

## An Bord Pleanála



## Inspector's Report

**PL 29S.246621**

### Development

Refurbishment, restoration and new extension, including change of use of UCD School of Engineering to the National Children's Science Centre.  
(Protected Structure)

The National Concert Hall, Earlsfort Terrace, Dublin 2

### Planning Application

Planning Authority: Dublin City Council

Planning Authority Ref.: 2362/16

Applicant: Commissioner of Public Works

Type of Application: Planning permission

Planning Authority Decision: Grant permission

### Planning Appeal

Appellant(s): Irish Real Tennis Association

Type of Appeal: Third v grant

Observers: Several

Date of Site Inspection: 15<sup>th</sup> August 2016

**Inspector:** Karla Mc Bride.

## **1.0 INTRODUCTION**

### **1.1 Site and location**

The appeal site is located within the grounds of the National Concert Hall on the south side of Dublin City Centre. The surrounding area is characterised by a mix of office, educational, institutional and cultural uses and there are a variety of building types and heights in the vicinity.

The site comprises the N and part of the E wings the National Concert Hall building which was formerly occupied by the UCD School of Engineering, a single storey workshop building to the rear, the Real Tennis Building to the side, and a small portion of the Iveagh Gardens including a section of the boundary wall of the garden.

The site is bound to the N by office buildings which front on to St Stephen's Green South and to the W by the Iveagh Gardens, and the overall site of the NCH is bound to the E by Earlsfort Terrace and to the S by Hatch Street Upper.

The National Concert Hall, Real Tennis Court and Iveagh Gardens are Protected Structures.

The attached photographs and maps describe the site in some detail.

### **1.2 Proposed Development**

Permission is being sought to change the use of the former UCD School of Civil Engineering to the new National Children's Science Centre which will comprise the following works:

- Refurbish and restore the N and part of the E wings of the NCH
- Refurbish and restore the Real Tennis Building
- Demolish and reconstruct the existing single storey structure to the side of the Real Tennis building (220sq.m)
- Construct a new underground link tunnel to connect the NCH with the Real Tennis Building
- Construct a new 4-storey over basement extension with planetarium dome to the rear/W of the NCH (N wing)
- Demolish the existing 2-storey stone workshop building (450sq.m)
- Demolish the existing maintenance shed (102sq.m.)
- Demolish part of the W boundary wall with the Iveagh Gardens
- All associated site works which include landscaping, railings, paving, lighting and access ramps.
- Total floor area of 9,580sq.m on a 0.837ha site

***Accompanying documents:***

- Planning Report
- Architectural Heritage Impact Assessment
- Photographic Record of Workshop
- Archaeological Desk Study
- Appropriate Assessment Screening Report
- Bat Survey Report
- Tree Condition Report
- Transport Statement
- Flood Risk Assessment
- Drainage & Watermains Report

**1.3 Planning Authority's Decision**

The PA decided to grant planning permission subject to 12 conditions.

- Condition no. 3 set out detailed conservation requirements.

This decision reflects the report of the City Planning Officer.

***Interdepartmental reports:***

*City Conservation Officer* had no objection subject to conditions.

*Transportation Department* had no objection subject to conditions.

*Drainage Department* had no objection subject to conditions.

*Waste Regulation* had no objection subject to conditions.

***Submissions:***

A large number of observations from Ireland and around the world raised concerns in relation to the impact of the works on the Real Tennis Building. The works do not include the full restoration of several original features, such as the penthouse galleries, which would enable Real Tennis matches to be played on the historic court in the future.

The Irish Georgian Society shared the above concerns.

One observation raised concerns in relation to the possible removal of the Count John McCormack statue in the Iveagh Gardens.

***Prescribed Bodies:***

*An Taisce* raised concerns in relation to the impact of the proposed new extension on the Protected Structures and the visual impact as viewed from the Iveagh Gardens, and it favours the return of the Real Tennis building to its original use.

*Transport Infrastructure Ireland* requested the inclusion of a condition requiring a Section 49 Metro North Levy.

**1.4 Planning history**

***PL29S.109433*** - Permission granted in 1999 for extensions to and a change of use of the Real Tennis Building to a 320 seat recital hall subject to 3 conditions, 2 of which related to conservation concerns. Permission not implemented.

***Reg. Ref.: 2127/12***: Permission granted for a temporary change of use of part of the NCH/UCD building from educational to public art galleries and ancillary accommodation for IMMA.

***Reg. Ref.: 2479/15***: Permission granted for the re-use and modifications of the existing three principal rooms at first floor level in the NCH as a Recital Hall space for public performance; repair works to windows; removal of 20<sup>th</sup> century ceilings, walls and floors; ventilation duct works and access ramps; and associated site works.

***PAC0387/15 & 0460/15*** - Two pre-planning consultation took place and concerns were raised in relation to the conservation issues including demolition of the workshop, the treatment of the Real Tennis Court and the relationship to the Iveagh Gardens.

**2.0 ARCHITECTURAL HERITAGE GUIDELINES FOR PAs, 2004**

These Guidelines provide a practical guide in relation to Part IV of the 2000 Planning Act which deals with the protection of architectural heritage in respect of the Record of Protected Structure, Architectural Conservation Areas, Declarations and Places of Worship as well as development control advice and detailed guidance notes on conservation principles.

### 3.0 DUBLIN CITY DEVELOPMENT PLAN 2011-2017

#### ***Zoning objectives:***

The NCH site is located within an area covered by the Z8 zoning objective which seeks “To protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective”. Cultural and educational buildings and uses are permissible within the Z8 zone.

The Iveagh Gardens site is located within an area covered by the Z9 zoning objective which seeks “To preserve, provide and improve recreational amenity and open space and green networks”. Open space is a permissible use, and cultural/recreational buildings and uses are open for consideration within the Z9 zone.

#### ***Heritage:***

- The site is located within a Conservation Area
- The following are designated Protected Structures:
  - National Concert Hall: RPS 2425
  - Real Tennis Court: RPS 2426
  - Iveagh Gardens: RPS 7791
- There are several other Protected Structures in the vicinity including Iveagh House to the N.

#### ***Section 17.10.1: Works to Protected Structures***

In determining applications which relate to protected structures or their setting the authority will take into account:

- The importance of the building, its intrinsic special architectural and/or historic interest and rarity.
- Particular physical features of the building, external and internal.
- The extent and impact of interventions and alterations proposed and already taken place, excluding any unauthorised development.
- Setting and contribution to streetscape.
- Extent to which the proposed works would bring substantial benefits to the community.

### ***Section 17.10.2: Development within the Curtilage of a Protected Structure***

In considering applications for development within the curtilage of a PS, the planning authority shall have regard to the following:

- The protected status of the structure and the need to protect its special character.
- The various elements of the structure which give the protected structure its special character and how these would be impacted on by the proposed development.
- Proximity of any new development to the main protected structure and any other buildings of heritage value.
- The design of the new development, which should relate to and complement the special character of the protected structure.

### ***Section 17.10.8.1: Development in Conservation Areas***

All new buildings should complement and enhance the character and setting of conservation areas. In considering proposals for development in conservation areas, it is policy to have particular regard to:

- The effect of the proposed development on buildings and the surrounding environment, both natural and manmade.
- The impact of development on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed.

Development within conservation areas should be so designed so as not to constitute a visually obtrusive or dominant form of development. New alterations and extensions should complement existing buildings/structures in terms of design, external finishes, colour, texture, windows/ doors/roof/ chimney/design and other details.

## **4.0 APPEAL**

### **4.1 Third Party appeal**

The Irish Real Tennis Association (IRTA) has no objection to the proposed National Children's Science Centre but it objects to the proposed interventions to the Real Tennis Building.

***Background:***

- The IRTA was formed in 1998 after it was proposed to convert the Real Tennis Court into a music recital hall, and it aims to restore the court to playing use and manage the facility which dates back to the late 1800s and the game which originated in the 14<sup>th</sup> century.
- Real tennis courts requires galleries with sloping roofs (penthouses) around 3 sides, several openings into which the ball may be struck (dedans), and other distinctive features including a vertical buttress off which the ball may be deflected across the court (tambour).
- The uninterrupted walls, the galleries and penthouses, the tambour and the lofty roof are essential to the playing of the game and the proposal would prevent the reintroduction of these features and put the building beyond further use for real tennis.
- The IRTA provided a detailed proposal to the OPW in 2012 to reuse the only remaining Real Tennis court in Ireland for games.
- The application indicates that the building will be refurbished however the works include conjectural interventions that are not in keeping with the building's original structure or special character and the OPW has a special responsibility and duty of care to the preservation of cultural heritage.

***Issues of concern include:***

- There is no rationale for the proposed re-use of the Real Tennis Building (RTB) as there is ample space in the main UCD building.
- The inappropriate interventions would put the RTB beyond use including the:
  - Removal of the inserted upper storey
  - Removal of the partition to the court
  - The insertion of a new doorway in the playing wall.
- Doors should be located in the footprint of the penthouse galleries so as not to interfere with the playing surface; and cutting into the limestone walls would not be reversible.
- The proposed polishing of the limestone walls and floors is inappropriate as it was the original practice to sand them.

- The proposed creation of an opening in the N end of the W wall (the dedans end) along with the removal of modern brick infill is questionable as there may not ever have been an opening on to the playing area of the court at this location.
- Request the Board to issue a split decision approving the main body of the proposal and to refuse the works to the RTB, which is a minor part of the overall scheme.
- The architectural value of the court & building, and the heritage & social value of the facility are identified in accompanying reports.

***Consideration of PA position:***

- The planning observations were given insufficient weight.
- The existing and proposed cultural uses of the RTB which is a PS within the Z8 zone were not adequately balanced by the PA.
- The Conservation Officer has not sufficiently or rigorously questioned the applicant's architectural assessment or queried why the original cultural use could not be restored.
- The proposal will have a very minor role in reversing previous unsympathetic interventions by UCD and it is not needed to conserve the building.
- The nature of the proposed interventions does not suggest that a conservation approach has been adopted in the design of the works; there is no detailed analysis of the building or justification for each intervention; as the building & roof are in a good state of repair there is no need for any interventions to safeguard the physical fabric of the building; and the works are not conservation led as they will not reinstate any missing original features.
- The re-use of the RTB as a temporary exhibition space is incompatible with its restoration as real tennis could not be played.

***Grounds of appeal:***

- Proposal is incompatible with the function and character of the Real Tennis facility which is located within a Protected Structure:
  - The proposed “temporary interactive display space” does not require the features of the Real Tennis Court.



- Such an original and traditional sports building may not be ideal for hosting contemporary science exhibitions which should be located in another part of the campus.
- There is no clearly stated intention to restore the building to its original form or intended use.
- Unclear whether or not missing sections of limestone floors will be sympathetically replaced.
- Real tennis could not be played as:
  - There are no plans to reconstruct the penthouses
  - The access doorway would be located between the tambour and the net
  - The reopening of a purported ope on the landing of W the staircase would breach the playing surface
  - Unclear whether the floors and walls would be finished to a playable surface.
  - The proposed lift would play no rear purpose.
  - The entrance and circulation proposals disregard the character, design and function of the RTB.
- Proposal does not promote best architectural practice:
  - The RTB is of great significance and it is largely intact and could easily be restored to its original configuration.
  - The exhibition use is not incompatible with the occasional use of the building for Real Tennis matches.
  - Proposed treatment of the space is unnecessarily intrusive.
- **Contrary to the Architectural Heritage Guidelines for PAs:**
  - Sections 6.4.1, 7.2.1, 7.3.1, 7.6.1 and 7.7.2 are relevant.
  - Works will cause unacceptable damage to the protected structures character and special interest.
  - The lack of restoration of key elements such as the penthouses will adversely affect the character of the building.
  - Value and distinctiveness of the building will be diminished.

- ***Contrary to the provisions of the Development Plan***
  - Policies FC20-22, FC30-32 and FC37 along with Sections 6.4.7, 7.1.3, 17.10.1 and 17.10.4, in relation to conservation, sports and tourism are relevant.
  - Works cause damage to the special character of the RT facility by rendering the facility unsuitable for that purpose.
  - Works frustrate the future use of the RT facility as a real tennis court without the restoration of the original features.
  - The proposed new use is not strategic and could be accommodated anywhere.
  - The new use is incompatible but could be rendered compatible subject to some amendments.
  - The Conservation report contained insufficient information.
  - The use of the building for real tennis matches would contribute to the tourist potential of Dublin and would promote and enhance existing cultural assets.

#### **4.2 First Party response**

***The OPW submission was accompanied by:***

- An Architectural Report:
  - Appendix A: Stone Clean Report
  - Appendix B: OPW Measured Limestone Survey
  - Appendix C: Letter from Conservation Architects Blackwood Associates
  - Appendix D: Planning Drawings
- A Planning Report
- A Response Report from the National Children's Science Centre
- Letters of support

**Main points:**

- The plan, height and volume of the RTB make it an ideal building for visiting exhibitions which are vital to the success of any Children's Science Centre.
- The restored and refurbished RTB shows the layers of history along with a compatible new use.
- The visiting exhibition space is 20% of the total exhibition space available to the NCSC:
  - The RTB is 500sq.m. of which 370sq.m would be used for exhibition space & 130sq.m. for storage, which is the minimum to be culturally relevant and financially viable.
  - There are currently 459 (not 236 as stated) travelling exhibitions (200sq.m to 1000sq.m.) listed on [www.extrascience.eu](http://www.extrascience.eu) of which:
    - Under 500sq.m.: 144 exhibitions
    - Over 500sq.m.: 315 exhibitions
  - External storage would increase the number of exhibitions to 236 or 50% the total available.
  - The installation of penthouses and gallery would reduce and restrict the available temporary exhibition space which would limit the number of travelling exhibitions be accommodated.
  - The main NCH building needs to be physically connected to the RTB in order for the NCSC and the Exhibition Centre in order to function logistically and financially.
- Occasional Real Tennis matches could be played in this space as the OPW is restoring the key floor and wall elements of the game, temporary penthouses could be installed & removed for matches.
- The NCH building does not contain available space for visiting exhibitions, it comprises a series of discreet spaces of limited height
- The RTB would be returned to its original shape, size and volume whilst also responding to statutory requirements for universal access and fire regulations.

- Proposed works comply with Development Plan zoning objectives, policies and standards, and they promote the sustainable reuse of old buildings and the sustainable development of the City.
- The OPW has a long and distinguished history of best practice conservation, restoration and refurbishment of historic buildings.
- The Boards conservation conditions in respect of a previous proposal for the RTB (PL29S.109433) have been met.
- The Architectural Services of the OPW are a Grade 1 listed practice that has won many awards.
- Several letters of support from national and international science and educational institutions.

### 4.3 Observers

**An Taisce** raised concerns in relation to:

- The impact of the proposed 4-storey building on the Iveagh Gardens and the removal of a section of the historic stone boundary wall between the park and the NCH lands. Request a reduction in the extent of (or omit) the removal of the wall and maintain the existing green edge and setting of the park.
- Support the concerns of the IRTA in relation to the RTB which is a rare and historically/socially/culturally significant building and an example of Ireland's sporting heritage. Request that the plans are revised to provide for the full restoration of the Real Tennis Court.

**Johnathan Irwin** raised concerns in relation to:

- The adverse impact on the Real Tennis court.
- Details provided of the specifications of a Real Tennis court.
- Lawn tennis evolved from real tennis but the courts have no similarity apart from the net in the middle.
- The Real Tennis court is the only enclosed court now left in Ireland.
- Although a minority sport in Ireland it is very popular in university towns in England.

#### **4.4 Further Third Party correspondence**

The Irish Real Tennis Association stated the following in response to the Applicants response submission:

- The works do not meet the OPW's stated aim to return the building to its original volume or to facilitate the future playing of real tennis as the original shape, size and volume included the penthouse walls
- Penthouse walls are 2.1m high solid masonry walls built around 3 sides of the court, they are set 2.3m from the outer walls of the court and punctuated with openings (for spectators to view the match) and will lean to timber roofs and nets.
- The penthouses can be re-instated in accordance with best practice guidelines as per the 2004 Guidelines, and would be evidence based, and would also comply with Fire Regulations.
- The OPW do not wish to interfere with the special character of the Butler building but are willing to interfere with the special character of the RTB, and both buildings are Protected Structures.
- There is no such thing as temporary penthouse galleries, feasibility studies of demountable penthouses concluded that play quality would be compromised as the walls would not be substantial.
- The dimensions of the RTB are incorrect, many of the exhibitions listed by the applicant would be too large, and less than 100 would be suitable for the space with or without the penthouses.

#### **4.5 Planning Authority response**

No response from the Planning Authority.

#### **4.6 Prescribed Bodies**

The appeal was not circulated to any additional prescribed bodies.

## **5.0 REVIEW OF ISSUES AND ASSESSMENT**

The main issues arising in this case are:

1. Principle of development
2. Design, layout and visual amenity
3. Built heritage
4. Other issues

### **5.1 Principle of development**

The proposed development would be mainly located within an area zoned “Z8” in the Development Plan which seeks “To protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective” and the proposed cultural and educational uses are permissible. A small section of the proposal would be partly located within the Iveagh Gardens which is zoned “Z9” which seeks “To preserve, provide and improve recreational amenity and open space and green networks”. Open space is permissible use whilst cultural and recreational buildings and uses are open for consideration. The proposed development of the site for a National Children’s Science Centre would be compatible with these zoning objectives and the proposal is therefore acceptable in principle.

### **5.2 Design, layout and visual amenity**

#### **5.2.1 Context**

The proposed development would be located within the grounds of the National Concert Hall (NCH) at Earlsfort Terrace and beside the Iveagh Gardens. The existing buildings on the appeal site were originally occupied by the Royal University which later became University College Dublin and then the National Concert Hall. The N and part of the E wings of the NCH, the Real Tennis Building (RTB) and the workshops were most recently occupied by the UCD School of Engineering. The RTB was used as an engineering lab/workshop.

The internal layouts of the NCH and the RTB have been altered over the years to reflect the uses to which they were put. The main alterations relate to the installation of partitions to provide offices, workspaces and ancillary accommodation in the NCH, and the removal of features from the RTB, such as the penthouse galleries. However the original fabric of both buildings remains largely intact.

The proposed development of the new National Children's Science Centre (NCSC) would comprise the following main components:

- Refurbishment & restoration of the NCH/UCD (N & part of E wings)
- Refurbishment and restoration of the RTB
- Demolition of workshops and part of the boundary wall
- Construction of a new 4-storey over basement building and plaza

### **5.2.2 Refurbishment and restoration of the NCH**

The N and part of the E wings of the NCH, which is a designated Protected Structure, would be refurbished and restored on all floor levels to provide space for the NCSC and ancillary accommodation. There would be very minor changes to the N elevation to provide a new main entrance and the external fire escape structure to the rear W would be removed. The proposed works would not have any significant adverse impact on the visual amenities of the area and issues related to conservation and heritage will be addressed in section 5.3.2 below.

### **5.2.3 Refurbishment and restoration of the RTB**

The Real Tennis Building would be refurbished and restored to provide a space for temporary travelling science exhibitions which would be linked to the NCH/UCD by an underground tunnel. The existing single storey structure located along the S elevation of the building would be demolished and rebuilt to match the RTB which is acceptable. The proposed works would not have any significant adverse impact on the visual amenities of the area and any issues related to conservation and heritage will be addressed in section 5.3.4 below.

### **5.2.4 Demolition of workshops and section of boundary wall**

The existing stone workshop and ancillary buildings would be demolished to make way for the new 4-storey over basement building to the rear W of the NCH/UCD. A photographic record has been made of the stone workshop and the stones will be re-used elsewhere in the project which is considered to be acceptable.

It is also proposed to demolish a section of the original stone boundary wall between the NCH/UCD site and the Iveagh Gardens to provide a new plaza or public space. This new space will connect the existing Iveagh Gardens to the new 4-storey building and National Children's Science Centre which, on balance, is considered acceptable in terms of visual amenity, connectivity and the public realm.

These elements of the proposed works would not have any significant adverse impact on the visual amenities of the area. Any issues related to conservation and heritage will be addressed in section 5.3.3 below.

#### **5.2.5 New 4-storey building with plaza**

The new 4-storey over basement building with a planetarium dome would be located to the rear W of the NCH/UCD along the boundary with the Iveagh Gardens. It would be integrated with the existing building to form the new NCSC with a new plaza that would open on to the NW section of the Iveagh Gardens.

The proposed new 4-storey over basement flat roofed building would be approximately 3,500sq.m. and 39m wide, 21m deep and 20m high. The limestone clad building would have a contemporary design with extensive glazing with deep stone fins and stringers on the W facing elevation whilst the N and S elevations would be more solid on the upper levels with open areas at ground to first level. The proposed rheinzink clad dome to the planetarium would have a diameter of c.35m and it would rise to a maximum height of c.7m.

The new building would open on to a public plaza which would be approximately 960sq.m, and 80m wide and 12m deep. The plaza would be partly landscaped and railed, with steps and ramps, and it would connect with the neighbouring Iveagh Gardens.

The height of the proposed building would be similar to the height of the rear section of the existing building but higher than the existing N wing, whilst the planetarium dome would be significantly higher than the existing NCH/UCD building. However given the substantial set back from the public footpath and the front elevation of the N wing (c.85m and 68m respectively), and the overall scale of the dome relative to the NCH building, the impact on the visual amenities of the surrounding area would not be adverse.

The proposed plaza would make a positive contribution to the public realm which would be balanced against the loss of trees in the neighbouring Iveagh Gardens and a section of the original boundary wall between the gardens and the NCH site.

These elements of the proposed works would not have any significant adverse impact on the visual amenities of the area. Any issues related to conservation and heritage will be addressed in section 5.3.3 below.



## **5.3 Built heritage**

### **5.3.1 Context**

The proposed development would be located within the grounds of the National Concert Hall, which along with the neighbouring Iveagh Gardens and surrounding streets, is located within a Conservation Area. The National Concert Hall, the Real Tennis Building and the Iveagh Gardens, along with several neighbouring buildings are designated Protected Structures. The boundary walls and stone workshops all lie with the curtilage of the Protected Structure.

In terms of the historical context, according to Christine Casey in *The Buildings of Dublin* “The story begins with the gardens.”

The Iveagh Gardens are the original pleasure grounds of the 1865 Dublin Exhibition, whose Great Hall is now the auditorium of the NCH. The buildings and gardens were originally integrated for the 1865 Exhibition. In 1882 the buildings were bought by the government to house the Royal University and the gardens were acquired and enclosed by Edward Cecil Guinness. What remains of the original Exhibition Building, including the concert halls, lecture and reading rooms, is concealed behind the limestone front of the NCH building, which was built by UCD in 1914. According to Casey, the Iveagh Gardens, though abruptly truncated by a wall at the E end, otherwise preserve intact the original design and layout of the 1865 Exhibition.

Casey also describes the Real Tennis Building as the former Real Tennis Court of Iveagh House which has a red brick gabled wall built for Edward Cecil Guinness in 1884 by the engineer to the Guinness Brewery.

Section 17.10.1 of the Development Plan requires that new developments should have a high standard of layout and design in order to ensure that the character and setting of the protected structure is protected.

Section 17.10.2 requires that consideration be given to the impact of new development within the curtilage of a protected structure, on the special character of the structure and any other buildings of heritage value, and that the design of the new development should relate to and complement the special character of the structure.

Section 17.10.8.1 of the Development Plan requires that all new buildings in Conservation Areas should complement and enhance the character and setting of conservation areas... with respect to the effect

on of any new development on buildings and the surrounding environment, and on the immediate streetscape in terms of compatibility of design, scale, height, plot width, roof treatment, materials, landscaping, mix and intensity of use proposed.

### **5.3.2 *National Concert Hall***

The N and part of the E wings of the NCH, which is a designated Protected Structure, would be refurbished and restored on all floor levels. The proposed works would include the removal of all internal partitions and intrusive non-original additions to the building to provide space for the NCSC and ancillary accommodation. All original internal features including roof lights, ceilings, floors, doors, windows and woodwork would be restored and a new main entrance door would be inserted in the position of an existing window in the N elevation.

The application was accompanied by a Conservation Report and photographic survey of the main elements of the building. The Council's Conservation officer was satisfied with scale and nature of the proposed works subject to compliance with a series of very detailed conservation conditions.

The proposed refurbishment and restoration works are considered appropriate for the building, they are in keeping with the 2004 Architectural Heritage Guidelines and they will ensure the sustainable reuse of the building.

### **5.3.3 *The new building and the Protected Structures***

The new 4-storey over basement building with planetarium dome would be located to the rear W of the existing NCH/UCD building and to the E of the neighbouring Iveagh Gardens. The NCH/UCD building and Iveagh Gardens are Protected Structures located within a Conservation Area. The Real Tennis Building in the NE section of the site and the neighbouring building to the N at Iveagh House, St. Stephen's Green South are also Protected Structures.

The new building is described in detail in section 4.3.5 above and the works would comprise the demolition of an old stone workshop and ancillary buildings, along with a section of the stone boundary wall with the Iveagh Gardens.

The new 4-storey over basement building would have a contemporary design in contrast to the original building on the site and the buildings would be connected by a c.1.5m deep light steel glazed link. This link would provide for a distinct separation between the old and new and it

would minimise any impact to the stone walls and the buttress and stone toothing feature on the rear corners of the existing building. This arrangement is considered to be acceptable in terms of protecting the integrity, character and setting of the Protected Structure.

The difference in height between the existing and proposed buildings would not be significant and given the substantial set back from the public footpath and the front elevation of the existing building (as described in section 4.3.5 above), the impact of the new building on the on the integrity, character and setting of the Protected Structure would not be adverse. The planetarium dome would be located to the NW of the NCH/UCD building. Although the dome would rise above the height of Protected Structure its impact on the character and setting of the original building would not be significant having regard to the scale of the dome relative to the scale of the NCH/UCD building.

Having regard to all of the above, I am satisfied that the relationship between the proposed new 4-storey over basement building and the existing building would be acceptable and that the new building would be subordinate to the neighbouring Protected Structure.

The new building would be well set back from the Real Tennis Building to the NE and Iveagh House to the N at St Stephen's Green South, and the integrity of these Protected Structures would not be adversely affected by the proposal.

The demolition of a section of the boundary wall between the NCH/UCD site and the Iveagh Gardens and the creation of a plaza to connect the two sites is considered acceptable, particularly having regard to the historical context outlined above which describes the two sites as originally being interconnected. The proposed works would also result in the loss of mature trees in the Iveagh Gardens and the view from the Gardens towards the NCH site would be altered. However, on balance, the new building and plaza would make a positive contribution to the public realm and the works would not affect the integrity of the Iveagh Gardens which is a Protected Structure.

#### **5.3.4 Real Tennis Building**

The Real Tennis Building is located in the NE section of the appeal site and it comprises a double height, red brick gabled building with a glazed roof that dates from 1884 and it is a Protected Structure. It comprises the former Real Tennis Court of Iveagh House which was built for Edward Cecil Guinness in 1884. It was subsequently used for many decades as a lab for the UCD School of Engineering. The playing

of Real Tennis dates back to around the 14<sup>th</sup> Century, it was played for a short period of time in Dublin in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries, and it is currently experiencing a revival of interest around the world.

This building, which houses the only Real Tennis Court in Ireland, is in good condition and the polished limestone floor and walls are in situ. However several features which are essential for playing Real Tennis were removed so that the building could accommodate the engineering lab and ancillary offices. These missing features include penthouses galleries located around three sides of the court which allowed spectators to watch the matches as well as forming a functional part of the court.

The applicant proposes to refurbish and restore the Real Tennis Building (RTB) so that it can be used as a space for temporary travelling exhibitions as an essential part of the National Children's Science Centre (NCSC). The existing single storey structure along the side S elevation would be demolished and rebuilt which is acceptable. The RTB would be connected to the main NCH/UCD building by way of an underground tunnel which would open into the former court and access to the exhibition space would be via the NCSC lobby. It is proposed to refurbish and restore all of the remaining original features within the tennis court, including the polished floors and walls, stairways, skylights and woodwork.

The Council's Conservation Officer submitted a detailed report in relation to this aspect of the proposed development. The Conservation officer had no objections to the proposed works subject compliance with a series of stringent planning conditions.

A large number of objections have been received from Ireland and around the world. The appellant and objectors submit that the works do not allow for the reintroduction of the missing Real Tennis features as part of the restoration works. They submit that the proposed works would preclude the possibility of the court ever being used for the playing of Real Tennis in the future. They also have concerns about the introduction of an entrance door in the playing wall and the opening up of a space in another section of the playing wall which corresponds to the top of a stairway to the rear of the wall, as both interventions would also interfere with Real Tennis matches.

The case file contains a fairly energetic and candid exchange of views between the parties as to what constitutes the restoration of an historic building and a discussion as to whether or not the interventions to the

RTB are necessary given that the building is in reasonably good condition. These views are summarised in section 4 above.

The applicant submits that the RTB is ideally suited for travelling exhibitions because of its size, volume and height and that it could accommodate around 50% such exhibitions which have varying floor area requirements. They also submit that the permanent re-introduction of the penthouse galleries would reduce the amount of space available to host exhibitions, which would in turn reduce the number and type of exhibition that could be accommodated in the space. This would have an adverse impact on the overall development and possible success of the NCSC. The applicant has suggested the use of temporary penthouse structures so that Real Tennis matches could be played.

This proposal was rejected by the appellant as a temporary structure would not be sufficiently robust to withstand the force of being hit by a tennis ball. The appellant submitted examples of other Real Tennis Courts that are being restored or reconstructed in the UK and submits that all of the penthouse walls are masonry. The existing limestone floor in the RTB is intact however there is no visible evidence that a masonry wall once stood on it. Although it is possible that a masonry wall may have existed in the past and that any remaining traces were removed when or if the limestone floor was later polished. The appellant also suggested that the Butler wing of the NCH could accommodate travelling exhibitions.

I am satisfied that the NCSC requires a suitable space for travelling temporary exhibitions and that this is a prerequisite for contemporary science centres. I am also satisfied that the Butler wing of the NCH/UCD would not be appropriate. I am also mindful that the RTB is the only building of its type in Ireland and that its full restoration to a fit for purpose Real Tennis Court is an honourable ambition. However, I am not convinced that both activities are incompatible and it should be possible to fabricate and erect temporary but robust penthouse structures as required. The proposed door in the playing wall could also be designed to be flush with this wall so as not to adversely affect play and the proposed upper level opening in the playing wall should also be omitted. These issues could be addressed by way of a planning condition which would require the applicant to submit a detailed proposal to the Planning Authority for written agreement.

I am satisfied that the above amendments would accommodate exhibitions whilst also facilitating the use of the RTB for occasional Real Tennis matches, and that the proposed works would not have an adverse impact on the character and setting of the Protected Structure.

### 5.3.5 Conclusion

Having regard to all of the above I am satisfied that the proposed development would not have an adverse impact on the integrity, or character and setting of any Protected Structures in the area, subject to compliance with conservation conditions. The proposed development would not have an adverse impact on the amenities of the Conservation Area within which the development would be located. Furthermore, the use of this site for the National Children's Science Centre would constitute a positive and sustainable adaptation and re-use of historic buildings that will extend their long established cultural and educational usage into the future.

### 5.4 Other issues

**Movement & access:** The car and bus parking arrangements are considered to be acceptable. The site is located in close proximity to several public transport options including Dublin Bus and the Luas. The proposal would not give rise to overspill car parking nor would it give result in a traffic hazard or endanger the safety of other road users. The contents of the applicant's Transport Statement are noted. Bicycle parking facilities should be provided in compliance with the requirements of the planning authority.

**Trees:** A small portion of the site is located within the NE section of the Iveagh Gardens which contains a number of mature trees which grow in the immediate vicinity of the stone boundary wall with the NCH/UCD. These trees, which are mainly in good condition and make an attractive contribution to the visual amenities of the area, would be felled to make way for the proposed new plaza. The plaza will create a new public space that will connect the Iveagh Gardens to the new 4-storey Science Centre and National Children's Science Centre at the NCH/UCD which, on balance, is considered acceptable in terms of visual amenity, connectivity and the public realm. The contents of the applicant's Tree Condition Report are noted.

**Landing and boundary treatment:** The landscaping (hard and soft) and boundary treatment (railings and hedges) proposals are considered acceptable in terms of visual amenity.

**Bats:** The Bat Survey Report indicates that bats may be present in the old stone work shop building that will be demolished, and in the event that bats are present, the applicant should seek a derogation licence from NPWS for their removal.

**Appropriate assessment:** The proposed development would not have an adverse effect on the integrity of any European Sites. The contents of the applicant's AA Screening Report are noted.

**Statues:** The statue of Count John Mc Cormack which is located at the pedestrian the gated pedestrian entrance from the Iveagh Gardens to the NCH/UCD would have to be relocated and the exact details of the new position should be agreed with the planning authority.

**Archaeology:** The site is located marginally outside of the boundary of a Zone of Archaeological Interest and the standard archaeological condition should be attached as a precautionary measure.

**Environmental services:** The proposed arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority. The contents of the applicant's Drainage and Watermains Report are noted.

**Flood risk:** The Flood Risk Assessment report concludes that the site is not located within an area that is liable to flood and that the proposed works would not give rise to a significant risk of flooding in the surrounding area. This is a satisfactory conclusion subject to compliance with the requirements of the planning authority, particularly in relation to minimising the risk of basement flooding.

**Waste management:** Arrangements for the management and disposal of waste should comply with the requirements of the planning authority.

**Financial contributions:** Standard conditions should be applied in accordance with the Council's Section 48 Scheme and any other Schemes including the Section 49 Scheme in respect of Metro North.

## 6.0 RECOMMENDATION

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

## REASONS AND CONSIDERATIONS

Having regard to the Architectural Heritage Guidelines for Planning Authorities, 2004 and to the provisions of the Dublin City Development Plan 2011 to 2017, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. 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, 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 developer shall comply with the following conservation requirements:
  - (i) A site visit shall be scheduled with the planning authority and the developer's Design Team prior to the commencement of development to review a comprehensive Conservation Methodology and Specification for all the proposed works in the context of the remaining original fabric, including the repair of original fabric. This shall be agreed in writing with the planning authority. This should include in particular:
    - a. Drawings of stripping out works/protection of primary fabric.
    - b. A schedule of urgent remedial works to prevent further damage from water ingress within vacant spaces to be agreed with the planning authority and implemented at the outset of the project.
    - c. The record of the Real Tennis Court to be updated during the course of the works and the conservation of all original features in-situ in agreement with the planning authority to allow for future reversibility to the original purpose.



- d. The significance and conservation of the structure to be disseminated to the public in general as part of the overall presentation of the building.
  - e. Structural interventions to have regard to retaining historic fabric in-situ:
    - i. Chimney, roof and rainwater goods in accordance with the Advice Series on Traditional Roofs.
    - ii. Brickwork and stone repair and re-pointing as necessary.
    - iii. Historic render and decorative work.
    - iv. Windows. Internal joinery.
    - v. Internal plasterwork.
    - vi. Repairs of original boundary walls and railings.
    - vii. Landscaping proposals appropriate to the setting of the protected structure.
    - viii. Damp-proofing/thermal upgrading measures where necessary.
    - ix. Removal of redundant M&E elements, wiring and conduit.
    - x. Proposed new M&E elements and wiring which will re-use existing runs and opes.
- (ii) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.
  - (iii) All works shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the DoAHG. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements.
  - (iv) All works shall be carried out in accordance with the submitted 'Report on Structural and Related Issues' and shall be supervised by a Structural Engineer.
  - (v) During the course of the works the preparation of the Conservation Methodology and Specification requested above, the following detailed schedules are to be progressed/agreed on site with the planning authority and further to the preparation of site exemplars as necessary:

- a. A methodology for making good the exterior render, including the extent of the repair and proposed repair specification. A site visit to view exemplars may be necessary and will be confirmed by the planning authority on submission of this information.
- b. A schedule of condition and associated repairs of the original windows including glass type, frames, sashes and internal linings and details of replacement windows. Note: The repair rather than replacement of original windows is guided in all instances when dealing with historic properties. An experienced conservator of historic joinery / heritage contractor is recommended.
- c. A schedule of condition and associated repairs of the original entrance steps boundary walls/railings of the front area. Note: The repair rather than replacement of original boundary treatment is guided in all instances when dealing with historic properties. An experienced heritage contractor / stonemason is recommended.
- d. A schedule of condition and associated repairs of the internal joinery details. Note: An experienced conservator of historic joinery / heritage contractor is recommended.
- e. The advice of an experienced conservator should be sought regarding safeguarding the remnants of the historic finishes where revealed both in terms of the remnants to be retained in situ and the overall record to be made.
- f. A schedule of condition and associated repairs of the historic plasterwork (plain and decorative to be retained) and clarification of all restoration works, thermal and damp upgrading works (to avoid adverse impact on breathability and historic character) to be confirmed with the planning authority. Note: Dry-lining is not supported as a conservation strategy for protected structures as a general concept.
- g. Historic fabric to be removed to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment.

- h. A copy of the finalised report regarding the historic structure to be demolished, historic building to be re-used and their original plan form, character, historic arrangement and details to be placed with the Irish Architectural Archives and the Planning Authority for record purposes.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

3. The developer shall submit a detailed proposal to the planning authority for the temporary re-instatement of the penthouse galleries and any other essential features required for playing Real Tennis matches. The temporary structures shall be robust and durable and designed in a manner which allow for efficient on-site assembly, dismantling and storage. The entrance door which would be located in the playing wall should be designed so as to be flush with this wall and any other n openings in the playing wall shall be omitted. These details shall be agreed in writing with the planning authority before development commences.

**Reason:** In the interest of cultural, sporting and architectural heritage

4. The developer shall submit a detailed proposal to the planning authority for the protection and relocation of the statue of Count John McCormack to a new position within the Iveagh Gardens. The details shall be agreed in writing with the planning authority before development commences.

**Reason:** In the interest of cultural heritage

5. The landscaping scheme shall be implemented fully and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of amenity and sustainable development.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

- 9. The developer shall comply with the following roads and traffic requirements:
  - (i) The cycle parking provided on site shall be “Sheffield Stand” type stands. The usage of cycle parking on site shall be monitored and where necessary additional cycle parking stands shall be provided.
  - (ii) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
  - (iii) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
  - (iv) The developer shall be obliged to comply with the requirements set out in the Dublin City Council Code of Practice for such works.

**Reason:** In the interest of orderly development

10. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.  
**Reason:** In the interest of public health and to ensure a proper standard of development.
11. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.  
**Reason:** To protect the residential amenities of property in the vicinity.
12. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.  
**Reason:** To safeguard the residential amenities of adjacent dwellings.
13. The developer shall pay to the planning authority a financial contribution of €95,736.99 (ninety-five thousand, seven hundred and thirty six euro and ninety nine cent) 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. The application of any indexation required by this condition 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.  
**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 Metro North 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

---

Karla Mc Bride

Senior Inspector

23<sup>rd</sup> August 2016