



An  
Bord  
Pleanála

## Inspector's Report PL 29S 248310

### Development

Conversion of institutional building to hotel, new extension to front and side, first floor extension, demolition of modern stair enclosure to rear, construction of stair core and first and second floors, demolition of store, internal alterations providing for en suite facilities, fire upgrades, repairs to façade roof and windows and building fabric throughout and associated landscaping and site works.

### Location

No 22 Harcourt Terrace, Dublin 2.  
(Protected Structure.)

### Planning Authority

Dublin City Council.

### P. A. Reg. Ref.

4036/16

### Applicant

Chesway Ltd.,

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant

Pat Whyte and Niall Mc Donagh, Mary Donohoe and William Phelan.

### Observer

Philip O'Reilly

### Inspector

Jane Dennehy.

### Date of Inspection

29<sup>th</sup> June, 2017.

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## 1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 1516 square metres and is that of an “L” shaped institutional building originally constructed in the late nineteenth century for use as a home for “*Aged Governesses and Unmarried Females*”. According to information available, it was extended twice, first relatively soon after original construction to the north east and subsequently, in the 1930s further to the east side. It is located on a corner site with frontage onto Adelaide Road to the north and Harcourt Terrace to the west and is unoccupied. The section facing toward Harcourt Terrace is a seven bay three storey. The larger connecting section at the rear with frontage Adelaide Road is also three storey with six bays. The facades are in Flemish bond with decorative string courses and gablets over each bay above the eaves. The entire building has large chimney stacks and slated pitched roofs. The building has similarity with the Royal Eye and Ear Hospital on the opposite side of Adelaide Road in building character and form, detail and materials.
- 1.2. There are two vehicular accesses on the Harcourt Terrace frontage where there are cast iron railings with tree and hedge planting inside and the front curtilage with a tarmacadam surface. There is a small garden at the rear of the building adjacent to a rear access lane off Adelaide Road between the eastern end of the site and western side of St Finnian’s Lutheran Church. It serves as a rear access to adjoining development and car parking at No 21 Harcourt Terrace. No 21 Harcourt Terrace adjoining the appeal site to the south side is a late nineteenth century former institutional building which has been converted to apartments.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 27<sup>th</sup> October, 2016 indicates proposals for alterations and adaption of the internal layout to provide for conversion to a forty bedroom guesthouse, demolition works and construction of extensions, and external repairs and maintenance repair and maintenance works servicing of the building and fire upgrades and universal access upgrades to contemporary standards throughout in accordance with a conservation methodology included in the conservation report submitted with the application.

2.2. The primary internal alterations proposed comprise:

Alterations to window openings to provide for increased size, openings to provide for interconnectivity and adaptation to en-suite bedrooms, insertion of sanitary facilities and HVAC installations, removal of the existing and installation of replacement staircase

Removal of existing single storey storage space on the south side

Construction of a single storey extension to accommodate utility and storage space on south side

Construction of a single storey flat roof extension with a brickwork and glass finish and roof light to the existing sitting front sitting room to provide for a restaurant and dining area.

Construction of a two-bedroom extension over the existing kitchen finished in brickwork and glass

Replacement of a modern staircase at the rear.

Hard and soft landscaping and provision for eight on site car spaces and use of the two existing vehicular entrances on the Harcourt Terrace frontage is proposed.

2.3. A further information request was issued to the applicant on 4<sup>th</sup> January, 2017 in which concerns indicated relate to the justification for the proposed use having regard to inclusion on the record of protected structures, to the zoning objective; to the extent and range of interventions proposed, in relation to proposed east facing fenestration detailing and clarification as to whether the restaurant facilities are intended for use for non-residents to which a response was received by the planning authority on 15<sup>th</sup> February, 2017.

2.4. The application and further information submissions are accompanied by application and supplementary application drawings, a conservation report and supplementary conservation report, a design statement incorporating a fire safety review and data sheets comprising itemised inventories of existing elements and proposed internal interventions and works and a screening report for appropriate assessment purposes.

The stated, total floor area of the proposed development is 1,494 square metres. (It existing structures 1306 square metres, plus new build at 163 square metres less demolition at 44 square metres.)

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. By order dated, 14<sup>th</sup> March 2017, the planning authority decided to grant permission for the proposed development subject to thirteen conditions which are primarily of a standard nature.

3.1.2. In addition, Condition No 3 contains a requirement for the project to be carried out under the direction of an architect with specialist expertise in historic building conservation; Condition No 4 contains a requirement for a compliance submission comprising detailed elevation drawings for the stairwell to include increased brick and glazing detail and Condition No 5 contains a requirement that the dining and restaurant facilities be confined to use for residents.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Officer**

The planning officer indicated satisfaction with the proposed development following receipt of the further information and subject to the additional requirements which are provided for under Condition Nos 3, 4 and 5 referred to above in para 3.1. Specific reference is made to the scope for relaxation of zoning restrictions in instances of high standard restorative works and use the facilitates the long-term viability of a protected structure in the development plan. (see para 5.1 below)

##### **3.2.2. Other Technical Reports**

The internal report of the Transportation and Planning Department notes a development plan standard for ten car spaces to serve the development but indicates satisfaction with the proposed on-site parking and vehicular entrance arrangements.

The internal reports of the Waste Management Department and the Drainage Department indicate no objection subject to conditions of a standard nature.

There is no report from the Conservation Officer or Architect's Department on file.

### 3.3. **Third Party Observations**

- 3.3.1. Objections were received from residents of some houses and apartments on Harcourt Terrace and from the Appellant and Observer parties in which the issues of concern indicated relate to the nature of the proposed use having regard to the zoning and relevant specific policies and objectives relevant to architectural heritage and to Harcourt Terrace and with regard to potential adverse impact on the residential amenities of the area, on-site parking provision and services/deliveries access and associated consequential demand for on street parking and traffic congestion and safety in the area and in particular for the Eye and Ear Hospital.

## 4.0 **Planning History**

- 4.1.1. **P. A. Reg. Ref.3169/15:** Permission was granted for adaption and conversion of the building into sixteen apartments with access from existing staircase and the lift, demolition of the existing staircase and enclosure and construction of a new staircase and lift at the rear, remodelling of the ground floor services area, provision for a new unit overhead and upgrades to existing fabric, windows and staircases.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the existing buildings and site curtilage are included on the record of protected structures and are within an area subject to the zoning objective Z2: *“to protect and or improve the amenities of residential conservation areas”*. Guesthouses are not permissible. According to section 14.5 there is scope for relaxation of this zoning restriction in certain instances where a proposed use is compatible with a protected structure and can contribute to its long term viability. The zoning restrictions and development management planning standards may not

be stringently applied if the restorative works are of the highest standard and the use is consistent with the conservation policy and the proper planning and sustainable development of the area.

- 5.1.2. The adjoining building at No 21 Harcourt Terrace to the south and St. Finnian's Lutheran Church to the east side on Adelaide Road and several other buildings within the environs are included on the record of protected structures.
- 5.1.3. The site location is adjacent to a Conservation area which includes the Regency buildings on the opposite side of Harcourt Terrace and immediately abuts the site frontage. The Royal and Ear Hospital campus on the north side of Adelaide Road is also within a Conservation area.
- 5.1.4. Development management standards are in chapter 16 and architectural heritage policies and objectives are within Chapter 11.

## **6.0 The Appeal**

### **6.1. Third Party Appeal by Pat Whyte and Niall Mc Donagh, Mary Donohoe and William Phelan.**

- 6.1.1. An appeal was received from Marston Planning on behalf of the appellants who are residents of No 2, Harcourt Terrace, Apartment 11 at No 11 Harcourt Terrace and No 3 Harcourt Terrace respectively.
  - With regard to the zoning objective and derogation policy in section 14.5 of the development plan, the proposed restoration is not high standard, given the level of interventions required; special interests of the building are not protected and the proposed use is not consistent with the residential conservation area policies and would set undesirable precedent. There is no case for relaxation of the zoning restrictions and the derogation should be applied in limited circumstances only. It is clear that a guest house, the proposed guesthouse being extremely large is not permitted permissible within the Z2 zone. The previously permitted development, a permitted use within Z2 zoned lands and the differences between it and current proposal is irrelevant and the planning officer and applicant's consultants were wrong in using comparisons with the prior extant grant of permission as a justification in

the assessment the current proposal. (P. A. Reg. Ref. 3169/15 refers.) The correct interpretation of section 14.5 of the plan is for long term use. There is no case that the long-term viability of the building is better protected in the proposed development than the permitted development. It cannot be reasonably concluded that the works will lead to improvements in setting, character and special interest. The proposed use will do the opposite to protecting and improving the amenities of the residential conservation area.

- The nature of the proposed works will result in loss of fabric and character with almost all spaces being modified. The proposed staircase that is to replace the non-original staircase at the rear jars with the rhythm and character of the structure and conflicts with best architectural conservation practice and is compounded by the highly visible location on Adelaide Road. The problem cannot be resolved by condition and it does not solely relate to brick and glazing detail.
- The proposed guesthouse/hotel use would significantly intensify the use of the building with increased noise, activity, and other impacts beyond that experienced with the previous or permitted use. These impacts and increased noise by traffic and other impacts were not taken into consideration by the planning officer. The primary aim of the zoning objective is to facilitate residential development and maintain amenity. The west side of Harcourt Terrace within the Z2 Georgian core zone and conservation area is primarily residential forming a further reason not to relax the zoning restrictions on the appeal site.
- The proposed development will compound existing traffic concerns relating to the overspill into the residential street from the Eye and Ear Hospital and the local parking environment. It will lead illegal parking and conflicting traffic. There is a requirement for ten parking spaces on site as the site location is within Zone 1 with a requirement for one space per four rooms and is close to Zone 2 on the south side of the canal with a requirement for one space per three rooms.

6.1.2. It is requested that permission be refused.



## 6.2. Observations

6.2.1. A submission was received from Philip O'Reilly of Grosvenor Place, Rathmines on his own behalf on 2<sup>nd</sup> May, 2017 in which the appeal is supported. According to the submission:

- The proposed development is not suitable for the building and is not acceptable with regard to the zoning objective
- The proposed extension to the south is not in keeping with the unique architectural style of the Victorian building on the site and would seriously detract from it in views from Adelaide Road.
- The proposed extension to the east /rear is a highly visible elevation and also out of character with the main building
- An appropriate design for a stairwell is achievable. The existing structure should suffice.
- The protected structure status and the word "protected" which means to keep safe from harm and injury should not be disregarded as if it is of no consequence

## 6.3. Planning Authority Response

6.3.1. In a letter received from the planning authority on 20th April, 2017 it is stated that there are no further observations and reference is made to the contents of the planning officer's reports.

## 6.4. Applicant Response

6.4.1. A submission was received from Simon Clear and Associates on behalf of the applicant on 8<sup>th</sup> May, 2017 attached to which are separate statements by the applicant's architect along with copies of Drawings D01 and D02 and the applicant's conservation architect. The submission contains an account of some of the comments favouring the proposed development with reference to the development plan policies and standards and with reference to the previously permitted development and to residential amenity in the planning officer's report. It is submitted that:

- The planning officer's assessment is clear in concluding that the development is located in a transitional zone, has conservation gain, does not include public dining or bar facilities bars and can benefit from the relaxation of the zoning restrictions in the derogation policy in section 14.5 of the development plan.
- It is agreed that a basis for assessment should disregard differential between the proposed development and previously permitted development and that the derogation provision should only apply in the assessment if the benefit relates to long term and highest quality restoration of protected structures relative to the existing building and use. The assessment should be under the provisions of the current development plan<sup>1</sup>
- It is pertinent that the existing grant of permission, if implemented would result in a far more invasive and damaging outcome to the conservation outcome in the current proposal.
- Allegations as to poor conservation practice are unsupported in the appeal by any specialist or qualified conservation information. A highly-qualified conservation architect was involved in the careful preparation of the application.
- Concerns of the conservation officer in relation to the proposed new stairwell on the Adelaide Road side of the building to which the appellant refers was not a matter of principle. The concerns were limited to detail only that can be resolved by condition. Such a submission is included (on the attached drawings) with the submission and further agreement with the conservation officer, by condition if required.
- The application as described in the Notices is for a guesthouse. It is clear that matters such as operation in which bar and dining facilities are confined to use by residents only in a forty-bedroom conversion of an existing institutional building can be controlled by: the description in the notices, conditions attached to a grant of permission and, the need to addresses change of use through licensing etc.

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<sup>1</sup> The current development plan was brought into effect in October 2016 some after the determination of the decision on the previous application under P.A. Reg. Ref. 3169/15

- Under guidelines issued in 2016, Fáilte Ireland will categorise buildings with as few as fourteen rooms as hotels. It is noted that a guest house with more than nineteen rooms at Wellington Quay was considered under PL 246993. Under Reference RL 2879 the Board held that a change in licensing from a special restaurant license for a guesthouse to a seven-day license appropriate to a public house would constitute material change of use.
- Condition No 5 is acceptable to the applicant. It is a condition used frequently by planning authorities to restrict use of dining facilities to residents at guesthouse developments.
- The proposed development will not result in intensification of use in relation to traffic impact noise and other secondary impacts relative to previous use. The location is well supported by public transport including, LUAS, and is beside a Dublin Bike station, is in the inner city and within walking distance of all amenities and attractions in the city centre, regulated parking is available in the vicinity and the proposal will not give rise to in authorised parking because of the high penalties incurred.
- The proposed development would not give rise to overlooking or overshadowing. There is a church premises to the rear on Adelaide Road, Harcourt Terrace is a very wide street with the buildings on the opposite side being well set back with several substantial tree on the frontages.
- Several hotel developments have been permitted and built in recent years within which in the inner city as hotels are permissible in lands zoned Z8.<sup>2</sup>
- With regard to the South City Georgian Core, Dublin City Council's policies for reinvigoration and bringing buildings back into use it is noted that residential use has a far greater impact and is more problematic than non-residential uses with some buildings being suited only to singular office or residential use and vacancy is a biggest threat to historic buildings. The proposed design is to reach "liveable urbanism" standard consistent with the Council's document "*How to value the South Georgian Core – Liveable Urbanism*".
- The proposal was considered on first principles, is an appropriate re-use for the building with refurbishment to the highest standards enabling it to be

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<sup>2</sup> The opposite side of the Harcourt Terrace is within an area subject to the Z8 zoning objective.

appreciated in the longer term. It is consistent with the development plan, pattern of development in the inner city, which accommodates mixed use and is compatible with nearby residential development. The conditions attached the decision of the planning authority are acceptable and the submission includes proposals for compliance with Condition No 5. It is requested that the decision to grant permission be upheld.

6.4.2. The attached statement by the applicant's architect indicates that it has always been the applicant's intention, as reflected in the team appointed for the project to be of the highest standard. The contention that the insufficient account has been taken of the features recorded in the inventories undertaken and the special interest character and setting of the building is not protected is refuted. It is stated the design of the staircase extension is modest and separated from the original fabric and as shown in the attached drawings, the height is reduced below the eaves of the rear roof and there is a reduction in overall length.

6.4.3. The attached statement by the applicant's conservation architect indicates that the project is driven by the core conservation philosophy principle in providing for continuation of use and survival of, "as little as possible and as much as necessary" in bringing the building back into use with minimal damage to elements of heritage value. The separation from the existing fabric in the design for the replacement staircase is in accordance with the Venice Charter and improves the setting and legibility of the building.

## **6.5. Further Submission of the Appellant.**

6.5.1. A further submission was received from Marston Planning on behalf of the appellant's on 22<sup>nd</sup> June, 2017. According to the submission there is no change in the views of the appellant as indicated in the appeal. It remains the appellant's contention that:

- A guesthouse and hotel use is not permissible under the zoning and the relaxation for protected structures in section 14.5 of the development plan does not apply. It is a requirement that the works are positive in all respects in impact on the protected structures. The scale is akin to that of a hotel not a guesthouse for which registration with Failte Ireland requires a maximum of

thirty bedrooms. The special interest and setting is affected given the side extension to the front and the stairwell to the rear in the proposal. The permitted use, (not the proposed use) is compatible with the zoning. The interventions involved for the permitted development relate to a permitted use so the comparison with regard to the interventions involved is irrelevant.

- The claims by the applicant's agent that the appellant views on the architectural conservation issues are not supported by conservation expertise. The objections are supported by expertise; the appellant's agent has provided wide ranging planning expertise in relation to many protected structures from the perspective of a balanced approach between planning issues and best conservation practice. In the current instance the balance must sway towards conservation interest given the proposed non-permissible use.
- The objections are the same with regard to the rear stairwell extension irrespective of the revisions on the drawings provided with the applicant's response especially on account of the location on the prime elevation onto Adelaide Road. Inconsistencies with good conservation practice remain: The new stairwell is an incongruous feature with negative impact on the setting and character of the protected structure in views from Adelaide Road. It continues to breach the height of the northern elevation against which it is to be viewed and beyond the rear wing of the structure. A large ope unbalances the primary elevation and the extension above the eaves and longer length and different window levels competes with the primary side elevation.
- The proposed development would, if permitted set undesirable precedent. The Board is requested to refuse permission because the restoration proposed is to the highest standards and includes significant intervention and alteration to the layout and original fabric, the special interests, character and setting is not protected. And the use is contrary to the amenity and conservation polices o the Z2 'residential conservation area zoning.
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#### 6.6. **Failte Ireland (Prescribed Body.)**

- 6.6.1. A submission was received by the Board on 29<sup>th</sup> June, 2017 in which it is stated that from the perspective of the tourism sector the proposed development is supported. According to the submission there is unprecedented demand for tourist accommodation in the city at present. Additional tourism resulting from targeted marketing is welcome but shortage of accommodation is a threat. The additional accommodation would be a valuable in addressing the shortages in the existing stock available in the city.

## 7.0 **Assessment**

- 7.1. The issues central to the determination of the decision can be considered under the following three broad sub-headings followed by appropriate assessment and a conclusion and recommendation.

Consistency of Land-use with the zoning objective: - Derogation Provisions

Consistency with the zoning objective: - Nature and Intensity of Use

Consistency of the Zoning objective: Residential amenities.

Consistency of the Zoning objective: Traffic, Parking, Pedestrian Safety and Convenience.

Consistency with the zoning objective – Architectural Heritage and Historic Building Conservation.

Demolition of existing staircase and replacement linked Staircase block at Rear

Demolition of utility/storage space and new extension to front and side.

### 7.2. **Consistency of Land-use with the Zoning Objective –Derogation Provisions.**

- 7.2.1. The location is within lands zoned Z2 (residential conservation area) according to which guesthouse use and hotel use is not permissible. The location is somewhat transitional being opposite the Regency Terrace Houses on Harcourt Terrace, within an area zoned Z8 (Georgian Conservation Area) several of which are single dwellings with others in office use. The surrounding area is primarily in office use but

it includes the Royal Eye and Ear Hospital a Victorian building relatively similar materials and design features to the building on the appeal site.

- 7.2.2. The prior application for which permission is granted under P. A. Reg. Ref. 3169/15 was prepared and submitted to and assessed and determined by the planning authority with reference to the Dublin City Development Plan, 2011-2016. No issues as to conflict with the zoning objective arose in that a residential development of multiple apartments was proposed. This grant of permission is extant but has not been taken up. The extant grant of permission does not preclude consideration of a separate application for a different, alternative development to be considered on its own merits. The current proposal has been prepared and submitted to and assessed and determined by the planning authority with reference to the Dublin City Development Plan, 2016-2022. Substantively, the majority of the relevant policies and objectives, particularly, the zoning objective are unchanged.
- 7.2.3. However, the scope in the current development plan (in section. 14.5) for derogation with regard to uses not permissible where such uses facilitate the viability and survival of protected structure, subject to the highest standards in architectural conservation being achieved in exceptional cases is a reasonable and welcome provision from the perspective of the of architectural heritage protection may be appropriate to the proposed development. With regard to the extant grant of permission, it should be noted that there is no restriction on the application of the section 14.5 derogation provision to proposals involving protected structures where it has been demonstrated that there is no scope for a viable project with a conforming use that effectively contributes to the survival and preservation and protection of the structure.
- 7.2.4. As is agreed among all parties, the application of the derogation provisions regarding the use within the proposed development in section 14.5 requires careful and balanced application having regard to all relevant considerations, policies, objectives and standards. These considerations are addressed in the remainder of the assessment following which a conclusion is reached on whether the proposed development is justified having regard to the derogation provisions.

**7.3. Consistency with the Zoning Objective: Nature and intensity of use.**

- 7.3.1. With regard to the proposed use, a forty-bedroom commercial establishment, whether it is defined as a “hotel” or as a “guesthouse” with dining facilities is an appropriate and sustainable land use in central city locations. Many recent hotel developments are within areas subject to the ‘Z8’ zoning objective in which such use is permissible. It is considered that high quality developments in this use are to be encouraged to facilitate the business and tourism infrastructure in the environs due to close proximity to attractions and facilities and business premises with ease of access by foot, cycle and public transport and taxi/private car in addition to reasons related to viable use of existing building stock which is considered separately elsewhere.
- 7.3.2. There is dispute as to whether the proposal is in effect for a guesthouse or for a hotel having regard to scale and intensity of use. It is considered that there is some overlap and interchangeability with regard to the use of the term “guesthouse” and “hotel”. (The two terms are generally distinct land-uses within development plans and legislation.) Irrespective of the terminology used for the current proposal there is sufficient information available to facilitate an assessment of the proposed development with regard to nature and intensity of use and impact on the residential amenities with reference to the zoning objective.
- 7.3.3. A guesthouse or hotel are relatively interchangeable with regard to the nature of use, (size of the development being set aside) in that management of dining and bar facilities can be addressed relatively similarly from a planning perspective. The applicant has clarified and confirmed that the proposed use of the dining facilities is to be confined to residents of the proposed forty-bedroom establishment only and the planning authority has included a condition with the decision to grant permission which confirms the restriction. This information would also be available in the event of any possible future licensing applications and reviews.
- 7.3.4. However, in the interest of clarity and further assurances to the appellant and observer parties with regard to the protection of the residential amenities of the residential conservation area, it is recommended in the event that permission is granted, that an additional requirement by condition be attached providing for omission of the separate external entrance from the guest dining area extension to the front of the site entrance be omitted. Access from the lobby at the main entrance is sufficient for use by residents.



#### **7.4. Consistency with the Zoning Objective: - Residential Amenities.**

- 7.4.1. The appellant and observer parties concern as to adverse impact on residential amenity and character of the residential conservation area and properties within it are noted. The capacity at forty bedrooms is modest and as no recreational or function room or other facilities available to the public are included in the proposal it is considered that potential for significant adverse impact on residential amenity would not arise.
- 7.4.2. With regard to contentions as to adverse impact on residential amenities it is noted that the property immediately to the south at No 21 Harcourt Terrace in residential use and in multiple occupancy as well as the majority of the Regency Buildings on the opposite side of the road and a few houses on Adelaide Road. There is no diminution in standards with regard to overlooking or overshadowing of the adjoining property at No 21 relative to the prior ceased use or permitted residential use. The first floor extension design adjoining the boundary has been reviewed in this regard and the property would be unaffected by the proposed ground floor dining extension and rear staircase block.
- 7.4.3. With regard to the nature and intensity of use, the restriction to use of the dining facilities and library bar to use by residents, as discussed above would address any potential concern as to adverse impact on residential amenities of properties in the immediate environs. The inclusion of a condition restricting the use and the access from the interior only should permission be granted should provide for reassurance and clarity at operational stage.
- 7.4.4. With the exclusion of non-resident access to the dining facilities, and there being no other public facilities, the nature and intensity of use would be relatively low key with access and egress being predominantly on foot, supplemented by cycles and use of public transport via the LUAS and multiple bus routes and some stopping off and collection of residents primarily in taxis with a small number of guests and staff using private cars. With appropriate and reasonable waste management arrangements, being in place at operational stage, no undue adverse impact on residential amenities would occur.

**7.5. Consistency with the Zoning Objective: Traffic, Parking, Pedestrian Safety and Convenience.**

- 7.5.1. It is not accepted that the proposed development would give rise to significant private car trip generation, turning movements and obstruction of other road users to an undue degree, significant demand for on street parking or endangerment of public safety by reason of traffic hazard. It is noted that off street parking serving the adjoining residential development at No 21 Harcourt Terrace is located to the rear and accessed directly off Adelaide Road.
- 7.5.2. It is agreed that eight on-site parking spaces, although beneath the maximum of one space per four bedrooms recommended for development within the Zone 1 Area according to the development plan, as indicated in the report of the Transportation Department is adequate. Given this location, it is reasonable to anticipate that demand for on-street parking and trip generation by private cars for guests would be very limited while services vehicle trips all of which would be via the entrances on Harcourt Terrace can be accommodated with undue adverse impacts on residential amenities in the area.
- 7.5.3. Submission of a transportation and traffic impact report is unwarranted given the nature and size of the development and it is concluded that the proposed development would not give rise to significant adverse impact on the residential amenities of properties in the vicinity by reason of the nature and intensity of use and by reason of the safety and convenience of all road users.

**7.6. Consistency with the zoning objective – Architectural Heritage and Historic Building Conservation.**

- 7.6.1. Details of the nature and extent of the permitted development (P.A. Reg. Ref.3169/15 refers.) for conversion to sixteen self-contained apartments, the comparison of the extent and levels of intervention between the permitted and proposed developments are available in the Conservation Architect's supplementary report and initial building record.<sup>3</sup> The building conservation principles on which the proposed development is based is supported by comprehensive inventories and data sheets with details of proposed interventions and works methodologies for the

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<sup>3</sup> Copies of Application documentation for the application determined under P.A. Reg. Ref.3169/15 is unavailable at the time of writing. Comprehensive details have been provided with the applicant's submissions provided in connection with the application and appeal.

proposed development that are affirmed in the further information submission to the planning authority and submissions in response to the Appeal. Decorative joinery elements to the door and window surrounds, windows and fire fronts have been singled out by the conservation architect as the most notable internal features. Relative to the permitted development from the perspective of the interests of retention and preservation of historic fabric and original internal planform by way of limited interventions, it is reliably demonstrated that the current proposal is more favourable. This comparison although not required having regard to the derogation provisions under section 14.5 of the development plan is of note.

7.6.2. In this regard, it is also of note that the original fit out and planform for the interior of the structure was modest and simple according to the conservation assessment provided with the application. While this allows for flexibility in proposals for adaptation and upgrades providing for services installations and sanitary facilities appropriate to contemporary new use, setting aside the argument for retention without informed justification would not be acceptable. Given that the special interest value of much of the internal fabric is not recorded as exceptional or unique in the inventory which is in line with the original use as an institution in the nineteenth century there is reasonable scope for selective and carefully implemented intervention in bringing the building back into an appropriate use with potential for long term viability in both the use and maintenance of the structure. The proposed interventions, repair and maintenance works to the interior and exterior are considered consistent with good conservation standards and practice.

7.6.3. The proposals for external repairs and maintenance which include fabric repairs to the brickwork façades, roof and windows. rainwater goods etc. are both desirable and acceptable. Subject to the materials and works methodology being in accordance with good conservation practice and being carried out under the direction of an architect with specialist expertise in historic building conservation there are no objections to the proposals for the works to the interior or the repair and maintenance works to the exterior of the existing building.

7.6.4. Demolition of existing staircase and replacement linked Staircase block at Rear

There is no record of any objection among the parties to the proposed demolition of the existing modern stair enclosure at the rear or the existing stores enclosure to the

side. One observation that favours the retention of the existing rear staircase structure over the proposed replacement has been noted but is not supported.

- 7.6.5. There is also no dispute as to the high prominence of structure in views from Adelaide Road on approach from Leeson Street Bridge which places additional importance on achievement of a high quality, sensitive but readable and complementary addition in the form of the extension. It is considered that the design and form incorporating the modifications included with the response to the appeal to accommodate the requirements indicated on Condition No 5 of the decision to grant permission is appropriate. It has sufficient setback from the front building line and façade to Adelaide Road and a corresponding capacity to accommodate the height and separation distances from the existing block to which it is to be connected by a glass corridor.
- 7.6.6. The relatively simple brickwork detail, (the particular brick option for which has not been finalised) and fenestration size, shape and detail in conjunction with the flat roof shown successfully complement and connect visually with the more detailed and elaborate presentation of the existing structure. The proposal accords with good conservation principles and practice including that of minimisation of intervention to the historic brick fabric of the existing structure which is of particular special interest and appeal. It is considered that presentation of the building in views from Adelaide Road with the extension in place is acceptable. Outstanding details can be addressed by condition.
- 7.6.7. Demolition of utility/storage space and new extension to front and side.

There is no objection to the proposed demolition works. The proposed ground floor dining area extension is acceptable within the footprint proposed owing to the simplicity, selection materials and glazing content all of which satisfactorily complements the existing building's front façade and is distinct and appropriate in proportion. The omission of the external front entrance previously recommended can be addressed by a condition with a requirement for substitution of glazing panels. There is no objection to the proposed first floor extension.

- 7.6.8. It is considered that this element of the proposed development achieves satisfactory integration with the existing structure, adjoining building at No 21 Harcourt Terrace to

the south and with the direct views from the front at the entrance and in the streetscape.

### **7.7. Appropriate Assessment.**

- 7.7.1. The application includes a short statement which has been consulted. The nearest European sites are the South Dublin Bay SAC (000210) the qualifying interest for which is *Tidal Mudflats and sandflats* and the South Dublin Bay and River Tolka SPA (0004024) the conservation interests for which are a range of bird species. The site is that of an existing long established but currently vacant institutional building connected to existing services within the central city area and one to two hundred metres from the Grand Canal to the south. The main threat to these European sites are that of potential for pollution arising from a range of activities. There are no direct source-pathway receptor links between the site and the European sites. The project entails conversion, upgrades and refurbishment works to the existing buildings, minor demolition works and the construction of extensions providing for re-use as a forty-bedroom guesthouse. The existing and proposed development is connected to existing sewerage network via which effluent will be transferred for treatment at the Ringsend Treatment Plant prior to disposal.
- 7.7.2. Having regard to the location, nature and size of the proposed development it is considered that no appropriate assessment issues arise. The 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 Conclusion and Recommendation**

- 8.1. In view of the foregoing, it is considered that it has been demonstrated that a high quality building conservation project providing an adaptive new use contributing to the long term survival and viability has been achieved in the proposed development as a result having regard to section 14.5 of the development plan, the proposed development is in accordance with the zoning objective for the area. It recommended that the planning authority decision be upheld subject to incorporation of the modifications to the rear stair core building design with the response to the appeal, and omission of the front entrance to the ground floor dining area which can be addressed by condition. Draft Reasons and Considerations and Conditions follow.

## 9.0 Reasons and Considerations

Having regard to:

- Inclusion of the existing building on the record of protected structures,
- The Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z2: *“to protect and /or improve the amenities of conservation areas”* and the provisions under section 14.5 whereby to ensure the long term viability of a protected structure, relaxation, in certain limited cases of the city wide zoning restrictions may be appropriate provided that the protected structure is restored to the highest standard, the special interest, character and setting is protected and the use is consistent with conservation principles and practice and the proper planning and sustainable development of the area.
- The nature and intensity of the proposed use for which the existing building is to be adapted and the extent and methodology for the proposed interventions, repairs and extensions to be implemented,

It is considered that subject to compliance with the conditions set out below, the proposed development would be not be seriously injurious to the integrity, character and visual amenities and setting of the existing building, a protected structure, would not be seriously injurious to the architectural character, visual amenities and residential amenities of the residential conservation area and would be acceptable in terms of traffic and public safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 CONDITIONS.

- 1 The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and particulars lodged with the planning authority on 16<sup>th</sup> February, 2017 and by the plans and particulars received by the board on 8<sup>th</sup> May, 2017 except as may otherwise be required 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.

**Reason:** In the interest of clarity

- 2 The use of the dining area and library bar shall be confined to use by residents only and shall not be accessible to the public unless a prior grant of planning permission has been obtained. The entrance doors on the front elevation shall be omitted and replaced with full length glazing to match the adjoining glazing to either side. Prior to the commencement of the development the applicant shall submit and agree in writing revised plan and section drawings for the written agreement of the planning authority.

**Reason:** In the interest of clarity and the residential amenities of the area.

- 3 The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

**Reason:** To ensure appropriate building conservation practice the interest of the protection of the integrity of the structure.

- 4 Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the

windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities and character of the residential conservation area.

- 5 Details of colours and textures of all the external finishes for all proposed new build, inclusive of samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual and residential amenities of the area.

- 6 Details of hard and soft landscaping within the perimeter of the site including all materials and finishes shall be submitted to and agreed with the planning authority prior to the commencement of the development.

**Reason:** In the interest of the visual and residential amenities of the area.

- 7 Eight car parking spaces shall be provided within the site curtilage the use of which shall be confined to use by residents and staff. The spaces shall not be sublet to third parties. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate off-street parking provision is available to serve the proposed development.



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

**Reason:** In the interest of public health.

- 9 Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of the residential amenities of the area.

- 10 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interests of sustainable waste management.

- 11 A plan containing details for the management of waste including separation of recyclable materials within the development, facilities for the storage and arrangements for collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste.

12 The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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. The contribution shall be in respect of the retail unit only and shall be paid prior to the 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 the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

**Jane Dennehy**  
Senior Planning Inspector.  
30<sup>th</sup> June, 2017.