

Inspector's Report

ABP 306782-20

Development	Façade alterations and new entrance; Change of use of stairwell 1st to 4 th Floors to bedrooms and 5 th floor linen press to bedroom, additional sixth floor with eight bedrooms two staircases and lifts increasing to total of 117 bedrooms.
Location	Nos 27-32 Parliament Street, 1-2 Essex Gate and Nos 7-10 Exchange Street. (Protected Structures).
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	4597/19.
Applicant	Ampbay Ltd.
Decision	Grant Permission and Refuse Permission
Type of Appeal	First Party
Appellant	Ampbay Ltd.
Observer	1. Cutlers Management Company and Residents' Group. 2. Oliver and Malin Ryan 3. Martin Mevissen 4. Philip O'Reilly.
Date of Site Inspection	11 th June 2020.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
6.0 The Appeal	6
6.3. Planning Authority Response	7
6.4. Observations	8
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12

1.0 Site Location and Description

- 1.1. The site which has a total stated area of 997 square metres is formed from an assembly of properties comprising a hotel development at Nos 27-32 Parliament Street, 1-2 Essex Gate and Nos 7-10 Exchange Street.
- 1.2. There is a prior grant of permission under P.A. Reg. Ref 3778/17 (PL 300758) for hotel development on the site. (Details are under para 4 below.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
 - Façade alterations and new entrance door in the shopfront.
 - the addition of a sixth floor with eight additional rooms, lifts and staircase. This additional floor is to have a setback above the fifth floor.
 - Change of use of stairwell 1st to 4th floors and 5th floor linen press providing for one additional bedroom on each floor.
 - As a result, the number of bedrooms within the permitted hotel would be increased from 117 to 130 within the hotel development.

It is the applicant's intention to upgrade the hotel to a four star from a three-star rating.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 3rd February, 2020 the planning authority decided to issue a Split Decision.

The planning authority decided to **grant** permission for the façade alterations and new entrance door in the shopfront and for change of use of stairwell 1st to 4th floors and 5th floor linen press and associated works providing for one additional bedroom on each floor.

The planning authority decided to **refuse** permission for the addition of a sixth floor with eight additional rooms, lifts and staircase. This additional floor is to have a setback above the fifth floor on the basis of the following reasons:

(1) *“The proposed additional 6th floor level would constitute a visually obtrusive form of development due to its height, design, scale and massing, would represent an overdevelopment of the subject site and would set a precedent for development which would be incompatible with the established character of the subject site and the local area. In addition, the proposed development would also have an adverse impact on the setting of the protected structures within the subject site and would therefore be contrary to Section 11.1.5.3 and Policy CHC 4 of the Dublin City Development Plan 2016-2022.”*

(2) *“The proposed additional 6th floor level will overlook neighbouring terraces of existing residential units along Exchange St Upper and therefore have detrimental impact on neighbouring privacy and amenity. The proposed development would therefore, provide an unsatisfactory standard of residential amenity for neighbouring occupants, would set an unwanted precedent for similar type development and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. **The planning officer** in his report indicated concern about the impact of the proposed additional floor on the thoroughfare, along Parliament Street, (Wide Streets Commissioners) with its defined parapet line and symmetries on approach to City Hall. Concern was also expressed about impact on residential amenities of properties opposite the site due to proximity and overlooking.

3.2.3. The **Conservation Officer** indicated a statement that no review had been undertaken. (The Conservation Officer report on the prior proposal under P. A. Reg. Ref 3778/17 in which a number of conditions were recommended for inclusion if permission was granted has been reviewed)

3.2.4. The Reports of the **City Archaeologist, Engineering Department – Drainage Division, Transportation and Planning Department** indicate no objection subject to compliance with conditions previously recommended in connection with the prior application.

3.3. **Prescribed Bodies**

3.3.1. **An Taisce** in its submission dated, 15th January, 2020 Refusal of permission is recommended. Reference is made to the significance of the location of the constrained site within the historic core of the city and, in particular, the vista from Capel Street on approach towards City Hall which is a protected view and prospect. It is contended that the proposed development is seriously injurious to this vista and to the consistent coherent scale and height to width ratio of the composition of Parliament Street.

3.3.2. **Transportation Infrastructure Ireland** in a submission notes the location within the area of the Section 49 Supplementary Development Contribution Scheme attachment of a condition should permission be granted, if appropriate. Is recommended.

3.4. **Third Party Observations**

Concerns raised in the objections include objection on grounds of negative impact on the historic architectural character of the buildings and streetscape in Parliament Street and on scale and proportions, overlooking and potential noise and disturbances affecting residential amenities of adjoining properties.

4.0 **Planning History**

P.A. Reg. Ref 3778/17 (PL 300758): The planning authority decided to grant permission for a hotel development at the buildings on the site subject of the current application for alterations and additions. Floors were omitted in a for a sixth floor, the response to a request for additional information as a result of which the permitted development is a five-storey building. The decision to grant permission for the revised proposal as shown in the further information submission was upheld following appeal. To date the grant of permission has not been taken up.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2017-2023 according to which the site area at the rear of No 20 Upper Baggot Street, is subject to the zoning objective Z5 *“To consolidate and facilitate the development of the central area, and to identify, reinforce strengthen and protect its civic design character and dignity.”*

Nos 27-31 Parliament Street, 1-2 Essex Gate and Nos 9-10 Exchange Street are included on the record of Protected Structures.

Policy CHC2 provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.

Policy CHC4 provides for the protection of the special interest and character of Dublin’s Conservation Areas. Development within or affecting all conservation areas will contribute positively to the character and distinctiveness and will take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible. The policies and objectives are elaborated on in detail in section 11.1.5.4.

6.0 The Appeal

- 6.1. An appeal was received from Brock McClure on behalf of the application on 2nd March, 2020 in which it is claimed that the existing and proposed development, will improve facilities, legibility, and management. The grounds of the appeal are against the decision to refuse permission for the additional, sixth floor and an alternative design option is included for consideration and copies of revised drawings, photomontages and landscape and a visual statement for the alternative option are provided. It is requested that permission be granted for the proposed development

as shown in the original proposal, but for the alternative design if the original proposal is not accepted:

6.2. According to the appeal:

- The current proposal is a new approach for the additional upper floor in which the applicant has sought to address the concerns of the planning authority about the impact of the upper floors in the previously permitted development under P. A. Reg. Ref. 3778/17
- The proposed additional floor is setback on all three sides so that it reduces potential for visual impact. The finishes and materials are sympathetic to adjoining buildings and helps to anchor it into its surroundings. The conservation and landscape and visual assessment demonstrate that the design has the utmost consideration for the special historic character of the protected structure and the surroundings. The additional floor is not visible at street level and only slightly from a distance.
- The frontage at sixth floor level is to have two rooms and it (and its windows) are to be aligned with the setback of the permitted fifth floor. With regard to overlooking and proximity this is not out of place for a highly developed urban area. Several buildings at similar or greater height with similar opposing windows are already in the area. There is six storey and a nine-storey building on the opposite side of Exchange Street.
- An alternative design option is included although the original design proposal is acceptable. In the alternative option the two rooms facing Parliament Street align with the other rooms and the setback is 5.1 metres whereas it is 6.2 metres in the original application.) (Photomontages/digital images are also provided showing the differences.) The alternative option avoids overlooking as the windows on the elevation are changed to reduce the west view from one window and to angle the other window southwards.

6.3. **Planning Authority Response**

There is no submission on file from the planning authority.

6.4. Observations

6.4.1. Four observer submissions were lodged with the board in connection with the appeal each of which are outlined in brief below:

1. Cutlers Management Company and Residents' Group.

6.4.2. According to the submission received on 17th may, 2020 on behalf of the owner occupiers of the building to the south side of the application site the original grant of permission under P. A. Reg. Ref. 3778/17, (in which a sixth floor shown in in the initial application was omitted in the further information submission) is supported. It is requested that consideration be given to potential for intrusiveness on the conservation area and the vista towards City Hall which would set undesirable precedent and of intrusiveness on the roof top terrace of "Cutlers" building in which the only private space for the building is located. It is also submitted that the additional floor would accentuate the scale of the glazed walkway to a large featureless glass façade in a residential setting with continuous night-time light pollution.

2. Oliver and Malin Ryan

6.4.3. In the submission received from the Ryans of Pudding Row on 1st April, 2020 objection to the additional floor is indicate on grounds of detrimental impact on architectural heritage of the are, by overlooking, increased traffic, noise and anti-social behaviour resulting in unwanted precedent.

3. Martin Mevisson

6.4.4. In the submission received from the Mr Mevisson of Parliament Street on 1st April, 2020 objection is made to the sixth floor proposed due to:

- overlooking from glass balustraded balconies to the open space and overbearing impact from it onto the adjoining building. A window for a staircase would overlook Mr. Mevisson's apartment.
- Impact of the height and zinc clad roof from the rear of Cutler's building and, Parliament Street. Views will be obstructed. It is not agreed that the visual impact is imperceptible as indicated in the landscape and visual impact assessment.

4. Philip O'Reilly.

- 6.4.5. In the submission received from the Mr O'Reilly of Grosvenor Place, Rathmines on 1st March, 2020 objection is made to the sixth floor proposed due to adverse impact on the setting of the area and historic structures and on grounds of precedent for similar developments in an area which cannot accept them, the street layout being mediaeval and narrow with an established character and profile.

7.0 Assessment

- 7.1. The elements of the application for which the planning authority decided to grant permission within its split decision are not subject to any objection from the observer parties. The internal alterations at first to fifth floor levels to provide for an additional bedroom in substitution for staircase and storage areas and the alterations to the ground floor façade providing for installation of an entrance at the ground level are all acceptable. The planning authority's decision is supported in this regard.
- 7.2. The elements of the application for which the planning authority decided to refuse permission within its split decision and which is central to the appeal and the observer submissions is the addition of the sixth floor providing for eight additional bedrooms and ancillary accommodation.
- 7.3. The issues central to the determination of the decision is that of (1) impact on the buildings on the site and adjoining buildings, many of which are included on the record of protected structures and the historic streetscape which comes within a statutory architectural conservation area and (2), the impact on the residential amenities of the apartments in buildings on Exchange Street Lower. In addition, concerns as to impact on traffic volumes and safety raised in the observer submissions are also addressed below.

Impact on adjoining historic buildings and streetscape.

- 7.4. The proposed additional floor is considered in its context as an addition to the permitted development under P.A. Reg. Ref 3778/17 (PL 300758) which has not been implemented. The height increase over that permitted is considerable at 3.3 metres, an increase from 19 to 22.3 metres. On review of the submitted landscape and visual assessment submitted it is considered that the impact of views 14 and 15

relative to the permitted development are “slight to neutral” is a conservative adjudication. Owing to the visual dominance and mass and height of the additional element to be added to the permitted development, the proposed development would have a more significant negative impact particularly given the sensitivity of the surrounding built environment and existing proportions in building form in conjunction with the and strong parapet lines the streetscape which is central in the formal precinct from Capel Street towards City Hall where the vista is terminated.

- 7.5. It is also agreed with the planning officer that the additional element proposed would be visible from Grattan Bridge, Wellington Quay and, from and the western end of Essex Street East. It is unclear as to whether and, if so, to what extent the additional element would come into the views on approach from Capel Street, The reservations as to the photomontages are fully representative of the impacts in entirety expressed in the Planning Officer’s report are considered reasonable having regard to selection of vantage points and clarity of images.
- 7.6. The additional floor exacerbates the impact on the proportions and dimensions by way of the increased vertical emphasis and height of the permitted additions above the parapet. This is a concern for both the presentation onto Parliament Street and to the rear at Exchange Street/Essex Gate. The concerns as to additions above those that are permitted above parapet level are not overcome in the current proposal. However, in views northwards along Lower Exchange Street from the south, the proposed addition does have visual connectivity with the elements of the building in the foreground of the east side of the street which project above the parapet line.
- 7.7. In view of the foregoing, Reason No 1 of the decision of the planning authority to refuse permission is supported in that the proposed development would be in conflict with section 11.1.5.3 and Policy Objective CHC 4 of the CDP.

Impact on Residential Amenities of Adjoining Apartments.

- 7.8. With regard to impact on the residential amenities of the apartment on the opposite side of Lower Exchange Street, Reason No 2 of the planning authority’s decision is supported due to the limited separation distance across the street and potential for overlooking, and perceptions of overlooking and intrusiveness into privacy and overbearing impact. The alternative option providing for a setback for rooms facing

towards the development on the opposite side of the street would ameliorate but would not overcome the negative impact. While flexibility with regard to the extent to which standards of amenity should be protected is warranted within a central city area of intensive mixed use development it is considered that for the degree of diminution in standards of attainable residential amenity at the apartment on the opposite side of the street would be considerable and that it would also be devalued.

Impact on traffic volumes and vehicular and pedestrian safety.

- 7.9. Although the proposed development, would result in an increase in total bedrooms, either five, if the sixth floor is not permitted, or thirteen if it is permitted, it is not agreed that the increased intensity of development would give rise to any significant increase in traffic volumes in the area or demand for drop off and collections that would affect flows and vehicular and pedestrian safety.

Environmental Impact Assessment Screening.

- 7.10. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment Screening.

- 7.11. Having regard to the nature of the proposed development and the permitted development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that it be decided that the planning authority's split decision should be upheld. A draft order follows.

9.0 Draft Decision.

(1) Grant permission for:

façade alterations at ground level of Nos 30 and 31 Parliament Street with a new door to the existing shopfront.

change of use of first to fourth floor of the existing north facing stairwell to four hotel bedrooms, one at each level and,

change of use of the fifth-floor level linen store to a hotel bedroom with small internal configurations of linen and cleaning store around the eastern stairwell.

Reasons and Considerations

It is considered that the proposed development, subject to the conditions set out below, would not adversely affect the integrity and character of the existing and surrounding buildings or seriously injure the visual amenities residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be in accordance with Condition Nos 1 – 11 attached to the grant of permission under P. A. Reg. Ref..4597/19 on 4th February, 2000 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

(2) Refuse Permission for:

The addition of a 294.2 square metres sixth floor level comprising eight bedrooms, access via two stairwells, two lifts and a service lift.

Reasons and Considerations

- (1) The proposed development of the addition of a sixth floor would constitute a visually obtrusive form of development due to its height, scale and massing, would represent an overdevelopment of the subject site which would fail to integrate with the existing and surrounding development and would therefore adversely affect the character and setting of the protected structures and the streetscape within the Architectural Conservation Area, especially in views on approach from Capel Street to the north along Parliament Street towards City Hall. As a result, the proposed development would be contrary to Section 11.1.5.3 and Policy CHC 4 of the Dublin City Development Plan 2016-2022, would set precedent for similar development and would be contrary to the proper planning and sustainable development of the area.”
- (2) “The proposed development would give rise to overlooking and perceived overlooking and an overbearing impact on apartments on Exchange Street Upper opposite the site as a result of which the proposed development would devalue and seriously injure the residential amenities of adjoining property and would be contrary to the proper planning and sustainable development of the area.”

Jane Dennehy
Senior Planning Inspector
12th June 2020.