

An
Coimisiún
Pleanála

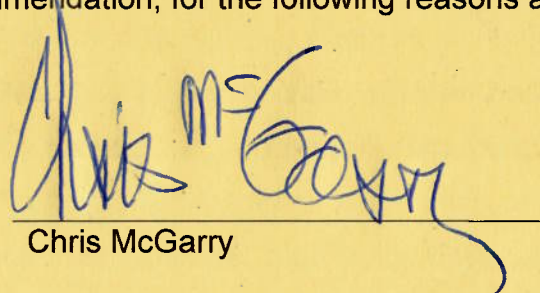
Direction
CD-022305-26
ACP-323120-25

The submissions on this file and the Inspector's report were considered at meetings held on 22/06/2026 and 29/06/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Chris McGarry

Date: 10/07/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. It is considered that the proposed building, by reason of design, scale and massing, including the uniform building height for most of the building footprint, especially as read along its north-south axis and the lack of an identifiable standalone slender element, is excessive, bulky and overbearing within the context of the subject site. The proposed design, incorporating a collage of architectural expressions, fails to breakdown the building into clearly articulated forms to reduce the massing, bulk, and overall extent of its scale at this location, whilst also failing to clearly define the building height in an appropriate manner at this prominent corner site.

In this regard, it is considered that the proposed development would be contrary to the requirements of Policy SC 17 (Building Height), Policy SC19 (High Quality Architecture), Policy SC21 (Architectural Design) and Section 15.5.1 (Brownfield, Regeneration Sites and Large Scale Development) and Chapter 13 SDRA 6 which sets out that building height should be *'expressed vertically, and where forming part only of a larger building should not extend horizontally along the block such that its visual prominence is flattened'*. Furthermore, it is considered that the proposed building, with an overall height of some 61 metres above ground level, would not accord with the provisions of Tables 3 and 4 Appendix 3 – Building Height Strategy of the Dublin City Development Plan 2022-2028, which aim to encourage innovative, high quality urban design and architectural detail in all new development proposals, that positively contribute to the city's built and natural environment and incorporate exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage. Having regard also to the text on pages 236-237 of the development plan Appendix 3, which lists criteria all of which must be demonstrated to allow for a landmark/tall building to be considered favourably outside of locations specifically identified as being suitable (these include that the building, will emphasise a point of particular civic or visual significance... will act as a strategic intervention, a catalyst for regeneration... will bring significant planning gain to the community, including measures such as substantial upgrades to the public realm, significant new social and community infrastructure for the benefit of the wider area), it is considered that the proposed development would not be in accordance with the relevant provisions of the development plan and that no exceptional circumstance arises which would support this particular building form at this subject site as required by the above mentioned development plan policy.

The proposed development is also considered not to accord with the relevant provisions, of Section 3.2-Development Management Criteria of the "Urban Development and Building Height Guidelines for Planning Authorities" issued by the Department of Housing, Planning and Local Government in 2018, including with regard to the scale of the site/building (design, scale and massing and resultant impact on the adjacent properties to the east, the setting of

protected structures and visual impact as regards the River Liffey Conservation Area). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed design is not considered of sufficient architectural quality so as not to detract from the character of the River Liffey Conservation Area where Policy BHA9 requires 'Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area'. The design of the eastern elevation is not considered an appropriate backdrop for Protected Structures at number 9 City Quay, Presbytery (noting its balanced eastern façade with its central focus) and numbers 10-12 City Quay, Church of the Immaculate Heart of Mary. In particular, the significance of the introduction of a blank facade for almost the entire length of the building from ground to fifth floor with floors three to five clearly visible from the eastern approach to the site along City Quay, the River Liffey, the northern side of the river and the rear of the site along Gloucester Street South has not been adequately articulated and expressed in the application documentation including the visual impact assessment and heritage townscape visual impact assessment. By reference to the above mentioned protected structures, the proposed development would be contrary to policy BHA2 (d) to '*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 is further considered that the proposed development, by reason of the design, scale and massing, including the uniform building height for most of the building footprint, especially as read along its north-south axis and the precise configuration of building elements proposed, would result in a negative visual impact on views of the Custom House when viewed from the identified *Key Views and Prospects* of the Development Plan, that being views from the north looking south towards the Custom House from Gardiner Street as set out in Figure 4-1 of the Dublin City Development Plan 2022-2028.

The overall design and scale of the proposed development including the eastern and western elevations, in particular, and with a lack of any defining

standalone vertical emphasis, would be contrary to Policy SC22 *Historical Architectural Character* of the Development Plan which seeks to facilitate new development which is in harmony with the city's historical spaces and structures and section 15.4.2 *Architectural Design Quality* as it relates to design, urban form and layout 'which should be distinguished by exploiting vistas'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In reaching its decision the Commission completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development.
- (b) The environmental impact assessment report and associated documentation submitted with the application.
- (c) The submissions from the planning authority, applicant, third parties and prescribed bodies in the course of the application; and
- (d) The report of the Planning Inspector.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Commission is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. Having regard to the examination of environmental information contained above, and in particular in the EIAR and supplementary information provided by the applicant, and the submissions from the planning authority, prescribed bodies and the third party appellants, the Commission considered and agreed with the Planning Inspector's **reasoned conclusions**. It is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- The overall design, height, scale and mass of the proposed development, there is concern that the proposed development will have a significant negative impact on the River Liffey Conservation Area which seeks to protect built heritage along the quay, Protected Structures No.9 City Quay, Presbytery and

Nos.10-12 City Quay, Church of the Immaculate Heart of Mary, and views of the Custom House from the north looking south towards the Custom House (from Gardiner Street) as set out in Figure 4-1 of the Development Plan.

In reaching its decision, the Commission noted, agreed with and accepted the conclusion of the inspector and determined that adverse effects on site integrity of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects