



An
Bord
Pleanála

Inspector's Report ABP-319376-24

Development	Retention and permission for development. Development to consist of amendments to eastern elevation of permitted development. Retention is sought for addition of door to 3 rd floor roof terrace.
Location	Four Park Place, Adelaide Road, Dublin 2.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3005/24
Applicant(s)	Sunny Quarter UC
Type of Application	Retention permission and Planning permission
Planning Authority Decision	Split decision
Type of Appeal	First party
Appellant(s)	Sunny Quarter UC
Observer(s)	None
Date of Site Inspection	18 th December 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is Four Park Place, Adelaide Road, Dublin. It comprises an under-construction but largely completed office block. The block is predominantly 11-storeys. It addresses Adelaide Road to the south and St. James House to the east. The subject block is predominantly 11 storeys adjacent St. James House, however there are also 3- and 9- storey elements in the eastern elevation.
- 1.2. St. James House is a 5-storey office building (with two 6th storey elements for roof access & services). It is on the corner of Adelaide Road and a cul de sac sometimes referred to as Adelaide Court or Bothair Adelaide. It has windows on all 4 elevations, including facing toward the subject site. Part of the western elevation abuts the subject block and part is set back from the boundary by c.4.5m.
- 1.3. The Luas runs along Adelaide Road, with Luas infrastructure connected to the southern elevation of the subject building.

2.0 Proposed Development

- 2.1. The proposal is for planning permission and retention permission for amendments to the eastern elevation, as follows:
 - Retention permission for an external door in the eastern elevation at 3rd floor. This is stated as being for maintenance access to a 3rd floor roof terrace;
 - Planning permission for amendments to the eastern elevation:
 - Omission of opacified film to glazing at 5th to 10th floor;
 - Replacement of solid insulated panels with opacified glazing at 3rd to 4th floor;
 - Omission of opacified film to glazing on the eastern corner of the elevation at 9th and 10th floors;
 - Associated elevational revisions.

I note the opacified film is such that visibility through the windows is limited but not fully opaque. At the time of my site visit this opacified film was in place in each section of glazing identified above (that is, the section from 3rd-10th floor and the section at 9th-10th floor), with no solid insulated panels in place at 3rd-4th floor.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council issued a notification of a split decision as follows:

- Grant retention permission for the door at 3rd floor, subject to 4 no. conditions. Condition 3 omitted all other proposed elements from the permission.
- Refuse permission for all other elements proposed. One reason for refusal was given. It stated that omission of the opacified glazing was not adequately justified, and its removal would negatively impact the development potential of the adjoining site (St. James House) and would seriously injure the amenities and depreciate the value of property in the vicinity, would create an undesirable precedent, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report recommended a split decision broadly as per the notification of decision. The report made the following points:

- Report noted the parent application (Ref. 2388/18) proposed clear glazing on the eastern elevation, however as part of the further information response in that application the applicant proposed opacified glazing for parts of the eastern elevation. Report noted the applicant subsequently proposed opacified glazing 9th–10th floors in the south-eastern corner (Ref. 5019/22);
- Report states the opacified glazing was proposed by the applicant as a design solution given the tight separation distances and substantial increase in height between the site and the adjoining site to the east (St. James House). Report considered the context has not changed to warrant omission of these mitigating measures;
- Report stated the opacified glazing provides greater protection of the future development potential of the adjoining site, St James House;

- Report stated the applicant had not adequately justified the amendment apart from stating that the original application had clear glazing on the east elevation, however the building then was significantly lower in scale;
- The retention of a door to the 3rd floor roof terrace on eastern elevation to provide for maintenance access is acceptable.

Other Technical Reports

3.2.2. Drainage: Report stated no objection subject to conditions (codes of practice).

3.3. Third Party Observations

3.3.1. None recorded.

3.4. Prescribed Bodies

Transport Infrastructure Ireland (TII): Condition recommended regarding impacts on Luas during operation & construction, and development contributions.

4.0 Planning History

4.1. Subject site

Ref. 5019/22: Planning permission granted by the planning authority in 2023 for amendments to under construction permitted development 2388/18 (ABP Ref. ABP-301931-19); Reg. Ref. 3292/21) for provision of terraces; alterations to south elevation; revised detail to front entrance; and amendments to basement.

None of the amendments related to the eastern elevation. No conditions specifically relating to the eastern elevation were attached.

Ref. 3292/21: Planning permission granted by the planning authority in 2022 for amendments to under construction permitted development Reg. Ref. 2388/18 (ABP Ref. ABP-301931-18) for amendments to the permitted development.

The permission included the provision of an additional 1 & 2 storeys to create a predominantly 10-11 storey over basement building, and associated revisions to the permitted elevations, internal layouts and cores. The permission had the effect of

adding 2 additional storeys along the eastern elevation which is the subject of this appeal. Within the eastern elevation all proposed glazing was shown as opacified. No third-party observation were recorded. No conditions specifically relating to the eastern elevations were attached.

Ref. 3588/18 (ABP-302761-18): Withdrawn.

Ref. 2388/18 (ABP Ref. ABP-301931-18): Planning permission granted by the Board in 2019 for demolition of the former Telephone Exchange & Harcourt Railway Station buildings and construction of a mainly 9-storey over basement office development.

In that case the planning authority raised no objection to the glazing proposed in the eastern elevation as part of the application, including at further information stage. A submission on the application was made by the then owners of St. James House in relation to impacts from the proposed eastern elevation glazing on the development potential of the St. James House site. In their response to further information the applicant proposed opacified glazing and insulated panels in part of the eastern elevation (that is, the previously glazed elements in 3rd-10th floors which is the subject to the current appeal) with the remaining glazing to stay transparent (that is, the glazed elements at the 9th-10th floors which are also the subject of this appeal). No conditions in this regard were attached to the planning authority decision. On appeal the Board inspector report did not address the potential for impacts on the development potential of St. James house. This matter was not addressed by the Board and no conditions in this specific regard were attached by the Board.

4.2. Nearby sites:

None.

5.0 **Policy Context**

5.1. **Development Plan**

The site is zoned Z6 'Employment / Enterprise', the land use zoning objective for which is *"To provide for the creation and protection of enterprise and facilitate opportunities for employment creation."*

In relation to office development, I note Policy CEE21 'Supply of Commercial Space and Redevelopment of Office Stock'. Section 15.14.4 'Office' states that: *"All office proposals shall be accompanied by an architectural design statement which details the internal building design and layout to ensure a high standard of amenity for future employees, in relation to noise impact, daylight and sunlight, ventilation, etc."*

5.2. National guidelines and strategies

None.

5.3. Natural Heritage Designations

- 5.3.1. South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC are c.3.1km east

5.4. Environmental Impact Assessment screening

- 5.4.1. The development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements. (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of First-Party Appeal

- 6.1.1. One first party appeal was received and is summarised as follows:

- Whilst the appeal welcomes the grant of retention permission, appeal is concerned with the refusal of the remaining proposals;
- No third-party submissions including from the owners of St James House were received on the application;
- Appeal states the planning authority only raised concerns in the parent application (Ref. 2388/18) regarding the originally proposed 3rd floor roof terrace but that no concerns regarding clear glazing were raised;

- The development plan does not prescribe separation distances between office windows. The separation distances are the same as those originally proposed;
- Regarding the glazing at the 9th-10th floors, it states that clear glazing was proposed and permitted as part of the parent application but was subsequently changed to opacified glazing (Ref. 3292/21). Appeal states opacified glazing is not necessary to maintain an appropriate relationship to the adjoining site;
- Regarding the glazing at the 3rd-10th floors, appeal states clear glazing was proposed as part of the parent application, but was changed to opacified glazing and insulated panels at further information stage in response to a submission from the neighbouring landowner, not by the planning authority. Appeal states this was not of concern to the planning authority and was not raised at further information stage in that case. Appeal states clear glazing in that location will not compromise the development potential of the neighbouring site, and there are no sensitive issues of overlooking;
- Appeal states opposing glazing between offices is typical in the City. It sets out details of what it states are precedent office developments permitted in the City. These include office elevations at distances of c.4.6m - 8.5m. Appeal states the proposal would not set a precedent but is consistent with existing precedent;
- The rationale provided states the proposals are design improvements to enhance the legibility and amenity of the development, improve lighting, and improve ambience whilst not negatively impacting any adjacent structures, and that these benefits became apparent during construction;
- Appeal states the improvements are consistent with the Z6 zoning objective. Residential development is not permitted in Z6 lands and as such will not occur on the adjacent site. Z6 uses are not sensitive uses.

The appeal includes drawings of the subject site and St. James House site.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Background and rationale;
- Impact on amenity of St. James House offices;
- Impact on the development potential of the St. James House site;
- Related matters raised in the course of the appeal.

Background and rationale

7.2. The site is zoned Z6. Amendments to the permitted office are permissible in principle. For completeness I note an area zoned Z8 'Georgian Conservation Area' and a number of protected structures across Adelaide Road to the south-east.

7.3. Regarding justification, as stated by the planning authority planner report the application did not address the substantive reasons for the change, however I consider the rationale submitted with the appeal is reasonable.

7.4. I have reviewed the planning history in detail. For context, in the parent application the planning authority raised no objection to the glazing proposed in the eastern elevation. Opacified glazing was subsequently proposed by the applicant in response to a submission from the owner of St. James House which stated concerns in these regards. The opacified glazing was permitted and remained in all subsequent applications and was later extended by the applicant to the remainder of the eastern elevation glazing (9th & 10th floors. Overlooking, privacy and development potential were not raised by the Inspector or Board in the previous appeal on site.

- 7.5. Noting the foregoing it does not necessarily follow that omission now of the opacifying film would have an unacceptable impact on the St. James House site. I consider these matters below.

Impact on amenity of St. James House offices

- 7.6. Regarding omission of the opacified film at the 9th-10th floors, this glazing is a number of storeys above the St. James House offices. There is no roof terrace on St. James House. There are no other buildings in proximity to the east at this height. I consider this change would have no significant privacy, overlooking or amenity impacts.
- 7.7. Regarding the proposed changes at the 3rd-4th floors, as set out above I note that at the time of my site visit opacified glazing rather than solid insulated panels was in place at these points. Having viewed the glazing I do not consider any significant impacts in terms of overlooking or privacy arise in relation to St. James House.
- 7.8. Regarding omission of the opacified film at the 5th-10th floors, given the differential in floor levels and floor-to-ceiling heights between the two buildings, this section is above the height of St. James House at this point (5 storeys). The nearest windows opposite this elevation are in the Montague House offices c.38m to the east. I do not consider this change would have significant privacy, overlooking or amenity impacts.

Development potential of St. James House site

- 7.9. Regarding the development potential of the St. James House site, I note the planning authority decision stated the omission of the opacified glazing would negatively impact the development potential of the adjoining site. Given the density and compact nature of this part of the City, I consider the key issue in this regard is whether the extent of any such impact is unreasonable or undue.
- 7.10. There are no planning applications or extant permissions for the St. James House site, and no reference is made on file to any specific proposals for that site. No submission, observation or appeal in relation to the subject case has been made to the planning authority or the Board by or on behalf of any party for St. James House. As noted above for completeness I have reviewed a submission in this specific regard made on behalf of the then owner of that site in relation to the parent application in 2018.

- 7.11. The St. James House site is a corner site facing Adelaide Road to the south and *Bother Adelaide* to the east. Three Park Place presents a blank façade at the northern site boundary with St. James House. As such I do not consider the site is unusually constrained by existing development to the north, south or east.
- 7.12. Regarding the omission of opacified film on the 9th-10th floors, this glazing is restricted to an area of c.6m by c.7.5m. The area is to the front of the site and set back from the eastern boundary by c.3-4m. The front elevation at this point is transparent and faces south over Adelaide Road. The internal layout is an open plan office. Given the corner position of the St. James House site; the surrounding context; and the limited area of glazing concerned; I do not consider this change would have a significant negative impact on the development potential of the adjacent site. In addition, I am satisfied a similar building height on the St. James House site incorporating common mitigation measures would not necessarily have a significant detrimental impact on the amenity of the subject site in terms of overlooking or natural light. Overall I am satisfied sufficient design options would remain for the appropriate redevelopment of the St. James House site in line with the pattern of development in the area and with local policy and national guidelines.
- 7.13. In relation to the proposed changes at the 3rd-4th floors, as noted above opacified glazing rather than solid insulated panels was in place at the time of my site visit. I am satisfied the degree of visibility toward the St. James House site is low and would not have an undue material impact on the development potential of the St. James House site.
- 7.14. In relation to the omission of opacified glazing film in the 5th - 10th floors, the St. James House site is relatively narrow and located on a corner, and as such would likely be primarily orientated to the south and east away from the subject site. I note again the extent of blank walls adjacent the site to the north. I also note the extent of blank walls within the subject site at this point, and that the section of glazing to become transparent extends for only c.6m across, whereas the opposing St. James House site offers the potential to extend a further 15m to the north. I consider these factors give a considerable degree of latitude for development including glazed elevations on all sides of any redevelopment of that site, including the western elevation. Given the zoning of the St. James House site for employment / enterprise development; the typical floorplates associated with these uses in the area; and that

residential development is not permissible or open for consideration in this zoning, I am satisfied sufficient latitude would remain for the appropriate future redevelopment of the St. James House site in line with the pattern of development in the area, and with local policy and national guidelines.

- 7.15. In this regard, the submitted Architect Design Statement includes drawings of potential forms for future redevelopment on the St. James House site and how they might relate to the subject building. Broadly speaking it illustrates two potential options, one with a blank elevation along the shared boundary and another with a glazed elevation set back from the shared boundary mirroring the existing setback from the subject site. The latter arrangement shows c.9m between opposing windows at 5th - 10th floor between the two blocks, generally matching the existing arrangement. Whilst prepared by the appellant, and including limited information on internal layouts, core placement, or natural lighting, I am satisfied the information provided illustrates that sufficient design options would remain for the neighbouring site.
- 7.16. In this regard, I have considered the impact of future redevelopment of the St. James House site on the subject site should be proposed elevation changes be permitted. The internal spaces at 3rd to 10th floor comprise open plan offices and would have glazing on two other elevations, with the St. James House site to the east. I am satisfied the subject offices would enjoy an appropriate level of amenity, including in terms of natural light, privacy and overlooking.
- 7.17. I note there are a number of office buildings in the immediate area which have comparable and even shorter distances between opposing elevations (eg. One Park Place and Three Park Place; Three Park Place and Deloitte & Touche House; and also Iveagh Court Blocks D and E). I also note the appellant examples of distances between permitted and existing offices in the City.
- 7.18. As set out above, no submissions, observations or appeals from neighbouring property owners were received in the course of the application or appeal.

Summary

- 7.19. Having regard to the foregoing, overall I am satisfied the proposed development would not have an unreasonable negative impact on or unduly inhibit the development potential of the adjacent St. James House site in planning terms. I am

also satisfied the above changes would not give rise to unacceptable impacts on the amenities of the St. James House offices or other property in the vicinity. I do not consider refusal of permission is warranted in this case. Similarly I do not consider the proposal would unduly depreciate the value of property in the vicinity; would create an undesirable precedent; or would be contrary to the proper planning and sustainable development of the area.

Related matters raised in the course of the appeal

Retention permission

- 7.20. The application seeks retention of an external doorway for maintenance access at 3rd floor. The door opens to a sedum roof adjacent St. James House. The application describes the roof as a terrace, however the appeal states it will not be accessible to office users. As part of the parent permission an amenity terrace was proposed on this roof, however potential amenity impacts on St. James House were raised by the planning authority and the amenity space was removed in response to further information (Item 3). Use of this roof as a terrace was not permitted as part of any permission on the site. I am satisfied retention of this door for maintenance is acceptable, subject to attachment of standard conditions linking the application to the parent and amendment permissions.

Conditions

- 7.21. Condition 4 of the planning authority decision related to compliance with the requirements of planning authority codes of practice. TII recommended a condition relating to works affecting the Luas. Given the nature of the amendments proposed, I am satisfied these matters would be appropriately managed under Conditions 4, 13 and 14 of the parent permission (Ref. 2388/18 (ABP Ref. ABP-301931-18)) which related to construction and demolition management.
- 7.22. I am satisfied no development contributions arise.

Conclusion

- 7.23. As set out above I consider each element of the application should be permitted, including: Retention permission for the external maintenance access in the eastern elevation at 3rd floor; as well as planning permission for the omission of opacified film to glazing in the eastern elevation at 5th to 10th floor; replacement of solid insulated

panels with opacified glazing in the eastern elevation at 3rd to 4th floor; omission of opacified film to glazing in the eastern elevation on the eastern corner of the permitted building at 9th and 10th floors, and; associated elevational revisions.

8.0 **Appropriate Assessment screening**

- 8.1. I have considered the proposed amendment in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The closest European sites, part of the Natura 2000 Network, are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC located c.3.1km from the proposed development. The proposed development is located in an urban area and comprises elevational amendments to an office development. No significant nature conservation concerns were raised as part of the appeal. Having considered the nature, scale and location of the development I am satisfied it can be eliminated from further assessment as it could not have any appreciable effect on any European Site. The reason for this conclusion is the minor nature of the development and its location in an urban area, served by mains drainage, the distance to any European Sites, the urban nature of intervening habitats, and absence of ecological pathways to any European Site. Taking into account the screening determination of the local planning authority I consider that on the basis of objective information the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on any European Site(s) and appropriate assessment is therefore not required.

9.0 **Recommendation**

- 9.1. I recommend permission be **Granted** for the reasons and consideration below, subject to conditions.

10.0 **Reasons and Considerations**

Having regard to the relevant policies and objectives of the Dublin City Development Plan 2022-2028, including the 'Z6 'Employment / Enterprise' zoning, the land use objective for which is "*To provide for the creation and protection of enterprise and*

facilitate opportunities for employment creation'; and having regard to the nature of the proposed amendments to the permitted development and the nature of the works proposed for retention permission; and to the pattern of development in the area including the adjacent St. James House site; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity; would ensure a high standard of amenity for future employees; would not seriously injure the development potential of neighbouring property; or seriously injure the value of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. For the avoidance of doubt, this permission shall not be construed as approving any development shown or referenced on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference 2388/18 (An Bord Pleanála Ref. ABP-301931-19), and subsequent amendment permissions Reg. Ref. 3292/21 and Reg. Ref. 5019/22). This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>

-I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.-

D. Aspell
Inspector
6th January 2025

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-319376-24	
Proposed Development Summary		Retention and permission for development. Development to consist of amendments to eastern elevation of permitted development. Retention is sought for addition of door to 3rd floor roof terrace.	
Development Address		Four Park Place, Adelaide Road, 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)		Yes	X
		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		Class.....	EIA Mandatory EIAR required
No	X		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)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 12/12/2024__