heritage Protection Guidelines on the matter of alterations, extensions and material changes of use affecting historic buildings recognise that these may present particular problems in terms of compliance with other codes such as Building Regulations and they therefore advice that other approaches other may be appropriate in order to ensure compliance whilst still achieving the protection of the character of the building should be considered. It is not clear from the examination provided by the appellant that other less standard approaches were considered that could ensure compliance with relevant codes as part of minimising the implications of the proposed development on this Protected Structure. Through to consideration including as part of the appeal of a less people intensive and dense hotel use with more appropriate internal arrangement of spaces to more appropriately overcome the concerns arising for this Protected Structure as it survives and as it would be carried forward as a period building whose key architectural design attributes internally and externally are not adversely compromised in their future authenticity, legibility as well as appreciation.

7.4.14. Ultimately the proposed development, including the quantum of change proposed to this Protected Structure under this application is one that does not achieve an appropriate balance of achieving a viable building appropriate use that successfully minimises the implications on this period buildings special character and built fabric. Moreover, I do not consider the superimposing of standard dwelling unit layouts within this building is one that is responsive to its special character as opposed to a more bespoke approach that despite the constraints of this period building and its tight grained site still achieves qualitative city living dwelling units at a location that is highly accessible to services, amenities, public transport, employment opportunities as well as other synergistic to residential development land uses.

- 7.4.15. I do not consider that it is appropriate in this situation for the Planning Authority to determine that compliance should be had as part of this proposed development to the Dublin City Council's Housing Strategy as provided for in its current Development Plan aligns with the requirements of Section 34(10) of the Planning & Development Act, 2000, as amended. This I note requires that the Planning Authority, and ergo the Board on appeal, decision should be related specifically to the particular development proposal. As said the proposed development I have set out in detail under Section 2.1 of this report, and it does not include any residential component.
- 7.4.16. In relation to the concerns raised under the Planning Authority's second reason for refusal that the proposed development would be contrary to achieving a mixed-use in the city centre and a lack of variety in its setting I am of the view that I have already assessed above whether or not this would be the case.
- 7.4.17. For clarity I note that I consider that the proposed development is generally consistent with Policy SC3 of the Development Plan in that it is not contrary to achieving a mixed-use land use outcome in the context of its city centre location.
- 7.4.18. I also considered that the proposed development was not strictly a mono-use as a result of it including the retention a retail element though in a slightly smaller footprint to what currently functions as a post office at ground and basement level. Additionally, I have noted that the proposed hotel is one that would include a restaurant and bar use that would further add to the day and night time economy of this city centre location.
- 7.4.19. Though as discussed, I raise concerns that the publicly accessible restaurant and bar uses could have been more sensitively located within this Protected Structure where they could have provided animation of its principal façade alongside the retention of the post office use. The intensive subdivision of the upper floor levels of this surviving building behind the St. Andrew's Street façade is ill considered and would diminish the appreciation of this architecturally qualitative façade that positively contributes to its streetscape scene as part of a Red-Hatched Conservation Area.
- 7.4.20. Additionally, as said the addition of a fourth-floor level over this building similarly could have accommodated spaces that when observed from the surrounding public domain that more successfully contributed to a light weight of its time animation of what would

be a highly visible and prominent built insertion as appreciated in its streetscape scene and relative to sensitive to change period buildings.

- 7.4.21. I also considered on the matter of hotel overconcentration which is further raised as a concern for this locality is not the case in terms of this sites receiving environment. Alongside as said there is a need for an appropriate level of flexibility to be provided in the consideration of what is a suitable change of use for Protected Structures like this, subject as said to safeguards.
- 7.4.22. As also discussed in my assessment above hotel land uses are deemed permissible subject to safeguards on 'Z5' zoned lands and as noted by the Planning Authority did not raise this to be a substantive concern in this case.
- 7.4.23. Further, within the immediate visual setting of the site I observed that there is a plethora of different land uses present alongside a steady flow of visitors to the Molly Malone statue which is located on the public domain of St. Andrew's Street in front of the public domain of St. Andrew's Church.
- 7.4.24. Moreover, while I accept that there has been a loss of built fabric from this building, particularly in terms of its interior spaces, I consider that it is incumbent that any reversal of this Protected Structure, irrespective of whether it is hotel, residential through to commercial in nature land uses must demonstrate that they more appropriately conserve the special character of this of architectural and historically important building in a more balanced and sympathetic manner than what is sought under this application.
- 7.4.25. On the matter of undesirable precedent, I consider that the Board on appeal are not bound by precedent decision and that in accordance with proper planning practices that each application/appeal is appropriately considered on its own merits. In this regard, I am not satisfied given the uniqueness of this Protected Structure and the overall sensitivities of this site that any grant of permission to it should be considered as establishing a precedent for any other proposed development.
- 7.4.26. On the matter of housing crisis, whilst I am cognisant that this a concern that local through to national planning provisions as well as guidance places a focus on this matter. Alongside as said above given that this proposed development sought is not one that relates to providing residential land use. Nor is residential use the original use of this period building through to there are no specific planning policy provisions that

would target this building for reversal of its underutilised state in part or solely for residential use. Further, hotel development is a land use that is deemed to be permissible on land zoned city centre subject to safeguards. I therefore consider that the Planning Authority in this case has failed to demonstrate how it can reasonably substantiate a refusal of permission for the development sought under this application on the basis of an increased rental demand for residential development within the city centre through to that this proposal would in itself or in combination with existing or permitted land uses in the vicinity would give rise to a lack of variety and mixture of land uses. I am therefore of the view that there is no reasonable planning basis for a refusal of permission on the basis of these particular concerns.

- 7.4.27. **Conclusion:** On the basis of the above considerations, I am of the view that the concerns set out in the Planning Authority's second given reason for refusal have not been substantiated to be of any planning merit that would substantiate the refusal of the proposed development on the basis that it would be contrary to the proper planning and sustainable development of the area. Nor am I satisfied that they are reasonable under the provisions of Section 34(10) of the Planning & Development Act, 2000, as amended.

7.5. Other Matters Arising

- 7.5.1. **Residential Amenity Impact:** One of the Third-Party Observers in this appeal case raise concerns that the proposed development would give rise to serious injury to the residential amenities of their mixed-use building that adjoins as well as neighbours the site to the east and north east. With their proposed containing apartment units as well as communal open space at the upper floor levels.

In relation to this concern, I have previously noted in my assessment above that I consider that the placement of the new extension to the rear, particularly that to the easternmost side of the rear elevation is likely to give rise to additional significant overshadowing of the observers adjoining building.

On this point I consider that this would arise as a result of the orientation of the site and the nature of the existing as well as proposed additions when regard is had to their relationship with it and other buildings within what is a highly constrained tight grained urban block where majority of properties are landlocked with restricted plots

that have been historically developed with high site coverage and for their times high plot ratios.

I therefore recognise that any additions within such a constrained inner city urban landscape have the potential to give rise to additional levels of overshadowing which in turn would give rise to diminishment of established residential amenities.

Within this context there is also a high level of established overlooking from the rear elevation of properties that face into the centre of this urban block.

The levels of overshadowing and overlooking in their existing situation are not in my view exceptional in this type of historic inner city urban landscape. Notwithstanding this I share the concerns of this Third Party that the proposed design, layout and built form of the additional floor level and rear extensions could have more successfully included measures to address these likely potential impacts alongside reducing the visual overbearance of these additions as observed from the rear of adjoining and neighbouring properties within this urban block.

On this point I note the meaning given to Protected Structures and their protection as already referred to in my assessment above is not confined to their facades and public domain expression alone. It also relates to their appreciation in the round which as said in this case includes facing into a tight grain historic inner-city block that includes other period buildings including Protected Structures. The implication of the proposed development requires under local through to national planning provisions as well as guidance consideration to the implications of a proposed development to this built heritage, residential and visual amenity sensitive setting.

When taken together with the other concerns raised in the assessment above, I am not satisfied that the proposed development would on the basis of the information provided, not give rise to undue residential amenity impact by way of visual overbearance and overshadowing, in particular on the Observers property which is a Protected Structure.

On the matter of overlooking whilst I consider that a more site sensitive design could have included more innovative measures to deal with this matter, notwithstanding, given the nature of this urban block the level of overlooking that would arise would not be exceptional in a context that as said is one where there is significant overlooking already present and in a context where any additional floor levels above that of

adjoining and neighbouring properties would give rise to a change of context for properties within its vicinity. With this having to be considered as part of the changing nature of a city centre location where more compact, dense and people intensive land uses are supported at a local through to national planning provision as well as guidance level.

Conclusion: I consider that the residential amenity impacts are not sufficient alone to support a reason for refusal in this case, notwithstanding, I consider that they further add to the cumulative concerns raised in this assessment above that the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.

- 7.5.2. **Archaeology (New Issue):** This appeal site forms part of a zone of archaeological constraint for Recorded Monument and Place (DU018-020 – Historic City) and therefore is subject to statutory protection under Section 12 of the National Monuments Act, 1994, as amended.

Section 11.5.5 of the Development Plan includes a number of policies and objectives which are intended to identify, preserve, conserve, raise awareness of, and provide access to Dublin City's rich archaeological legacy.

Of particular relevance is the requirements of Policy BHA26 of the Development Plan. This sets out that the City Council will seek to protect and preserve recorded monuments and places by protecting archaeological material *in situ* by ensuring that only minimal impact on archaeological layers is allowed. It also sets out that where this is not possible or appropriate, as a minimum it will seek its preservation by record.

The accompanying desk based archaeological assessment included with this application indicates that whilst post-medieval development may have been truncated by the existing building layers on site, notwithstanding, it considers that it is possible for archaeological layers to still survive on this site.

It is therefore recommended that any opening up of the basement and excavation as part of the proposed development be monitored by a suitably qualified archaeologist.

I note that the Planning Authority's Archaeological Section concurred with this approach and subject to this safeguard as part of a recommended more detailed

archaeological condition it raised no objection to the proposed development sought under this application.

Having inspected the site and been provided with part access to the basement level I observed that it is in an extremely poor condition with significant water ingress and deterioration of built fabric evident. Further, it would appear that there is services underneath it that are in part exposed with any development of this site likely requiring their upgrading as part of facilitating the significantly more intensive people use proposed alongside the overall quantum of alterations and additions that are proposed to this level as part of the overall proposed development.

I am of the view that it is highly likely that interventions would be required to the basement level that could have the potential to disturb any potentially surviving archaeological material below it and therefore I concur with the Planning Authority's Archaeological Section that it is appropriate that any grant of permission impose an appropriately worded condition to ensure compliance with the requirements of Policy BHA26 of the Development Plan. Alongside the requirements of Section 12 of the National Monuments Act. Given the spatial arrangement of the hotel use which includes a people intensive use at basement level if there is any archaeologically significant material uncovered such a condition should provide a level of flexibility for its visual interpretation *in situ* as part of the final basement works. This flexibility as has been provided in other situations where developments have been permitted within the context of the Recorded Monument & Place DU018-020.

Conclusion: Should the Board be minded to grant permission for the proposed development I recommend that it includes an appropriate archaeological condition. The use of such a condition would accord with the requirements of Policy BHA26 of the Development Plan and would be in the interest of preserving *in situ* or preserving by record any surviving archaeological material likely to be damaged or destroyed in the course of development works.

- 7.5.3. **Transportation – Proposed Glass Blocks onto St. Andrew's Street:** As previously discussed in the assessment above the applicant has failed to demonstrate the consent for any works to the public footpath of St. Andrew's Street or for any works encroaching onto land outside of their legal interest.

This is of relevance particularly to the works included in the proposed development that seek permission for works outside of the redline area of the site including the 4 no. glass block windows on the public footpath of St. Andrew's Street.

I am cognisant that Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development*'. This subsection makes it clear that the grant of permission does not relieve the applicant of the necessity of obtaining other permits or licences which statutes or regulations or common law may necessitate. On a side note, having regard to the tight grain nature of the site it would be a standard precaution to include the provisions of this section of the said Act, as a precaution, as part of any grant of permission.

The Planning Authority's Transportation Planning Division note that they have not consented to these works. They further indicate that these works would be onto a public footpath that is taken in charge and that they do not deem these works to be suitable intervention for this public domain or in turn for taking in charge. For these reasons they seek that the 4 no. glass blocks are omitted from any grant of permission.

I consider that the omission of the 4 no. glass blocks is reasonable and should be imposed by the Board by way of an appropriately worded condition should it be minded to grant permission. I consider that such a condition would be in the interests of orderly development and would also in the context where Dublin City Council are actively pursuing qualitative public realms to St. Andrew's Street.

Conclusion: Should the Board be minded to grant permission for the proposed development I recommend that it include an appropriately worded bespoke condition omitting the four glass blocks on the public footpath of St. Andrew's Street.

- 7.5.4. **Transportation & Other (New Issue):** The proposed development, if permitted, as a result of the site's landlocked state on three sides, zero setback from the St. Andrew's Street public domain and no vehicle access serving it, would likely result in significant nuisance and impacts to the public domain that in its existing form includes a pedestrian footpath, a loading bay through to cycle parking. Moreover, within the immediate public domain there is a freestanding post box which is of built heritage interest as well as is functionally linked to the post office use within the subject Protected Structure.

The documentation provided with this application indicate that it is anticipated that construction works are likely to be carried out over a single 18-month phase during which time immediate sections of the public domain would be impacted. It indicates that this would include but not be limited to the provision of a tower crane and a construction loading bay. During this phase, the proposed development works would also have traffic implications on the surrounding road network and would likely result in the loading bay and parking provisions to its immediate south not being available for use.

The documentation accompanying this application also includes preliminary outline Traffic Management Plans, outline Construction Management Plan through to a Resource Waste Management Plan.

I consider that the Board should it be minded to grant permission should include conditions seeking that these outlined plans are submitted as finalised detailed plans for the written agreement of the Planning Authority. This should include a finalised Operational Management Statement, Mobility Management Plan and Service Delivery and Access Strategy. The finalisation of these documents accords with Table 15.1 of the Development Plan.

I consider such a requirement would be a standard requirement for this type of proposed development in this type of location. These plans would in my view provide for the appropriate management of traffic, provisions for ensuring the safe movement of users of the public domain in the vicinity of the proposed development during construction works, provide measures to safeguard adjoining and neighbouring sensitive to change Protected Structures, storage and delivery of materials, removal of waste, measures to reduce traffic generated, they would deal with associated nuisances arising during construction and operation from noise, dust, odours, vibrations and the like.

When completed the proposed development would also give rise to a changed traffic generation pattern over and above this building's limited current use. Alongside as said there is anticipated significant changes likely particularly in terms of traffic access to St. Andrews Street's public domain.

Whilst the site and its setting are one that is highly accessible by various public transport options and active travel routes it is of concern that the proposal seeks to

provide limited number of cycle spaces (Note: 7 no. spaces provided at basement level). Given the quantum of uses proposed which includes the 610m² retail unit, the 111-no. bedroom hotel, with accessible restaurant and public bar I share the Planning Authority's concern that this is an inadequate provision to cater for the quantum of development sought under this application and is contrary to local planning provisions.

In this regard, I note that Section 3.0 of Table 1 of Appendix 5 of the Development Plan sets out the bicycle parking standards for various land uses. In relation to hotel developments, it requires 1 cycle parking space per 5 staff as well as the provision of short stay/visitor cycle parking spaces. The latter is to be determined by the Planning Authority on a case-by-case basis.

Further Table 1 requires 1 cycle parking space per 5 staff and 1 short stay/visitor cycle space per 100m² gross floor space.

Moreover, in relation to restaurant uses it sets out a requirement of 1 cycle space per 5 staff and 1 short stay/visitor cycle space per 10 seats alongside for public house type land uses 1 cycle space per 5 staff and 1 short stay/visitor cycle space per 150m² gross floor area.

Given these requirements it is very clear that the proposed scheme significantly under provides cycle parking space provision for cyclists accessing the proposed development once operational.

I therefore raise a concern that, if permitted as proposed, it would result in significant reliance on the publicly provided cycle parking provisions within the immediate setting of the site. With these spaces not provided for within the public domain to meet the demands such a proposed development would generate at the expense of their other users within this inner-city location.

I also raise a concern that the additional facilities for staff who may be using these proposed spaces also is inadequate given that Section 3.2 of Appendix 5 of the Development Plan requires appropriate provision of shower and changing facilities. With this particularly to facilitate staff of the proposed development.

On this point I note that whilst changing rooms are provided at basement level the main staff lockers and toilet provisions are at ground floor level remote from the cycle spaces proposed.

In this regard, I note to the Board that Section 3.2 of the Development Plan states: *“changing/drying areas, toilets and lockers should be provided in association with shower facilities”*.

It further requires 1 shower per commercial development over 75m²; a minimum of 2 showers for commercial developments over 500m² and 1 shower per 1,000m² thereafter.

I consider that the overall associated cycle facilities as proposed in this development scheme does not meet these requirements.

I also note that the Development Plans requirements for cycle parking spaces and their associated facilities accords with the provisions of the ‘Cycle Design Manual’, 2023.

Of further note the Transportation Planning Division also raised concerns that the Operational Management Plan submitted with this application indicate the placement of storage bins on the public footpath for collection was not acceptable and that this matter required further consideration. I concur with this concern given that the adjoining public footpath is heavily trafficked and there is potential for the placement of refuse bins to give rise to an obstruction of movements for its users.

Notwithstanding, this matter is one that could be agreed as part of a finalised Operational Management Plan and in this regard the site is in the vicinity of loading bay, however, this may change as the public realm is redesigned as is envisaged is the case for St. Andrew’s Street.

Conclusion: Should the Board be minded to grant permission for the proposed development I recommend that it include a bespoke condition that provides a revised internal design layout that demonstrates cycle parking and associated facilities are provided in a manner that accords with the relevant Development Plan requirements. This is a ‘New Issue’ in the context of this appeal. As said the other matters arising can be dealt with by way of standard in nature conditions including operational management of the hotel and the post office uses waste management through to deliveries.

7.5.5. Signage, Lighting, Additional Structures and Fixtures to the Protected Structure and the Proposed Extensions: Given the built heritage, visual and residential

sensitivity of the site and setting it would be standard practice to include as part of any grant of permission an appropriately worded conditions that requires the written agreement of the Planning Authority prior to the commencement of development all signage, lighting, additional structures and fixtures to the Protected Structure and the proposed rear extensions. Such a requirement in my view would be in the interest of safeguarding the built heritage, visual amenity and residential amenities in a manner that would accord with the proper planning and sustainable development.

- 7.5.6. **Section 15.14.1.1 of the Development Plan (New Issue):** This section of the Development Plan encourages hotels to provide publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night.

As discussed in the assessment above this is provided as part of the proposed development and is aided by the retention of the retail unit in use as a post office.

Notwithstanding, this section of the Development Plan also encourages hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity.

Of further note Objective CUO39 of the Development Plan seeks that hotel developments over 100 bedrooms provide purpose built spaces for evening and night time activities including: *“within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses”*.

This proposal does not accord with the requirement to provide publicly accessible upper floor level vertical uses, nor does it include any specific space that would accord with the requirements of Objective CUO39 of the Development Plan.

As already discussed in the assessment above both local through to national planning provisions and guidance provide a level of flexibility for developments to Protected Structures including where change of uses are proposed.

As discussed, I consider that there is a missed opportunity to provide publicly accessible spaces within the main historical plan and spaces of this period building including at roof level.

These concerns further add to the main concerns raised in my assessment above in relation to the implications of the proposed development on this Protected Structure special character and interest. Moreover, it could be considered a 'New Issue' in the context of this appeal case.

7.5.7. **Drainage:** For clarity purposes I note that I raise no substantive drainage concerns subject to the inclusion of the Planning Authority's Drainage Division requirements by way of a condition as part of any grant of permission. I consider that these requirements are of a standard nature for the type of development sought under this application.

7.5.8. **Climate Action and Energy Statement:** Due to the nature and extent of the proposed development there is a requirement under the Development Plan that a Climate Action and Energy Statement be submitted for written agreement of the Planning Authority. Should the Board be minded to grant permission for the proposed development I recommend that it include an appropriately worded condition that imposes this requirement and that this statement be subject to the written agreement of the Planning Authority prior to the commencement of any construction activities on site. Also, that such a statement demonstrate that no further adverse impacts would arise from the proposed development on the built fabric of this building.

7.5.9. **Contributions:** I first of all refer to the Dublin City Council Development Contribution Scheme, 2023-2026. In this regard I note that Section 10 of the Scheme sets out certain specified types of development which will not be required to pay a Section 48 development contribution. It specifies that this includes: *"works to, and change of use from commercial to residential use to, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual existing structure(s) and does not include development within its curtilage"*. The proposed development does not result in this type of change of use and therefore this exemption is not applicable.

It also includes: *"in the case of works to or change of use from residential to commercial use, of buildings included in the Record of Protected Structures development contributions will be calculated at 25% of the applicable rate"*.

The proposed development does not result in this type of change of use and therefore this exemption is not applicable. It further includes: *“permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution. For the purposes of this Scheme, minor extension is defined as a new extension, which is no greater than 50% of the extent of the total floor space of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage”*.

This is applicable to the proposed development, and I note in this regard that the floor area of new buildings proposed is given as 1,288m² which is not greater than 50% of the 2,605m² to be retained with the documentation indicating that none of the Protected Structure’s floor area itself would be lost to demolition.

Therefore, the proposed development is not exempt from the payment of Section 48 development contributions under the current scheme.

I secondly note that this appeal site is located within the boundaries where the payment of Section 49 Levy for Light Rail (Luas Cross City).

I note that reduction in contribution payable includes: “permissions for minor extensions to Protected Structures shall be calculated at 50% of the applicable rate of contribution.

For the purposes of this Scheme, minor extension is defined as a new extension which is no greater than 50% of the extent of the total floorspace of the Protected Structure. Protected Structure refers to the actual structure(s) and does not include development within its curtilage.

I therefore concur with the Transport Infrastructure Ireland that the proposed development is not exempt from the payment of this Section 49 Contribution Scheme Levy.

Conclusion: On the basis of the above should the Board be minded to grant permission I recommend that it include appropriately worded conditions seeking payment of the above development contributions.

8.0 AA Screening

- 8.1.1. I have considered the proposed development which I have set out in detail under Section 2 of this report above in light of the requirements of S177U the Planning and Development Act, 2000, as amended.
- 8.1.2. The subject site is not located within or adjacent to any Natura Site. The closest Natura 2000 Site, part of the Natura 2000 Network, are South Dublin Bay and River Tolka Estuary (Site Code: 004024), which are situated c2.7m to the south west of the site and South Dublin Bay SAC (Site Code: 000210) which lies c3.3km to the north west of the site, respectively, as the bird would fly. There are at further distances from the site a number of other Natura 2000 sites that are located within Dublin bay.
- 8.1.3. The 845m² appeal site is located within 'Z5' zoned land under the Dublin City Development Plan, 2022-2028. Under this land use zoning objective retail and hotel uses are permissible as are ancillary hotel restaurant and bar facilities, subject to safeguards.
- 8.1.4. The site area is mainly comprised of a circa 1940s Protected Structure that forms part of tight urban grain period block mainly compromised of much older built structures that are similarly afforded protection by way of their designation as Protected Structure as well as their designation within a Red-Hatched Conservation Area under the Dublin City Development Plan, 2022-2028. Additionally, the site forms part of a Recorded Monument & Place 'DU018-020 – Historic City' which is afforded protection under Section 12 of the National Monuments, Act, 1994, as amended.
- 8.1.5. The works proposed in part include but are not limited to the removal of the existing metal shed structure which was not present on the site during my inspection. Alongside the more substantive alterations and additions proposed to the Protected Structure which include the provision of rear extensions to this building on the eastern as well as western side of its existing rear elevation and the provision of an additional fourth floor level roof over. The proposed development would have a site coverage of 89%, a retained floor area and a new floor area of 3,893m². It would also have a plot ratio of 4.6. This is not inconsistent with the pattern of development in this inner-city location.

- 8.1.6. The subject site is located within an established serviced inner city urban area and is entirely composed of artificial built over ground with the buildings thereon. The buildings on site include an existing basement level for which modest interventions are proposed as part of the development sought. The site is of no ecological and/or biodiversity significance. It is located circa 0.2km to the south of River Liffey with the intervening area characterised by its highly compact and dense inner city urban landscape.
- 8.1.7. As the site does not overlap with any Natura 2000 Site there is no risk of direct habitat loss or fragmentation to occur because of the proposed development.
- 8.1.8. Additionally, as the site is 100% covered with built forms and impermeable surfaced over yard area.
- 8.1.9. It does not support populations of any fauna species linked to the qualifying interest populations of any Natura 2000 Sites including but not limited to those listed above.
- 8.1.10. I consider any pathways between the site and the Natura 2000 sites listed above, all of which are in Dublin bay, would be via surface water drainage and wastewater drainage.
- 8.1.11. There is no existing direct hydrological pathway to the River Liffey despite its proximity to the north of the site. Nor is it likely given the lateral separation that the proposed development, particularly during construction phase, to give rise to a hydrological pathway from the site by way of potential surface water discharge during the demolition, construction and operational phases to the Natura 2000 sites listed above or any other such sites.
- 8.1.12. Notwithstanding should any adverse event occur that gave rise to such a circumstance, given the distance to between the site and these Natura 2000 sites, including the closest to the site, any silt or pollutants will settle, be dispersed, and/or be diluted within the marine environment. I also note that the qualifying interest for this SPA are bird species which are mobile species that would avoid water impacted by surface water contamination over the distance involved would, if arising from this site or in combination with other projects, would be negligible and imperceptible.
- 8.1.13. The proposed development would place an additional demand over the existing situation on the public foul drainage as well as water supply. While there is capacity in the existing potable water supply to cater for the demands generated by the proposed

development, however, the Ringsend Wastewater Treatment Plant is not currently compliant with its emission limit standards. Notwithstanding this fact, there are major upgrade works currently underway which will enable it to treat the increasing volumes of wastewater arriving at it to the required standard, thus enabling future commercial development like that proposed under this application, within Dublin city to be serviced by the upgraded waste water public infrastructure. These works are likely to be completed by the time the proposed development, if permitted, and if implemented, would become operational.

8.1.14. There are no effects arising which could act in combination with the subject proposal to result in significant effects to Natura 2000 sites.

8.1.15. Having regards to the above, the nature, scale, extent and location of the proposed development, I am satisfied that it can be eliminated from further assessment because the proposed development would not have any appreciable effect on any Natura 2000 Site or Sites within its zone of influence. The reason for this conclusion is as follows:

- The nature, scale, extent, and location of the proposed development would not have a likely significant effect on any Natura 2000 Site or Sites either alone or in combination with other plans or projects.
- Standard pollution controls that would be employed regardless of proximity to a Natura 2000 Site or Sites and effectiveness of same. Additionally, the surface water measures proposed are not needed to avoid, prevent, or reduce significant effects on Natura 2000 Sites within Dublin Bay and that no mitigation has been put forward in this regard.
- Separation distance from the site and the nearest Natura 2000 Sites.
- The hydrological pathway which are indirect in nature between the site and Natura 2000 Sites in Dublin Bay is such that any contaminants or pollutants will settle, be dispersed, or diluted within the marine environment to a negligible and imperceptible level before reaching any such sites.
- The predicted from the limited zone of influence of potential impacts would be restricted to the immediate vicinity of the proposed development and would not affect the conservation objectives of any Natura 2000 Site or Sites.

- The location of the development is in a serviced urban area and the intervening landscape between the site and the nearest Natura 2000 Site is urban inner city in nature and character.

8.1.16. Conclusion: I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a Natura Site and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act, 2000, as amended) is not required in this case. No measures intended to avoid or reduce harmful effects on Natura sites were considered in reaching this conclusion.

9.0 Recommendation

9.1. I recommend that planning permission be **refused**.

10.0 Reasons and Considerations

1. Having regard to the Protected Structure status of No. 19-24 St. Andrew's Street (RPS Re. No. 7569), it is considered that the proposed works would, by virtue of their extent, nature, level of intervention, would have a detrimental and irreversible impact on the essential qualities of this period building, thereby materially affecting its special character and its appreciation as part of the rich collection of period buildings that front onto the northern side St. Andrew's Street and in turn would seriously injure the built heritage and visual amenities of its setting.

It is also considered that the proposed works given the tight urban grain of this historic inner-city block and the relationship of the site with adjoining and neighbouring period buildings, with this including being adjoined by Protected Structures on either side of its St. Andrew's Street principal frontage, alongside forming part of a 'Red-Hatched Conservation Area', would by virtue of the overly dominant and visually incongruous design, height, built form, mass, scale and its relationship with other period buildings that adjoin and neighbour, would when taken together with the adverse impact of the additions to the host Protected Structure, would cumulatively diminish their appreciation as a

collection of period buildings that together harmoniously contribute to their Red-Hatched Conservation Area setting in a manner that would be contrary to local through to national planning provisions and guidance.

In particular, it is considered that the proposed development would, be contrary to the local planning provisions set out under the Dublin City Development Plan, 2022-2028, in particular Policy BHA2, as well as Section 7.3.1 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, and guidance provided under the Urban Development and Building Height Guidelines for Planning Authorities, 2018, for taller buildings in historic contexts.

Collectively these planning provisions and guidance seek that development in such highly sensitive to change built heritage context demonstrate that it would give rise to no unacceptable damage to the character of Protected Structures or historic buildings and streetscapes by way of loss of built fabric through to diminishment of their special character and interest. Alongside in a consistent manner they seek that developments in such settings make a positive contribution to the historic built environment.

It is considered that the overall alterations and additions south to this Protected Structure would not be sympathetic to it or to its built heritage as well as visually sensitive to change setting.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Patricia-Marie Young

Planning Inspector – 23rd day of December, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319111-24			
Proposed Development Summary	PROTECTED STRUCTURE: Change of use from office to hotel and associated works.			
Development Address	No. 19-24 St. Andrew's Street, Dublin 2.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		☒		
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	☒		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	☒	Is of a class but does not exceed the relevant quantity, area, or limit of that class. Note: Class 10 (b) (iv) does not exceed 2ha in the case of a business	Note: Retail/Hotel Development Site area: 845m ² .	Proceed to Q.4

		district or 10 hectares in the case of other parts of a built-up area.	Demolition does not relate to floor area of the subject building.	
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4. Has Schedule 7A information been submitted?		
No	☒	Preliminary Examination required
Yes	☐	Screening Determination required

Inspector: _____ **Date:** 23rd day of December, 2024.

Appendix 2 - Form 2

EIA Preliminary

Examination

An Bord Pleanála Case Reference Number	ABP-319111-24
Proposed Development Summary	PROTECTED STRUCTURE: Change of use from office to hotel and associated works.
Development Address	No. 19-24 St. Andrew's Street, Dublin 2.
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	I am satisfied that the proposed development is consistent with the nature of development that is deemed to be permissible on land zoned 'Z5 – City Centre' under the Dublin City Development Plan, 2022-2028. With this land use zoning reflecting the dynamic mixture of uses of its inner-city location. I am also satisfied that the nature, scale and extent of the mixed use proposed development is not exceptional within its inner-city context. The proposed development would produce standard expected waste, emissions/pollutants that correlate with its nature and extent during demolition, construction, and operational stages. They could also be appropriately managed by standard best practice measures and controls. Such an approach is consistent with planning practices in relation to similar proposed developments in tight grain inner city urban settings. Further, should permission be granted and implemented, the current major upgrades that are on-going to the Ringsend Wastewater Treatment plant which will enable increasing volumes of wastewater arriving at the plant to be treated to the required standard, enabling future commercial development like that proposed under this application. As such the additional foul drainage demands of the proposed development would be catered for by the Ringsend Wastewater Treatment Plant which once complete will increase capacity at the plant for a population equivalent of 2.4 million. There would be no significant cumulative considerations with regards to existing and permitted projects/developments arising from the proposed development, if permitted. The surrounding context is a central city urban landscape where most developments have been completed and where more compact and dense change has been permitted and implemented. It is also one containing a significant number of protected structures which are afforded protection and are unlikely to be subject of any

	intensive redevelopment. As such though the site is within an inner-city context the historic urban block which has limited capacity to accommodate significant built change.	
Location of development	The proposed development relates to a historic plot of land within a tight grained serviced urban block in south inner-city Dublin. It does not form part of a Natura 2000 site/sites nor is it proximate to any.	
Types and characteristics of potential impacts	The proposed development is detailed in Section 2 of this report above. It includes surface drainage measures including green roofs over. The nature of the development is such that it would not result in any significant or exceptional demands on existing public infrastructure which is subject to on-going improvements to its capacity. Additionally, the site does not form part of, nor does it adjoin any Natura 2000 sites. It is outside of the zone of influence for any such sites. If any adverse evident did arise, the impacts that could arise from any pollutants, contaminants and the like associated with the proposed development would be diluted to the extent that they would give rise to a negligible and an imperceptible impact. I therefore consider that there is no real likelihood of the proposed development alone or in combination with other plans or projects to result in any significant adverse impacts.	
Conclusion		
Likelihood of Significant Effects		<u>No</u>
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector:

Date: 23rd day of December, 2024.

DPI/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)