



An
Bord
Pleanála

Inspector's Report ABP-321235-24

Development

Protected structure: Internal alterations and construction of a four-storey extension for classroom space and all associated site works.

Location

No. 19-20 Leeson Street Lower, Dublin 2, D02 XY48 and the rear of No. 82-85 Leeson Street Lower, Dublin 2, D02 PX56.

Planning Authority

Dublin City Council South.

Planning Authority Reg. Ref.

3828/24.

Applicant

Tottoria Trading Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant with condition

Type of Appeal

Third Party.

Appellant

Aviva Ireland.

Observer(s)

None.

Date of Site Inspection

21st day of February, 2025.

Inspector

Patricia M. Young.

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1.0 Site Location and Description

- 1.1. The appeal site is comprised of the curtilage of No. 19 & 20 Leeson Street Lower and forms part of a larger educational facility that also includes buildings at No.s 82 to 85 Leeson Street Lower and backing onto Stable Lane, in Dublin 2. It has a stated area of approx. 546m² and with its rear boundary extending to where it meets Convent Place. The site is situated to the north of the Leeson Street Lower's junction with Lower Hatch Street and c220m to the south of Leeson Street Lower's junction with St. Stephen's Green and the R110.
- 1.2. No. 20 Leeson Street Lower is a two-bay four storey over basement Georgian brick fronted terrace townhouse with rear returns, whose main building dates to c1820. It is designated a Protected Structure under Volume 4 of the Dublin City Development Plan, 2022-2028 (RPS Ref. No. 4392) and is also listed in the National Inventory of Architectural Heritage (NIAH Re. No. 50920295) under which it has a 'Regional' rating as well as its categories of special interest are listed as 'Architectural' and 'Artistic'. It forms part of a group of five Georgian period terrace properties, all designated Protected Structures and occupying the south western corner of Leeson Street Lower and Hatch Street Lower junction. I also observed that No. 21 Leeson Street Lower, a Protected Structure, located to the immediate south being a mirror image of No. 20 Leeson Street Lower.
- 1.3. No. 19 Leeson Street Lower, is a reinstatement of a Dutch Billy townhouse that was built in c1991. Its principal façade consists of a three storey over basement brick terrace with rear return. It is not afforded protection, but it does positively contribute to the architectural variety and character of Leeson Street Lower's streetscape scene that contains several Protected Structures and forms part of a setting that is zoned to protect its architectural and civic character.
- 1.4. Both No. 19 and 20 Leeson Street Lower are in use by the Institute of Education which also occupies buildings on the opposite side of Leeson Street Lower (Note: 79-85).
- 1.5. To the rear the amalgamated plots of No. 19 and 20 Leeson Street Lower is mainly hard surfaced accommodating on-site car parking accessed from the restricted in width cul-de-sac lane of Convent Place.

- 1.6. To the north the site is bound by No. 18 Leeson Street Lower (Ossory House) which contains a 5-storey rear extension which appears to be sited on a lower finished floor level in comparison to No. 19 Leeson Street Lower. There is a tall metal fence separating the site from the rear of No. 18 Leeson Street Lower. To the south the site is bound by two modest two storey mews dwellings (No. 1 and 2 Convent Place). To the immediate south of them is a single storey vehicle service and repairs garage. To the immediate north of the adjoining stretch of Convent Lane tall gates provide restricted access to the rear of No. 18 and a complex of modern taller as well as more dense mainly office/commercial development.
- 1.7. The surrounding site context consists of a vibrant mainly period streetscape scene that is characterised by mixed development of varying nature, character, and scale. With this included the redevelopment and densification of buildings to the rear of Leeson Street Lower in particular at this location those with frontage onto Convent Place been subject to significant change in recent decades, with a number of large-scale developments.

2.0 Proposed Development

- 2.1. Planning permission is sought to No. 19 to 20 Leeson Street (with No. 20 Leeson Street Lower designated a Protected Structure (RPS Ref. No. 4392)), and comprising of the following:
- The proposed development will consist of internal alterations to No. 19 and No. 20 Leeson Street Lower, to facilitate the ancillary office and classroom requirements of the Institute of Education, and the provision of a new 4 storey extension, comprising classroom and ancillary space, to the rear of No. 19 and No 20 Leeson Street Lower, fronting Convent Place and bicycle parking to the rear of No.s 82-85 Leeson Street Lower, accessed via Stable Lane, Leeson Street Lower.
 - The proposal will provide 9 No. classrooms total across the existing buildings at No. 19 and 20 Leeson Street Lower and 4 storey extension. To facilitate the proposed development, minor alterations to No. 19 and 20 Leeson Street Lower are proposed, including the amendments and alterations to original and non-original building fabrics.
 - Alterations to No. 20 Leeson Street Lower include:

- The removal and alteration of external/internal staircase elements to the rear of the building; alteration of the enclosed rear area element at basement level.
 - New party wall opening connections at basement, ground and first floor; infill of one existing party wall opening at ground floor level.
 - Removal of non-original partitions at ground, first and second floor level.
 - Alterations to rear return layout at basement, ground and first floor level to provide office and toilet accommodation including the infill of an existing fire escape opening.
 - Removal of plant room element at return roof level and provision of a new hipped roof.
 - Break-out and provision of doors to the cross-walls at ground and first floor level.
 - Subdivision of front room at second floor level.
 - Alteration of layout at third floor level.
 - Enlargement of existing rooflight to provide AOV.
 - Cleaning and repointing of existing rear façade including the infill of a window opening, enlargement of an opening and provision of replacement timber sash windows at third floor level.
 - Re-rendering of rear return and other minor ancillary works.
- Proposed internal alterations to No. 19 and No. 20 Leeson Street Lower will provide for:
 - Lobby areas, staff kitchen student lockers, a classroom and 2 no. toilets at basement level.
 - A reception, classroom, break out room and 2 no. toilets at ground floor level.
 - 2 no. classrooms, a breakout room, and an office at first floor level.
 - 2 no. offices, a classroom, and a breakout room at second floor level and 2 no. tutorial rooms and 2 no. toilets at third floor level.
 - The proposed new 4 storey extension will provide for:

- A classroom, 4 no. toilets, accessible lift, stairs, link to No.19 Leeson Street Lower, bicycle and bin storage areas and a landscaped courtyard area to the rear of No. 20 Leeson Street Lower at ground floor level.
 - A classroom, breakout room and 3 no. toilets at first floor level and ancillary lift, and stairs.
 - A classroom, lobby areas, 3 no. toilets and ancillary lift, and stairs at second floor level.
 - A classroom, break out space ancillary lift and stairs and 3 no. toilets at third floor level.
 - A link is provided connecting the proposed extension to the rear of No. 19 Leeson Street Lower at ground, first and second floor level.
- The proposal includes for hard and soft landscaping, solar panels at roof level of No. 19 Leeson Street Lower and bicycle parking (at No. 19 and 20 Leeson Street Lower and at Stable Lane).
 - Platform lift to basement at front elevation of No. 19 Leeson Street Lower.
 - All other associated site works and services above and below ground.

2.2. The application as lodged is accompanied by the following documentation:

- Architectural Design Statement
- Construction Environmental Management Plan
- Flood Risk Assessment
- Mobility Management Plan
- Infrastructure Report
- Heritage Impact Assessment
- Daylight/Sunlight & Shadow Assessment
- Photomontages

2.3. The applicant submitted their **further information response** to the Planning Authority on the 20th day of September, 2024. It included the following documents:

- Further Information Response Report

- Further Information Heritage Impact Assessment/Conservation Report Addendum with photographic inventory
- Conservation Method Statement to Boundary Walls
- Further Information Engineering Drawing Pack & Reports
- Photomontages
- Daylight and Sunlight Analysis
- A letter from 'Factfire'

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated 17th day of October, 2024, Dublin City Council issued notification of the decision to grant permission subject to 14 mainly standard conditions with the exception of:

Condition No. 4: Conservation requirements.

Condition No. 7: Archaeological requirements.

Condition No. 13: No further development at roof level permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **initial Planning Officer's** report (25.07.2024) concluded with a request for further information on the following items:

Item No. 1: Seeks the reduction of the height of the proposed extension so that it is lower than the eaves height of the Protected Structures to ensure that the proposed development integrate more sympathetically with the surrounding context.

Item No. 2: Daylight and Sunlight Assessment is sought for Convent Place properties.

- Item No. 3: Sets out the Conservation Officers further information request. I note that this includes but is not limited to revised drawings that: (a) retain the floor plan including the existing staircase and revised room arrangement to all floors; (b) omits existing stairs and structural columns and indicate revised structural arrangement that removes blind spots in the larger classrooms; and (c) reduce the size of the lobby at the west end room and reduce the proposed opening size in the wall between No. 19 and 20 Leeson Street Lower to connect into break-out space. It also seeks a proposed boundary between No. 18 Leeson Street Lower and No. 19 and 20 Leeson Street Lower. Alongside clarification on whether the projecting staircase enclosure between the 2nd and 3rd floor levels – classroom block is an alternative means of escape and omission of possible.
- Item No. 4: Sets out the Transportation Planning Divisions issues. This included but was not limited to a Stage 1 Road Safety Audit and the feasibility of improving pedestrian as well as cyclist safety on the laneway of Convent Place. It also required the submission of a servicing and delivery strategy for the proposed development, auto track analysis for waste collection from Convent Place through to compliance with Section 3.2 of Appendix 5 of the Development Plan (i.e. staff shower and changing facilities).

3.2.2. Other Technical Reports

Conservation: The **final Conservation Officer's** report dated 4th day of October, 2024, indicates that they are generally satisfied that their concerns were addressed by the applicants further information response. It concludes with a recommendation to grant permission subject to condition.

Transportation: The **final Transportation Planning Division** report dated the 30th day of September, 2024, indicates that they are generally satisfied that their concerns were addressed by the applicants further information response. It concludes with a recommendation to grant permission subject to condition.

Archaeology: The Archaeological Section Report dated the 12th day of July, 2024, concludes with no objection, subject to condition requiring but not limited to the provision of an archaeological assessment (and impact assessment) of the proposed development.

Environmental Health: The Environmental Health Officer's report dated the 1st day of July, 2024, raises no objection subject to conditions.

Drainage: The Drainage Division reports dated the 20th day of June, 2024, and the 26th day of September, 2024, raises no objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (TII):** No objection subject to Section 49 Luas X City development contribution. This is on the basis of the site falling within an area for which this development contribution is applicable.

3.4. Third Party Observations

- 3.4.1. One Third Party observation was received by the Planning Authority during the course of their determination, the contents of which I have noted and consider raise the same key issues in relation to the proposed developments impact on their property as that set out in their appeal submission to the Board (See: Section 6 below).

4.0 Planning History

4.1. Site

P.A. Ref. No. WEB1029/25: Concurrently with the Planning Authority is an application for the change of use of No.s 19 to 20 Leeson Street Lower from Commercial Offices to Education use. No physical works are proposed as part of this development and with No. 20 Leeson Street Lower a designated Protected Structure. The planning application form indicates that the nature and extent of works consists of regularising the educational use of these buildings. It also indicates a site area of 0.055ha and a gross floor area of 762m². This application was lodged with the Planning Authority on the 9th day of January, 2025.

- **P.A. Ref. No. 0302/96:** Permission was **granted** for a development consisting of the retention of signage on Leeson Street elevation of No. 19 and 20 Lower Leeson Street. Decision date: 18.04.1996.

4.2. **Adjoining Property to the North – No. 18 Leeson Street Lower**

- **P.A. Ref. No. 2275/20:** Permission was **granted** for a development consisting of alterations to a previously granted planning permission (P.A. Ref. No. 4097/19) for development at this site c. 812m² at 18 Leeson Street Lower, Dublin 2, for the reconfiguration and extension above the rear (west part) of the existing office development at 2nd and 3rd floor level resulting in overall office floorspace increase of c. 449m² approximately, and associated site development works. The drawings indicate the elevation facing into the rear of No. 19 & 20 would have a parapet height of 14.3m above the rear level of No. 18. Decision date: 16.04.2020.
- **P.A. Ref. No. 4097/19:** Permission was **granted** for a development consisting of the reconfiguration and extension above the rear (west part) of the existing office development at 2nd floor level resulting in an overall office floorspace increase of c. 119m² and associated site development works.

5.0 **Policy Context**

5.1. **Local**

- 5.1.1. The Dublin City Development Plan, 2022-2028, is applicable, and under which the site is zoned 'Z8 – Georgian Conservation Areas'. The stated objective for such lands is: *"to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective"*. The site in its entirety forms part of a designated, Red-Hatched Conservation Area and the site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-20 (Historic City) and DU0180249- (Dwelling Site) which are listed on the Record of Monuments & Places under Section 12 of the National Monuments (Amendment) Act, 1994.

5.1.2. Section 14.7.8 of the Development Plan in relation to Z8 land use zoning states that these lands: *“incorporate the main conservation areas in the city, primarily the Georgian squares and streets. The aim is to protect the architectural character/design and overall setting of such areas”*; *“insensitive or inappropriate backland development in Z8 areas will be strongly discouraged”*; *“a range of uses are permitted in such zones”* and that developments should have regard to Chapter 11: Built Heritage and Archaeology and Chapter 15: Development Standards of the Development Plan. Education is also listed as a permissible land use.

5.1.3. Chapter 6 - City Economy and Enterprise. The following policies and section are relevant:

Policy CEE8: *“To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre”*.

Section 6.5.6: Indicates that the city is home to a number of world class educational institutions.

Policy CEE32: *“To promote Dublin as a national and international education centre/student city, as set out in national policy”*.

5.1.4. Chapter 11 of the Development Plan deals with the matter of Built Heritage and Archaeology. The following policies are relevant.

Policy BHA2: *“That development will conserve and enhance protected structures and their curtilage”* and will

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage, and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.

It also indicates that developments shall ensure that *“the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure”* and that it respects: *“the historic fabric and the special interest of the interior”*.

- 5.1.5. Section 11.5.3 of the Development Plan in relation to Z8 Zonings and Red-Hatched Conservation Areas states: *“whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application”* and that: *“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”*.
- 5.1.6. Policy BHA9 of the Development Plan is of relevance. It states: *“to protect the special interest and character of all Dublin’s Conservation Areas”* and *“development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible”*.
- 5.1.7. Policy BHA11 of the Development Plan encourages the rehabilitation and reuse of existing older buildings.
- 5.1.8. Policy BHA26 of the Development Plan seeks to: *“protect and preserve Monuments and Places listed on the statutory Record of Monuments and Places (RMP) as established under Section 12 of the National Monuments (Amendment) Act 1994 which have been identified in the Record of Monuments and Places”* through to *“the preservation in situ (or where this is not possible or appropriate, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places”*.

5.1.9. Policy BHA019 of the Development Plan seeks to: *“provide for the protection, preservation and promotion of built heritage, including architectural heritage, archaeological heritage” ... “and support the in situ presentation and interpretation of archaeological finds within new developments”*.

5.1.10. Chapter 15 of the Development Plan sets out the development management standards.

5.1.11. Volume 4 of the Development Plan – Record of Protected Structures.

5.2. Regional

5.2.1. Regional Spatial and Economic Strategy, 2019-2031, (RSES), is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives.

- RSO 13: Seeks to improve education skills.
- Section 9.6: Successful places also support a wide range of services and facilities that meet local and strategic needs and contribute towards a good quality of life. These include educational infrastructure.

5.3. National

5.3.1. The **National Planning Framework (NPF)**, as revised November, 2024, is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. Under Section 1.3 - Shared Goals – Our National Strategic Outcomes it includes: *“good access to a range of quality education and health services, relative to the scale of a region, city, town, neighbourhood or community is a defining characteristic of attractive, successful and competitive places”*. Additionally, National Strategic Outcome 10 states: *“education and training remain central to reinforcing the delivery of sustainable communities, promoting inclusion and offering choice and accessibility to a high standard of education and employment”*.

- 5.3.2. The **Architectural Heritage Protection Guidelines for Planning Authorities**, 2011, sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure.

5.4. **Natural Heritage Designations**

- 5.4.1. None within the zone of influence.

5.5. **EIA Screening**

- 5.5.1. See completed Forms 1 and 2 below.
- 5.5.2. Having regard to the nature, scale and extent of the proposed development which comprises of modest demolition together with alterations and additions to No. 19 and 20 Leeson Street Lower both of these buildings are in educational use and with the additional floor area also proposed for primarily educational use. The site is located on serviced brownfield site, in Dublin city centre and where infrastructural services have the capacity to absorb the additional demands generated by such a development. In this case there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.6. **Built Heritage**

- 5.6.1. The National Inventory of Architectural Heritage Ireland provides a 'Regional' rating and lists the special categories of interest for No. 20 Leeson Street Lower (NIAH Reg. No. 50920295) as 'Architectural' and 'Artistic'. It provides the following description for this building:

"Attached two-bay four-storey over basement former townhouse, built c. 1820, with return to rear (south) elevation. Now in use as college. M-profile pitched roof, hipped to east end, hidden behind refaced brick parapet with granite coping, having red brick chimneystacks with lipped yellow clay pots to west party wall. Brown brick walls laid in Flemish bond over granite plinth course and rendered walls to basement. West wall partially rebuilt in red brick. Square-headed window openings with masonry sills, brick voussoirs and raised rendered reveals, with timber sliding sash windows; six-over-six

to first and second floor, three-over-three with angled horns to third floor, one-over-one with ogee horns to ground floor. Some Wyatt-style windows to rear (south) elevation. Wrought-iron balconettes to second floor and cast-iron balconettes to first floor. Round-headed door opening with brick voussoirs, rendered moulded reveals, Ionic columns supporting fluted frieze and cornice, with plain fanlight and raised-and-fielded timber panelled door with brass furniture. Shared granite entrance platform with cast-iron boot scraper and granite steps, flanked by iron railings with cast-iron corner posts on granite plinth, continuing to west to enclose basement area. Replacement steel steps to basement level. Street-fronted on the south side of Leeson Street Lower”.

It also provides the following appraisal:

“A typical Georgian townhouse, the restrained classical façade is ornamented by the handsome Neo-classical doorcase, and decorative railings and balconettes. The building is largely well retained. It forms a pair with the former townhouse to the east, No. 21, contributing to the historic streetscape in the heart of the south Georgian core. Leeson Street forms part of an ancient routeway, Suesey Street, leading from the city towards Donnybrook. Located within the Fitzwilliam Estate, which covered much of the south-east of the city, the street was named after Joseph Leeson, 1st Earl of Milltown. Plots were leased for development in the mid-eighteenth century but, apart from the north-western end, it remained undeveloped until the 1780s and was largely completed by the early nineteenth century”.

- 5.6.2. The National Inventory of Architectural Heritage Ireland provides a ‘Regional’ rating and lists the special categories of interest for No. 21 Leeson Street Lower (NIAH Reg. No. 50920294) as ‘Architectural’ and ‘Artistic’.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this Third-Party appeal can be summarised as follows:

Appellants Property

- They are owners of No. 18 Leeson Street Lower ('Ossory House') which is adjacent to the site.
- Their building benefits from large windows that directly overlook the main appeal site.

Principle of the Proposed Development

- They support the ongoing use of No.s 19 and 20 Leeson Street Lower for education use and acknowledge the need for sustainable development of city centre sites. Notwithstanding the proposed development would give rise to unacceptable impacts on their property and its amenity by way of loss of sunlight and daylight, overbearance and overlooking.

Applicants Further Information Response

- The applicants further information response did not address their concerns.

Potential Impacts on their Property – Daylight & Sunlight

- A detailed daylight and sunlight analysis should be undertaken by the applicant.
- The impact of a development on the daylight and sunlight of a commercial property is a material consideration. The Development Plan does not preclude examination of this issue in relation to a proposed development under Table 15-1. Additionally, Section 15.14.4 requires new office development to ensure a high standard of daylight and sunlight amenity for employees.
- Having regard to the '25° rule of thumb' approach the proposed development would result in obstruction of daylight to their property.
- The level of overshadowing and diminishment of daylight to their property would be added to by the construction of a 2m in height wall with balustrade on top.

Potential Impacts on their Property – Overbearing Aspect

- The minor reduction in height provided in the applicants further information response does not overcome the overbearing impact of the proposed extension.

Potential Impacts on their Property – Overlooking

- The minor setback of the proposed extension from the boundary of their property is in sufficient when regard is had to the glazing treatment and does not overcome the level of overlooking that arises from it on their property.
- The elevation treatment facing into their property contains windows that would directly overlook it.
- The link between the proposed extension and No. 19 (at ground and second floor levels) is fully glazed. It is also located within 4.8m from their building. As such it will give rise to direct overlooking.

Requests the Board to seek Further Information on the following items:

- A revised elevational treatment including revised window placement including reconsideration of the glazed link to overcome the direct overlooking is sought.
- Revised plans should be submitted with increased separation distances. Particularly for the 'pop out' at first and second floor level to reduce the bulk and mass of the proposed extension to the rear of No. 18.
- It is requested that the 'pop out' elements are omitted from the first and second floor elevations facing onto their property.
- An increased setback of the glazed link from their property is sought.
- Revised window and glazing treatments to avoid overlooking is sought.

6.2. Applicant Response

6.2.1. Their response can be summarised as follows:

Planning Authority's Decision

- The Board is requested to uphold the decision of the Planning Authority. If not, they will be forced to consider a relocation of their educational campus.

Proposed Development

- This site benefits from several established transport links and is in proximity to abundance of high quality public open spaces through to other amenities.
- The extension as granted by the Planning Authority represents the absolute minimum level of development that allows the applicants project to be viable. Any

reduction in classroom or office floorspace within the scheme would render the project unimplementable.

No. 19 & 20 Leeson Street Lower

- Is a landmark building in Dublin's Georgian Quarter in proximity to St. Stephen's Green.
- The appellants property is a substantive property which has been developed with a plot ratio and site coverage greater than that currently permitted under the Development Plan.

Daylight and Sunlight Impacts

- This application was accompanied by assessment of these potential impacts on surrounding residential properties. This assessment is based on a hypothetical mirror image study which shows that the proposed development represents no impact for vertical sky component, annual probable sunlight hours or winter probable sunlight hours has no greater impact than that of No. 18 Leeson Street Lower.
- There are no standards for daylight for commercial properties.
- The study of impact is based on mirroring the development at No. 18 Leeson Street Lower onto the subject site through shared boundary line.
- Reference is made to the conclusions of the Planning Authority in relation to daylight and sunlight impacts. In this regard they considered that the proposed development would not impact on any spaces in residential or habitable rooms and that the proposed development is in keeping with emerging trends.
- If developments like this were precluded on the basis of daylight and sunlight impacts to adjoining commercial extensions, then this would sterilise the rear lots of other Georgian buildings.

Impact on Residential Amenities

- No objection has been raised to the proposed development by any residential properties in the vicinity of the site.
- No undue residential amenity impacts arise from this development.

Separation Distances and Overlooking

- The appellant's property is in commercial use as an office building and the proposed extension would be in educational use. Neither building has any residential use. Therefore, the perceived sensitivity of either building is reduced.
- The appellants existing building presents the same overlooking impact to the subject site as the proposed development to the rear of No. 19 and 20 Leeson Street Lower.
- The Planning Authority considered that the overlooking to be acceptable given the nature of the uses of these plots.

Built Heritage

- It is essential to keep buildings located within the historic Georgian Core of Dublin's city centre in use and this may include viable extensions to the rear of them to cater for modern demands and to adhere to modern commercial standards.
- The Planning Authority's Conservation Officer raises no objection to the proposed development.

Revisions Requested by the Appellant

- The appellant seeks a number of revisions to the proposed development as granted. It is considered that the revisions requested are unwarranted and unnecessary alongside they relate to matters already considered by the Planning Authority as part of their determination of this application.

Other

- The general sentiment towards this development is positive from the surrounding community.
- The 'pop out' element are an essential part of the proposed extension as it houses a staircase that provides an alternative means of escape in case of fire and therefore, they need to be retained. Additionally, the need to maintain this was accepted by the Planning Authority in consideration of their further information response and their Conservation Officer raised no objection to the proposed element.

- The appellant raises no new issues that would impact on the adjudication of the proper planning and sustainable development of the area.
- This response is accompanied by a Daylight and Sunlight Assessment Report, dated December, 2024.

6.3. Planning Authority Response

- 6.3.1. Their response seeks that the Board uphold their decision and include as part of any grant of permission Section 48 and Section 49 Luas X City development contribution conditions.

6.4. Observations

- 6.4.1. None.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having carried out an inspection of the site and its setting, examined the application details and all other documentation on file, including all of the submissions and responses received by the Board, together with having regard to the relevant local through to national policies and guidance, I consider that the key issues in this appeal relate to the Third Party appellants concerns in relation to the potential impact of the proposed development on their property and I propose to assess this appeal case under the following broad headings:

- Principle of the Proposed Development & Pattern of Development
- Amenity Impact on Properties in the Vicinity

- 7.1.2. The matter of 'Appropriate Assessment also requires examination (See: Section 8 below). My assessment which is set out below is based on the proposed development as revised by the applicants further information response received by the Planning Authority on the 20th day of September, 2024. This is on the basis that I consider that the revised design and layout of the proposed development results in a more sympathetic intervention to the Protected Structure of No. 20 Leeson Street Lower.

Through to it provides additional clarity on a number of matters including transportation and sunlight/daylight issues that were raised by the Planning Authority as a concern. The additional clarity provided with this response allows for a more informed determination to be made on the proposed development.

- 7.1.3. I am satisfied that there are no other substantive issues that arise from examination of this case nor any 'New Issues' that would warrant detailed examination.
- 7.1.4. On this point I am of the view that the Board would have reached a similar conclusion to that of the Planning Authority in that all other matters were such that they could be satisfactorily addressed by either the requirements of standard in nature conditions and where appropriate more bespoke conditions for matters including ensuring that works to No. 20 Leeson Street Lower, a Protected Structure, are carried out in a manner that protects its intrinsic character and integrity; archaeological safeguards to deal with the sites location as part of two Recorded Monument Places which are afforded protection under Section 12 of the National Monuments (Amendment) Act, 1994 through to the drainage and transportation requirements of the Planning Authority so as to ensure a satisfactory standard of development.

7.2. Principle of the Proposed Development & Pattern of Development

- 7.2.1. The proposed development relates to a modest demolition of c0.3m alterations and refurbishment to No. 19-20 Leeson Street Lower as well as the provision of a four-storey extension to the rear of these buildings and addressing Convent Place. The proposed works would facilitate the applicants continued expansion of their educational campus at this location.
- 7.2.2. The existing buildings on site are currently in educational use and I note that the permissible land uses listed for 'Z8' zoned lands under Section 14.7.8 of the Development Plan includes 'educational'. This section of the Development Plan also supports a range of uses in this land use zone with this designation relating to what is designated under this zoning as a 'Georgian Conservation Area'.
- 7.2.3. In relation to the pattern of development I consider that the proposed development would consolidate and expand the applicants educational campus at this accessible inner-city location together with their educational campus on the opposite side of Leeson Street Lower. With there being a variety of other land uses including commercial and residential that bound the site. Through to within the wider setting the

land uses include but are not limited to hotels, retail, restaurants, and a wide variety of other uses that add to the vibrancy of this location during the day and into the night. In this context I consider that the proposed development would not be out of character with the provision of vibrant land uses in a manner that is consistent with Policy CEE8 of the Development Plan.

- 7.2.4. No. 20 Leeson Street Lower, is a Protected Structure, for which the Dublin City Development Plan, 2022-2028, seeks to protect. In particular under Policy BHA 2 of the Development Plan which in part seeks to keep such structures in viable sympathetic use and ensure that any development to them does not negatively impact their special character, appearance through to integrity.
- 7.2.5. In relation to alterations and refurbishment works I concur with the Planning Authority, in particular their Conservation Officer, that the proposed works to the exterior and interior as well as the modest demolition would not adversely impact the curtilage or the special character of the Protected Structure.
- 7.2.6. I also consider that the proposed extension is a contemporary new addition that is attached with a light weight glazed link that is distinguishable as a sensitive and legible new building layer particularly in the visual curtilage of No. 20 Leeson Street Lower, a Protected Structure. As well as No. 21 Leeson Street Lower its once matching semi-detached pair. These particular period buildings that are afforded protection have principal presentation addressing the western side of Leeson Street Lower. They form part of a group of five period properties that are afforded protection. With these buildings forming part of a larger collection of similar in architectural design, period, and palette of materials as well as spaces that form part of a designated, Red-Hatched Conservation Area.
- 7.2.7. The proposed scope of works sought under this application would not be legible as part of this streetscape scene. But they would present onto and adjoining Convent Lane whose once period character has been diminished over time by virtue of the ad hoc alterations, additions, and new buildings to the rear of the subject terrace group that fronts onto the south western corner of the junction of Leeson Street Lower and Hatch Street Lower.
- 7.2.8. Additionally, views of the proposed four-storey new addition and glazed link are as said positioned to the secondary elevation of No. 19 and 20 Leeson Street Lower

which addresses the restricted in width service lane of Convent Place from which there is a high degree of built visual containment as well as enclosure. Including to the north of the site by virtue of the extent of the rear additions to the rear of No. 18 Leeson Street Lower and to the south of the site the ad hoc collection of rear returns and buildings that front onto Convent Place, in particular No.s 1 & Convent Place, the garage structure through to the part four and part five storey building referred to as 1A Convent Place.

- 7.2.9. I consider that the pattern of development in the vicinity of the site as appreciated from the public domain of Convent Place is one that has diminished the once period presentation of Georgian period terraces that fronted the south western end of Leeson Street Lower. But also, the Georgian terrace buildings to the immediate east and west of the entrance onto Convent Place from Hatch Street Lower. As such the collection of buildings and spaces is significantly contributed to particularly to the rear of the Leeson Street Lower properties by taller, more dense, and contemporary buildings and additions.
- 7.2.10. In this context I note that the height of the proposed extension at its tallest point is given as 15.26m (a reduction in 0.62m from the maximum height as lodged) with the main four storey extension having a parapet height having a height of 13.91m.
- 7.2.11. I additionally note its glazed link as revised has a height that is 4.1m lower than the maximum height of the main four storey extension and being 3m lower than the parapet of the original rear elevation of No. 20 Leeson Street Lower. This height is not inconsistent with the heights permitted to the rear of buildings in proximity of the site. It is also less than the height of other buildings to the immediate north west of the site.
- 7.2.12. Moreover, in terms of lateral separation, the historic pattern of rear returns through to mews development of the long rectangular plots that historically comprised the south western most end of Leeson Street Lower where it meets its junction with Hatch Street Lower. I consider is characterised by later additions that have in many cases extended the width of their historic plots and/or are built adjoining a rear side boundary of an adjoining plot, in particular the southern side. This reflects the maximisation of their highly accessible inner-city location.

- 7.2.13. In this regard I note that whilst the proposed development would give rise to the retention of 762m² of existing buildings on site and the addition of 623m². Thus, cumulatively giving rise to 1,385m² floor area which almost doubles the existing floor area of existing buildings on this c546m² site (Note: Existing Floor Area - 762.3m²).
- 7.2.14. One of the measures to examine whether or not a proposed development is of a suitable density for its location is an examination of a proposed developments plot ratio and site coverage. In this regard, I firstly note that the proposed development is indicated to have a plot ratio of 2.22 and a site coverage of 56%. Table 2 of Appendix 3 of the Development Plan provides a plot ratio of 2.5-3.0 and site coverage of 60-90% for central areas. I also note a lower plot ratio of 1.5-2.0 and site coverage of 45-50% is provided for Conservation Areas. I therefore consider that the plot ratio and site coverage is not inconsistent with the indicative standards set out in the Development Plan.
- 7.2.15. In relation to the site's archaeological sensitivity given that it forms part of the zone of archaeological constraint for two Recorded Monument & Places. This sensitivity has not precluded more efficient use of brownfield land also sharing the same and similar constraints, subject to site appropriate safeguards.
- 7.2.16. Conclusion: In conclusion, I am satisfied that the general principle of the proposed development is acceptable and is consistent with the pattern of development in what is a sensitive to change site as well as setting.

7.3. Amenity Impact on Properties in the Vicinity

- 7.3.1. The Third-Party appellant raises overbearing, overlooking, daylight/sunlight and overshadowing impacts concerns on their property which is located to the north of the appeal site (No. 18 Leeson Street Lower). Of particular concern to them is the relationship of the proposed extension, its design and layout relative to the extension to the rear of their property which has a south-westerly aspect. In this regard they contend that despite these concerns being raised by them to the Planning Authority during the course of its determination of this application and despite the revisions made by the applicant as part of their further information response that these concerns have not been overcome in the proposed development permitted.

- 7.3.2. The Appellant is therefore of the view that the proposed development as permitted would seriously injure the amenities of their property in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.3. I note to the Board that no Third-Party submissions have been made by residential property owners that bound or neighbour the appeal site. With I note the adjoining properties of No.s 1 and 2 Convent Place being a modest pair of mews dwellings to the south of the site. Additionally, there is also a multi-unit scheme at No. 1 A Convent Place at further lateral separation distance and there is potential for residential uses to exist in the adjoining and neighbouring properties to the south of the site.
- 7.3.4. The First Party contend that the proposed extension as revised in their further information response to the Planning Authority is of critical importance to the ongoing operations and future growth of The Institute of Education. They contend that they have become one of Irelands largest private schools providing for 4th, 5th and 6th year students preparing for their Leaving Certificate. With their pupil number having grown from approximately 1,200 in 2018 to their current figure of around 1,650. They indicate that by expanding its footprint, they aim to enhance their capacity at its current location and avoid relocating their educational campus outside of the City Centre.
- 7.3.5. They further contend that the amendments requested by the Appellant in their appeal to the Board, in particular, their request to increase lateral separation distances and to provide further overlooking mitigation measures are both unnecessary and unwarranted. This is given on the basis of the amendments made to the proposed development as part of their further information response submitted to the Planning Authority. With this including a reduction in height, increased lateral separation distance from the southern rear elevation of the appellants property through to the provision of more robust measures to limit overlooking from the proposed extension.
- 7.3.6. Also, they consider that the proposed development should be considered alongside the prevailing character of development in the vicinity of the site. This they note includes the appellants substantive redevelopment to the rear of No. 18 Leeson Street adjoining the rear of their site. With the design of the rear extension overlooking their property including significant spans of clear glazing at all levels.
- 7.3.7. Further, they consider that there are no equivalent standards applicable for commercial developments in terms of consideration of daylight, sunlight, and

overshadowing impacts like there are for residential properties. With the appellants property being in commercial use and not residential in Dublin's city centre. They contend that the additional daylight and sunlight assessment provided with their response to the grounds of appeal shows that the proposed development as revised represents no impact for vertical sky component, annual probable sunlight hours or winter probable sunlight hours has no greater impact than that of No. 18 Leeson Street Lower and other similar developments in similar inner-city locations.

7.3.8. I acknowledge that the proposed development, would undoubtedly give rise to a change of context for the appellants property, if permitted and if implemented. This would be particularly the case for the recently constructed rear addition to No. 18 Leeson Street Lower whose south/south-west aspect elevation faces in a southerly direction into the rear of the appeal site. To the immediate south of No. 19 and 20 Leeson Street Lower the neighbouring plots contain a collection of modest in height, mass, and volume, built structures. There is no coherence in these structures outside of their significant subservience to the main rear elevation of the Georgian terrace townhouses and less so in the case of the modest mews dwelling that adjoins the southern boundary of the site (No.s 1 and 2 Convent Place). The relationship of No. 18 Leeson Street Lower rear extension with other buildings particularly to the south of its is such that it allows qualitative sunlight and daylight into its internal spaces. As well as the narrow linear strip of land running immediately alongside the staggered rear northern boundary of the site. Additionally, the tall metal railings that demarcates this boundary does not significantly obstruct sunlight and daylight or cause any substantive overshadowing.

7.3.9. The introduction of the part four storey with three storey mainly glazed link which would in terms of its ground level at its nearest point have a lateral separation from the irregularly aligned boundary with No. 18 Leeson Street Lower of c1.9m. At its furthest point the main four storey extension would have a lateral separation distance of c3.2m from the boundary with No. 18 Leeson Street. In terms of lateral separation distance from the southern elevation of No. 18 Leeson Street and the main four storey extension at ground floor level would be c6.1m. This however significantly decreases in relation to the 'pop-out' elements which are part of the fire safety design of the proposed extension where for example at third floor level the lateral separation distance between the proposed four storey extension reduces to c0.675m. This feature would have a

setback of c3.6m from the southern elevation of rear extension to the rear of No. 18 Leeson Street Lower.

- 7.3.10. I also refer the Board to the comments made in the previous section of this assessment in relation to the pattern of development and prevailing buildings heights together with the site forming part of inner-city Dublin.
- 7.3.11. To this I also note that the glazed link has a modest width (Note: 1.65m) and it extends over 8m out from the rear of No. 19 Leeson Street Lower. With it maintaining the modest existing rear returns for the most part of the rear of No. 20 Leeson Street Lower. This light weight link at its nearest point is 4.87m from the rear side elevation of No. 18 that faces into the site. It is also setback c7.04m from the rear side boundary of No. 21 Leeson Street Lower, a Protected Structure. The space in between the southern side of the link, the modest buildings to the rear of No. 20 Leeson Street Lower and the boundary with No. 21 Leeson Street Lower would be landscaped to provide a courtyard type of private amenity space for pupils and staff of this educational facility.
- 7.3.12. In addition to the above I also note that the four-storey extension's main built form is positioned towards the westernmost boundary of the site where it has a depth of 18.57m at its deepest point and with its width varying from c7.1m to c9.6m. The pop out features though projecting northwards still minimise the overall volume of the proposed extension's northern elevation allowing for lower daylight penetration in a westerly direction to the lower levels of No. 18's south westerly rear elevation.
- 7.3.13. The boundary with No. 18 Leeson Street Lower would also be demarcated by a c2m in height solid wall with railings over. The treatment of a boundary between No. 18 and No. 19 Leeson Street Lower is largely a civil issue if the existing demarcation of these two properties is to be amended. In the context of its setting a solid boundary of 2m in height is not inconsistent with rear boundary treatments within this period terrace group.
- 7.3.14. Overlooking measures are also proposed in the terms of the northern elevation including the use of opaque glazing through to the lack of windows on the southern elevation which bounds with No.s 1 and 2 Covent Place. Alongside the private amenity space is provided away from sensitive receptors including No. 1 and 2 Convent Place as well as the recent multi-unit scheme at No. 1A Convent Place.

- 7.3.15. The proposed design is also more subservient in terms of the height of No. 20 Leeson Street Lower, a Protected Structure. In this regard I note that the main rear elevation has a slightly higher four storey parapet and the ridge height over this one of two originally matching Georgian period townhouses also being slightly higher. The light weight glazed three storey glazed link creates a visual buffer between the retained rear period elevation and the proposed of its time rear extension. The use of a respectful palette of materials, finishes and treatments not only harmonises with No. 20 and 21 Leeson Street Lower, both Protected Structures. It also harmonises with the brick rear façade of the reconstructed Dutch Billy building at No. 19 Leeson Street Lower and the more recent modern additions and buildings that have been built in recent decades with access off Convent Place/Stable Lane.
- 7.3.16. In relation to the daylight and sunlight impact assessment provided with the First Party Appeals submission I consider that the use of a Hypothetical Mirror Image assessment is not appropriate in such a site sensitive location. This is on the basis of No. 20 Leeson Street Lower, and the adjoining property of No. 21 Leeson Street Lower together with the period properties to the south of it are designated Protected Structures. In the context particularly of No. 20 Leeson Street Lower the significant in height, built form, mass, scale, volume through to lateral separation distance with adjoining and neighbouring properties could not be accommodated given the built heritage constraints of this site and its setting. I consider that using the development to the rear of the ridgeline of No. 18 Leeson Street Lower is not baseline model for considering what is an appropriate scale of development that could be accommodated at this location, particularly having regard to the local through to national policy provisions as well as guidance for Protected Structures and Conservation Areas.
- 7.3.17. I am satisfied that the applicant has demonstrated that daylight, sunlight, and overshadowing effects that would arise on the windows and amenity spaces associated with the appellants property of No. 18 as well as other properties in the vicinity are not exceptional for this setting and land use context.
- 7.3.18. I also note that the appellants property forms part of a larger modern laid out urban block whose design assumes a right to light over No. 19 and 20 Leeson Street Lower. They have not demonstrated that they have a civil established right to light over these adjoining properties in the form of an easement or otherwise.

7.3.19. Having regard to the design of the proposed extension and glazed link, in particular:

- The overall height, mass, volume, and scale.
- The lateral separation distance between it and the appellants rear extensions southerly elevation that faces into the rear of the subject site with this elevation containing significant voids of clear glazing.
- The orientation of No. 18, 19 and 20 Leeson Street plots; and
- The existing context of the site having regard to the obstruction of daylight and sunlight penetration to the rear of No. 18 Leeson Street arising from existing built features to the south west, south and south east.

I accept that the proposed development would give rise to a reduction in actual sunlight and daylight penetration hitting the southerly rear elevation of the appellants property. In turn I accept that there would be reduction in sunlight and daylight penetration into the floor levels of this appellants rear extension that adjoins the site and the linear setback space to the immediate north of the boundary between No. 19 Leeson Street Lower. Notwithstanding, I consider that the level of sunlight, daylight through to overshadowing diminishment is not unexceptional in this inner-city urban context or out of character with the more consolidated, taller, more compact and dense brownfield development that has occurred in the vicinity of the site.

7.3.20. In relation to the revisions suggested by the appellant to the proposed development in their appeal submission. I note that these are mainly comprised of seeking the Board to seek further amended design by way of the further reduction in the built form of the four-storey extension by removing the 'pop out' features and increasing the lateral separation distances, thus reducing the overall floor area of the proposed development. They also seek that additional overlooking measures are provided in the elevational treatment of the northern elevation of the proposed extension.

7.3.21. I consider that the appellants suggested amendments to the already revised proposed development are not reasonable or warranted in the context of this inner city tight grained nature site, the pattern of development in this area including more recent emerging patterns of taller of greater mass and volume built forms, having regards to the local through to national land use planning policy provisions that acknowledge that as part of achieving more sustainable, compact through to efficient development as

well as use of serviced zoned accessible location lands in built up areas that a balance has to be reached between providing new developments and protecting established amenities. I also consider that it would not give rise to any significant additional sunlight, daylight and overshadowing gains when compared to the proposed development as revised. A design which has sought to minimise these adverse impacts to adjoining and neighbouring properties by way of various design measures discussed above.

- 7.3.22. I am of the view that any redevelopment of to the rear of No.s 19 and 20 Leeson Street Lower which effectively reverses its predominant use as an at grade car parking area serving the applicants educational facility car parking needs would give rise to impacts on properties in its vicinity due to the city's tight urban grain. In summary, I consider that the level of sunlight and daylight diminishment as well as additional overshadowing that would arise on properties in the vicinity of this development is not exceptional for this inner-city context that would warrant a refusal of permission and/or any amendments to the design of the proposed development.

8.0 Appropriate Assessment

- 8.1. I have considered the project which is detailed under Section 2 of my report in light of the requirements of 177U of the Planning and Development Act, 2000, as amended.
- 8.2. The subject site is not located within or adjacent any Natura 2000 sites designated Special Areas of Conservation (SAC) or Special Protection Areas (SPA). The project is also not directly connected with or necessary to the management of a Natura 2000 site and therefore it needs to be determined if the development is likely to have significant effects on a Natura 2000 site(s).
- 8.3. The closest Natura 2000 site is Special Area of Conservation: South Dublin Bay (Site Code: 000210) which is located c.2.7km to the east, as the bird would fly. There are other Natura 2000 sites that are located at a further lateral separation distance. These are also beyond the zone of influence of the proposed development sought under this application.
- 8.4. No significant nature conservation concerns were raised as part of this appeal case and including by the Planning Authority in their determination of this planning

application. Similarly, no significant nature conservation concerns are raised by any of the Parties in this appeal.

- 8.5. I also note that the site is a serviced brownfield site within an existing urban environment with surrounding development including educational, residential, commercial through to public domain. The drainage for the proposed development will be designed on a separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system. I note that there are also significant improvements to the treatment of foul water as part of the current major upgrading works to Ringsend Wastewater Treatment Plan to enable it to treat the increasing volumes to the required standards. Additionally, there are no capacity issues are raised in terms of public infrastructure to absorb the additional demands of this project.
- 8.6. There are no watercourses or other ecological features of note on the site or in the vicinity of the site that would connect it directly to Natura 2000 sites in the wider area. The nearest pathways to the nearest designated sites from the appeal site is the Royal Canal located c.326m to the south of the site at its nearest point which flow into the marine environment of Dublin Bay.
- 8.7. Due to the enclosed nature of the development site and the presence of a significant buffer area comprising of a mature densely developed urban area between the site and the nearest pathways to Natura 2000 sites, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.8. During site clearance, demolition and construction phases of the project, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions/contaminants to surface water. The contained nature of the site which is serviced with no direct ecological or hydrological connections or pathways together with the distance between the site and South Dublin Bay SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.9. There will be no direct or *ex-situ* effects from disturbance on mobile species during construction or operation of the proposed development. The proposed development

will not result in any effects that could contribute to an in-combination effect with other developments in the area. No mitigation measures are required to come to these conclusions.

8.10. Conclusion: Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act, 2000, (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Natura 2000 sites including South Dublin Bay SAC, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on:

- The scale of the development and lack of impact mechanisms that could significantly affect a Natura 2000 site/sites.
- Distance from and lack of connections to the Natura 2000 site/sites.
- The disposal of foul water to the public foul sewer system and surface water to the public surface water sewer network for required treatment. With this infrastructure having capacity to absorb it.
- Considering the screening determination by the Planning Authority.

9.0 Recommendation

9.1. I recommend that permission is **granted** for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. Having regards to the provisions of the Dublin City Development Plan, 2022-2028, and the 'Z8' zoning of the site; the planning history of the site and its setting; the pattern of development; nature, built form, scale, design and layout of the proposed extension to No. 19 and 20 Leeson Street Lower; together with the extent of alterations proposed to No. 20 Leeson Street Lower, a Protected Structure. With these works facilitating the expansion of educational land uses at this site which forms part of Dublin's inner-city. It is considered that, subject to compliance with the conditions set out below, that the proposed development would not detract from the special character and surviving

integrity of No. 20 Leeson Street Lower as well as from the visual setting of other Protected Structures in its vicinity. It is also considered that it would not seriously injure the character of the area or the amenities of property in the vicinity, and would not adversely impact on the character of the Red-Hatched Conservation Area it forms part of. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of September, 2024, 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.

Reason: In the interest of clarity.

2. The following requirements of Dublin City Council's Conservation Department shall be complied with:
 - a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor, and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.
 - b) Prior to the commencement of the development, the applicant shall submit for the written approval of the planning authority:
 - i. Samples of five projects of a similar nature carried out by each specialist heritage contractors for the repair of decorative plasterwork ceilings, wig pointing of historic brick work and ironwork repair.

c) During the course of the development, the applicant shall submit for the written approval of the planning authority:

i. Pointing of masonry shall be carried out using NHL 2 lime mortar. The mortar mixes shall be submitted for the written approval of the Conservation Officer.

ii. Samples of masonry raking, cleaning, repointing, repairs etc. shall all be prepared for inspection and written approval of the Conservation Officer in advance of this package of works commencing.

d) The proposed development shall be carried out in accordance with the following:

i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric *in situ*. Items to be removed for repair off-site shall be recorded prior to removal, catalogued, and numbered to allow for authentic re-instatement.

ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character, and integrity of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice

3. The following requirements of the Planning Authority Archaeological Section shall be complied with:

- a) No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.
- b) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
- i. The archaeological and historical background of the site, to include industrial heritage.
 - ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.
 - iii. The nature, extent, and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden.
 - iv. The impact of the proposed development on such archaeological material.
- c) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority.
- d) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size, and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to

carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.

f) One hard copy and 1 digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.

g) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

h) The developer shall make provision for archaeological excavation in the project budget and timetable.

i) Should archaeological excavation occur the following shall be submitted to the Planning Authority:

i. A bi weekly report on the archaeological excavation during the excavation and post excavation period.

ii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.

iii. A final report on the archaeological excavations not later than twelve months after the completion of the excavation.

j) Before any site works commence the developer shall agree the foundation layout with the Planning Authority.

k) Following submission of the final report to the Planning Authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

4. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of sustainable drainage.

6. Prior to commencement of development, the developer shall enter into water and / or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

7. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council.

Reason: To ensure a satisfactory standard of development in the interest of public safety.

8. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, Environmental Management Construction Plan and Construction and Demolition Waste Management Plan (CDWMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/ measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

10. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

11. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts, or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out

on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Advisory Note: *The developer is advised that 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'.*

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 M. Young
Planning Inspector

28th day of February, 2025.

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321235-24.		
Proposed Development Summary	Protected Structure: Internal alterations and construction of a four-storey extension for classroom space and all associated site works.		
Development Address	No. 19-20 Leeson Street Lower, Dublin 2, D02 XY48 and the rear of 82-85 Leeson Street Lower, Dublin 2, D02 PX56.		
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	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	<i>Class 10 (b) (iv) Urban Development. (Threshold is Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.)</i>	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Subthreshold. Proposal consists of demolition, alterations, and additions and to two existing buildings one of which is a Protected Structure together with all ancillary works and services.	Preliminary examination required (Form 2)

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

Inspector: _____

Date: *28th day of Feb, 2025.*

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321235-24
Proposed Development Summary	Protected Structure: Internal alterations and construction of a four-storey extension for classroom space and all associated site works.
Development Address	No. 19-20 Leeson Street Lower, Dublin 2, D02 XY48 and the rear of 82-85 Leeson Street Lower, Dublin 2, D02 PX56.
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 (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is mainly comprised of alterations and additions to two buildings that are in educational use with one of the buildings a Protected Structure (Note: No. 20 Leeson Street Lower) for which alterations, refurbishment through to extended to rear extension. The site is located in a historic area of inner-city Dublin. The proposed development would not be exceptional in the context of the existing environment. During the demolition and construction phases, the proposed development would generate waste during excavation and construction. However, given the modest size of the site and the quantity of demolition and refurbishment work proposed, I do not consider that the level of waste generated would be significant in the local, regional, or national context. No significant waste, emissions or pollutants would arise during the demolition, construction, or operational phase due to the nature of the proposed use.

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural, or archaeological significance).	The site is not located in or immediately adjacent to any Natura 2000 site. The closest Natura 2000 site is the South Dublin Bay Special Area of Conservation (Site code: 000210) which are 2.7km from the site. The site contains a Protected Structure, i.e. No. 20 Leeson Street Lower. It also forms part of a coherent terrace pair with No. 21 Leeson Street Lower, also designated a Protected Structure. With No. 20, 21 Leeson Street Lower and the neighbouring three properties between them and the junction with Hatch Street Lower listed in the National Inventory of Architectural Heritage. The site forms part of two Recorded Monuments (Note: DU018-020 (Historic City) and DU0180259- (Dwellings Site)). The site forms part of a Red Hatched Conservation Area and is zoned 'Z8' which seeks to protect existing architectural as well as civic character under the Dublin City Development Plan, 2022-2028.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).	Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.
Conclusion	
Likelihood of Significant Effects There is <u>no</u> real likelihood of significant effects on the environment.	Conclusion in respect of EIA <u>EIA is not required.</u>

Inspector:

Date:

DP/ADP: _____

Date: *28th day of Feb, 2025.*

(only where Schedule 7A information or EIAR required)