



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4677/19

Appeal by Olema Property Holdings Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 13th day of August 2020 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of a 52-bedroom expansion of the Iveagh Garden Hotel by:

- change of use of 71 Harcourt Street from office to hotel, with associated internal reconfiguration and removal of internal partitions,
- construction of one to seven storey (over double basement) extension to the rear of 70 and 71 Harcourt Street,
- new openings in the rear elevation of number 71 to connect to the extension,
- construction of additional set-back floor above 71 Harcourt Street.

The new hotel accommodation in the extension to Iveagh Garden Hotel will consist of:

- lower basement (Level -2) accommodating storage and plant,
- basement (Level-1) accommodating meeting rooms, toilets and plant,
- lower ground level to provide new link to Iveagh Garden Hotel under Stable Lane with accommodation including meeting rooms and bedrooms,
- ground to fifth floor to accommodate hotel bedrooms,
- cantilevered external plant area on south elevation at third floor level.

The development will include demolition of 20th century extension to the rear of number 70 Harrington Hall, creation of new entrance to 71 Harcourt Street from Stable Lane and all associated site development works and services at 71 Harcourt Street and to the rear of 70 Harcourt Street (Harrington Hall), Dublin. The site connects to 72-74 Harcourt Street, Dublin (Iveagh Garden Hotel) via Stable Lane. 70 to 74 Harcourt Street (inclusive) are Protected Structures.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Dublin City Development Plan 2016 - 2022,
- (b) the nature, extent and location of the proposed works,
- (c) the site's planning history,
- (d) the submissions and observations received,
- (e) the decision of the planning authority, and
- (f) the report of the planning inspector.

The Board was satisfied that, subject to compliance with the conditions as set out below, the proposed development would sensitively integrate into the existing context, would not seriously injure either the character or setting of the adjoining protected structures, would consolidate an established land use and would be acceptable in terms of both the visual and residential amenities

of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development, subject to compliance with amending condition 2 below, would not create the overbearing impact or unduly injure the architectural character and setting of the existing buildings at Numbers 69 and 70 Harcourt Street. The proposed development would not seriously injure the architectural character and special interest and setting and integrity of these existing buildings which are included on the record of protected structures and would not seriously injure the residential amenities of the adjoining residential community building. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 17th day of July 2020, 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 southern projecting bedroom block shall be omitted in its entirety. This includes the omission of rooms numbered 3, 4, 11, 12, 20, 21, 28, 29, 37, 38, 44 and 45. The residual open space shall be appropriately landscaped. Revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority indicating the revised design.

Reason: In the interest of residential amenity.

3. 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.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Prior to commencement of development, the developer shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, 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 management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. 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.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2021.