



An  
Bord  
Pleanála

## Inspector's Report PL29S.248729

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<b>Development</b>	Demolition of existing building and construction of a 6 storey hotel with reception, bar, restaurant and all associated site works.
<b>Location</b>	7-8 Lower Mount Street, Dublin 2
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2614/17
<b>Applicant(s)</b>	Dale Vision Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V Grant
<b>Appellant(s)</b>	John Devlin Philip O'Reilly
<b>Observer(s)</b>	Fáilte Ireland Development Applications Unit, Department of Culture, Heritage and the Gaeltacht

**Date of Site Inspection**

7<sup>th</sup> September 2017

**Inspector**

Rónán O'Connor

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located at 7-8 Lower Mount Street and is occupied by the Howl at the Moon nightclub. The site is bounded by Lower Mount Street to the north-east and Stephen's Place to the south-east. To the south-west is the rear of the Goethe-Institut, at 37 Merrion Square East (a Protected Structure), an extension to which is currently under construction. The site is L-Shaped and runs to the rear of No's 5, 6 and 7 Lower Mount Street and shares a boundary with 36 Merrion Square East (a Protected Structure).
- 1.2. On site is a three storey over basement building which, according to the information on file, dates from the 1790's. The building is in use as a pub/nightclub. The building sits forward of the adjacent buildings and is in line with the railings of the adjoining properties. The existing building is a rendered finish. To the rear of the building a modern, double height red-brick extension is in place. There is an external terrace associated with the pub/nightclub on the roof of this element.
- 1.3. The surrounding area is mainly commercial in nature.

## **2.0 Proposed Development**

- 2.1. Demolition of existing building and construction of a 6 storey hotel with reception, bar, restaurant and all associated site works. The total floor area is 3,008 sq. m and will contain a reception area with bar at ground floor level and a total of 53 guest bedrooms on levels 1 to 4, with a roof-top licenced restaurant on level 5. Roof terrace are proposed on levels 3 and 5.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission. Conditions of note are as follows:

- Condition 11 – Omission of the proposed balconies overhanging the public footpath at Lower Mount Street and Stephen's Lane.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows

- Notes building is not a Protected Structure
- Plot ratio and site coverage exceeds the standards in the CDP
- Existing building could be considered an anomaly – use of a render finish, 3 storeys in height along a streetscape of predominantly 5 storey buildings, building sits out from the predominant building line.
- Proposed building and 5<sup>th</sup> floor setback respects and matches the parapet line of the neighbouring and adjoining buildings
- Existing building is dated
- New building engages with the street – will add activity to the street
- Materials will compliment and reference the established streetscape and surrounding Conservation Area
- Some reservations regarding the relationship between the proposed building and neighbouring properties.
- Overall reduction in outdoor terrace space – unlikely to injure residential amenity
- No car parking associated with scheme
- Recommended that balconies overhanging Lower Mount Street and Stephen's Lane be omitted – no letter of consent has been submitted in relation to these elements
- Recommends a grant of permission subject to conditions

### 3.2.2. Other Technical Reports

Drainage – No objection subject to conditions

Roads and Traffic – No objection subject to conditions

### 3.3. Prescribed Bodies

An Taisce –

- object to the proposed demolition of the buildings
- site is located in the Z8 Georgian Conservation Area, where there is a strong disposition towards conservation and maintenance of existing historic fabric
- Form part of the best preserved core of Georgian Dublin
- Contrary to CDP Policy CH1
- Renovation and re-use of historic buildings such as these is an integral and established part of development and regeneration of the historic city

### 3.4. Third Party Observations

6 submissions (including submission from An Taisce) were received by the LPA. The issues raised, and not covered in the grounds of appeal below, are as follows

- Parking and Traffic Impacts
- Impact on Amenity including overlooking and noise
- Construction Impacts
- Rights of light for adjacent windows
- Overlooking
- Inaccuracies in the drawings
- Inaccessible roof terrace appears to be accessible

## 4.0 Planning History

- 4.1.1. 4608/04 – Grant – Retention of shopfront, alterations, extensions to rear, glazed extension to bar area, glazed conservatory structure, screened external roof garden terrace.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan, 2016-2022

5.1.1. The site is located within an area zoned Z8 with the objective “To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.” Hotels are permissible within this zone.

- Policy SC25: promotes high quality design
- Policy CEE12 (i): seeks to promote & facilitate tourism as one of the key economic pillars of the city’s economy & a major generator of employment & to support the provision of necessary significant increase in facilities (hotels).
- Policy CEE13 (iii): seeks to promote and support the development of additional tourism accommodation at appropriate locations
- Policy CHC1: seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.
- Policy CHC2/4 seeks to ensure the protection of the special interest of Protected Structures, and the special interest and character of all Conservation Areas is protected.
- Section 16.2: Design, Principles and Standards
- Section 16.4/5/6: Density Standards/Plot Ratio/Site Coverage/Building Height

### 5.2. Natural Heritage Designations

5.2.1. None

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of appeal are as follows:

John Devlin

- Unnecessary demolition of two fine, viable and historic buildings
- Loss of original fabric depriving city of its uniqueness
- Majority of Georgian era buildings on Lr Mount Street were demolished in the 1970/80s
- Ask that An Bord Pleanála protect our social and civic heritage
- Proposed hotel should incorporate these structures as part of the new build
- Makes no sense to demolish that which makes our city distinctive
- Development does not constitute proper planning and development

Philip O'Reilly

- Decision shows that the LPA has no regard for what is left of one of the most unique and historic areas of the city, the south Georgian Core
- There is no case for the demolition of these unique buildings which have stood on this site for 150 years.
- Built forward of the Georgian building line, which was not unusual for early Victorian infill buildings

### 6.2. Applicant Response

6.2.1. A response to the Third Party Appeals has been submitted by Manahan Planners, on behalf of the applicant. This is summarised as follows:

- Building is an anomaly in the streetscape, in terms of its height, design, period and forward projection
- Replacement building will better fit into this location visually
- Existing building is of no architectural merit internally or externally



- Any historical features have long been removed
- Current use does not enhance the amenities of the area
- Policy CH5 allows for demolition where a building makes a neutral or negative contribution to an Architectural Conservation Area – consider that building makes a neutral contribution
- Not a Protected Structure, nor does it adjoin a Protected Structure
- Proposed development is in keeping with historic urban grain
- Consistent with Policies CH4 and CH5 of CDP
- Existing service bay is available for use
- Ground floor elevations, uses and access points will greatly enliven the adjoining footpaths
- Overlooking can be addressed by design screening
- New development will reduce the impact on No. 6 Lower Mount Street
- Proposal does not represent over-development
- Neighbouring gardens already overlooked
- New building will abut the gable of the new Institute building and will not have an overbearing impact
- A corner building usually book ends a terrace of buildings and accordingly must be more prominent
- Proposal is consistent with the CDP
- Shortage of hotel bedrooms in Dublin - proposal complies with Policy CEE12

6.2.2. The Applicant Response also includes a Conservation Impact Assessment, prepared by Five-Seven Architects.

### 6.3. **Planning Authority Response**

6.3.1. No further comment to make.

## 6.4. Observations

6.4.1. Observation received from Development Applications Unit, Department of Culture, Heritage and the Gaeltacht:

- Original application was not referred to the Department
- Building provides a distinctive landmark on the approach to Merrion Square from the south-east.
- This section of Mount St Lwr retains its historical architectural character relatively intact
- NIAH interim survey of this area not yet published – it is anticipated that buildings such as those at 1-8 Mount Street would receive a rating of ‘regional’ significance
- Nos. 7-8 contribute to, and diversify, the remaining architectural heritage of Mount Street Lower
- Site within Conservation Area Zoned Z8
- Section 16.10.17 ‘Retention and re-use of Older Buildings of Significance which are not Protected’ is relevant as are Sections 11.1.5.4, 11.1.5.5, 11.1.5.6, 11.1.5.7 and Policies CHC 1,4,5
- Section 11.4 of the CDP notes the area is identified as being a ‘phase one priority area’ for review and severity due to the high concentrations of protected structure but are presently sited outside designated Architectural Conservation Areas.
- Route along Mount Street Lower identified as being amongst the city’s historic approaches
- Height of the proposed development and the modern flat roof with its horizontal emphasis would introduce a visually jarring element into a largely intact part of this historic streetscape
- Buildings contribute positively to the architectural heritage of the street and to the character of the wider South Georgian area of the city
- Add to the historic architectural diversity on approach to Merrion Square
- Existing buildings on site are capable of reuse

Observation received from Failte Ireland:

- Dublin City experiencing unprecedented occupancy rates peaking at over 94%
- Essential that the delivery of new accommodation is facilitated
- Overseas tourism expenditure in Dublin grew by more than 10% in 2016
- Acute shortage of hotel bedrooms in city centre
- Prices are inflated
- Failte Ireland supports the proposed development

## 6.5. Further Responses

6.5.1. A response to other Third Party Appeals was received from Philip O'Reilly. This is summarised as follows:

- Planning application makes no reference to 36 Merrion Square (A Protected Structure)
- Proposal constitutes overdevelopment, excessive massing, unacceptable size and design
- Proposal takes no account of the historical setting in which it is situated
- No explanation for permitting an exception of the plot ratio

6.5.2. A further response was received from Philip O'Reilly in relation to the First Party Response: This is summarised as follows:

- Not accepted that buildings are an anomaly in the landscape
- Buildings have stood on the site for 200 years
- Was a commercial development that would have not no requirement for steps and setback from building line
- Many buildings in other parts of the city that were built 200 years ago had three storeys
- Not accepted that a replacement building would fit better into this location
- Existing building is of enough architectural merit to merit its retention in the streetscape

- Current use of the building has nothing to do with the architectural merit of retaining the building
- An Bord Pleanála have refused applications to demolish non-listed buildings in the last number of years
- Will be similar to previous development at Lower Fitzwilliam Street
- New building will be a monolith – will not make any positive impact on the character of this historic area
- With an appropriate plan the building could become the centre of life on Lower Mount Street again
- Only a small number of original houses survive on Lower Mount St.
- The remaining historical buildings in this very important historical core should be protected and retained
- External and internal features of the building could be restored
- CDP maintains that preservation, conservation and retention is to be preferred over demolition and replacement
- Considers that building makes a positive contribution to the Conservation Area
- Protected structures opposite the site
- Development at Goethe Institut does not justify a 6 storey building
- Shortage of hotel accommodation is not a justification for demolition
- Tourism can be promoted by the retention of these original and historic buildings
- No. 36 and No. 37 Merrion Square (Protected Structures) adjoin the site
- Historical features remain on the building
- Design – will stick out like a sore thumb, will dwarf everything around it, will be visible from Merrion Sq, will dominate the roof lines, too high, too wide and poor design
- The existing buildings are the original pattern of development in the area
- An Bord Pleanála have refused applications to demolish non-listed buildings in the last number of years – Refs 220724, 222415, 229574, 243701

- Dublin City Council refusals – 3830/14

## 7.0 **Assessment**

7.1. I should advise the Board that while the issue of neighbouring amenity was not raised in the grounds of appeal, I consider that it requires assessment. The issue of appropriate assessment also needs to be addressed. The issues can be therefore be dealt with under the following headings:

1. Principle of Development
2. Conservation and Design/Impact on Protected Structures
3. Neighbouring Amenity
4. Other Matters
5. Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The proposed development is located within an area zoned Z8 ‘Georgian Conservation Areas’ in the Dublin City Development Plan 2016-2022. The zoning objective is ‘To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.’ The aim is to protect the architectural character/design and overall setting of such areas.

7.2.2. A range of uses is permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and at night-time. Hotels are permissible within this zone.

7.2.3. As such, a hotel use is acceptable in principle, subject to the detailed considerations below.

### 7.3. **Conservation and Design/Impact on Protected Structures**

7.3.1. A Conservation Impact Assessment has been submitted as part of the First Party Response to the Third Party Appeals. This notes that Nos. 7 and 8 Lower Mount Street are unusual in being only 3 storeys high and substantially lower than the original adjoining houses. There are also the only historic buildings with a rendered finish. The buildings are also set forward of the adjoining buildings and this would appear to be an original arrangement. It is also noted that alterations to the building

such as the rendering were likely to have been carried out during the Victorian Period. More recent extensive renovations have taken place since then and has been redeveloped on at least 2 occasions since the 1980's. Features of note that still remain include the rendered finish with decorative stucco quoins and window surrounds, decorative balustrade coping, and the stone Victorian shopfront on the Stephen's Place elevation. It is noted that internally the building has been extensively altered and little original fabric remains. It is concluded within the report that the building is not of any great architectural significance.

- 7.3.2. I note the provisions of Section 16.10.17 'Retention and Re-Use of Older Buildings of Significance which are not Protected' of the current CDP. This states that the re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and that the local authority will actively seek the retention and re-use of buildings which make a positive contribution to the character and identity of streetscapes.
- 7.3.3. Policy CHC1 seeks to preserve the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas.
- 7.3.4. The overall aim of the zoning objective for Z8 'Georgian Conservation Areas', within which the site lies, is to 'protect the architectural character/design and overall setting of such areas'.
- 7.3.5. I note that the building is an original Georgian Structure, with alterations made to it in the Victorian era and also in the more recent past, and has some notable external architectural features as detailed above. I consider the building makes a positive contribution to the streetscape, by virtue of its decorative features and its prominence in the streetscape, resulting from the building being set forward of its neighbours on Lower Mount Street. There are views towards this building from the south-west and north-east, along Lower Mount Street. While the modern interventions at ground floor level do not contribute to the streetscape, these interventions are reversible in my view. The existing building adds to the architectural diversity of the area by virtue of its lower height, rendered façade and position

forward of neighbouring buildings, and I do not consider that these attributes should be seen as a negative and used to justify its demolition.

- 7.3.6. Much of the original Georgian buildings on Lower Mount Street have been lost, notably to the south-east of the appeal site. This enhances the value of any remaining original structures, by virtue of their increased rarity. This particular section of Mount Street Lower from Merrion Square East to the appeal site, and opposite the site, remains largely intact, and the loss of this building would be regrettable.
- 7.3.7. I note the observation of the Development Applications Unit, Department of Culture, Heritage and the Gaeltacht, which considers the existing buildings at Nos. 7-8 contribute positively to the architectural heritage of the street, and to the character of the wider South Georgian area.
- 7.3.8. I consider the existing building is of significant architectural value, and makes a positive contribution to the streetscape, and I do not consider that the demolition of the building has been justified. In my view, there is considerable scope for the redevelopment of the site which incorporates the existing building without the need for a complete demolition of the building. I note that much of the original internal fabric of the building has been lost. This further enhances the scope for an appropriate re- development of the site which retains this structure.
- 7.3.9. In relation to the merits of the proposed replacement building I note the following.
- 7.3.10. The proposed building is a 6 storey building with the fourth floor set back from the properties to the north-west and the fifth floor set back from the main front and rear facades. A ground floor arcade is proposed with the ground floor façade and hotel entrance set back. At ground floor level façade material will be stone, with brick at first to fourth floor levels. The setback floor at fifth floor level will be clad in bronze.
- 7.3.11. In terms of Plot Ratio, the CDP sets out Indicative Plot Ratio standard for Z8 zoned areas is 1.5. The plot ratio as proposed is 5.2. As such the standard is exceeded in this instance. The site coverage for Z8 areas is 50%. The proposed redevelopment is 100% site coverage, although I note the existing building occupies the entire plot.
- 7.3.12. The height of the proposed hotel will be 19.45m, with the lift overrun having a height of 20.9m. The top floor will be set back. In terms of the building's relationship with surrounding development, I note that the proposed building will be higher than No. 6

Mount Street Lower which has a ridge height of 18.13m and will also be higher than Behan House which has a ridge height of 18.33m.

- 7.3.13. I consider that the bulk, scale and massing of the proposal is excessive and this is exaggerated by the fact the building sits forward of the neighbouring buildings, which increases its prominence in the streetscape. The top floor, while set back, would still be visible from longer views towards the site. The appearance of the building from Stephen's Place is one of a bulky, inelegant structure, significantly higher than the development under construction to the rear. It is my view that the proposal constitutes an overdevelopment of the site, and the significant exceedance of the Plot Ratio standard is an indication of this.
- 7.3.14. In relation to the detailed design, while I note there is some limited references to the features of surrounding development in terms of materials and window proportions, the overall appearance is rather bland and the Mount Street and Stephen's Place elevations are somewhat monolithic, with limited interventions to break up the bulk and massing of the building. The inclusion of the protruding false balconies do not contribute in any positive way to the appearance of the proposed building. The ground floor arcade serves to obscure the ground floor façade and entrance of the hotel which, in turn, limits its contribution to the streetscape. The arcade feature itself is an inappropriate form of the development in this historic area and other examples of this feature, such as that at Nassau House and the House of Ireland buildings on Nassau Street, are unsuccessful in my view with the arcade feature contributing little to the streetscape and the pillars resulting in significant impedance to pedestrian movement. I consider that this would be also the case with the arcade as proposed here.
- 7.3.15. In relation to the impact on Protected Structures, I note the building on the appeal site is not a Protected Structure. Holles Street Hospital and No.'s 61-66, on the opposite side of Mount Street are Protected Structures, as is No. 38 Merrion Square East, the curved side elevation of which is visible from Mount Street. The rear of 36 Merrion Square East forms the north-western boundary of the appeal site and the rear of No. 37 Merrion Square East forms the south-western boundary of the site. These are both Protected Structures. As such regard should be had to the setting of these buildings. I consider the proposal will detract from the setting of the Protected Structures as noted above, both as a result of the demolition of an original Georgian



Structure, which contributes positively to the setting of the Protected Structures, and its replacement with a building of excessive bulk, scale and massing, with an insufficient quality of design.

7.3.16. In conclusion, I do not consider that the overall aim of the Z8 'Georgian Conservation Area' zoning - to protect the architectural character/design and overall setting of such areas- has been achieved in this instance.

#### **7.4. Neighbouring Amenity**

7.5. The surrounding area is mainly commercial in nature. While it is noted the site extends to the rear of the neighbouring properties at 5, 6 and 7 Lower Mount Street, and also shares a boundary with Nos. 36 and 37 Merrion Square East, the majority of the proposed built form is to the immediate rear of the existing property and steps down to the rear of 5, 6 and 7 Lower Mount Street, and on the boundary with 36 Merrion Square East.

7.5.1. There is substantial built form adjacent to the development under construction at No. 37 Merrion Square East (The Goethe-Institut), to the rear of the site. I note that the development under construction is to provide language school facilities. I have concerns in relation to the impact of the substantial built form on the amenity of this site, given the proximity of the proposed building to the site boundary combined with the height on the boundary.

7.5.2. Should the Board consider neighbouring amenity a new issue, cross circulation to relevant parties may be warranted.

#### **7.6. Appropriate Assessment**

7.6.1. The site is neither in nor near to a Natura 2000 site. The closest SPA to the site is South Dublin Bay and River Tolka SPA which is 2.2km to the east of the site. The closest SAC is the South Dublin Bay SAC which is 2.2km to the east of the site.

7.6.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced inner-urban location, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below.

## 9.0 Reasons and Considerations

Having regard to the prominent location of the site, to the established built form and historic character of the area, and to the existing building on the site, which is considered to be of importance to the streetscape, it is considered that the proposed development, would be incongruous in terms of its design, and its excessive height, bulk and mass which would be out of character with the streetscape, and would have an adverse impact on the setting of nearby Protected Structures. The design is not considered to justify the demolition of the existing structure on the site. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to conservation and design, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Rónán O'Connor  
Planning Inspector

28<sup>th</sup> September 2017