



An  
Bord  
Pleanála

## Inspector's Report ABP-300256-17

### Development

Internal modifications to the penthouse room at 5th floor level to include the removal of a stairs leading to the permitted roof garden/terrace; Alterations to the permitted roof to include provision of a 6th floor level event space with toilets, stairs and lifts and in an east facing external terrace and plant area. All associated site development works, services provision and landscaping.

### Location

The Morgan Hotel. Nos. 7-12 Fleet Street & 1-2 Aston Place, Dublin 2

### Planning Authority

Dublin City Council

### P. A. Reg. Ref.

3754/17

### Applicant

Morgan Leisure Investments Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First / Third Party

### Appellant(s)

Morgan Leisure Investments Ltd.

### Observer(s)

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### Date of Site Inspection

19<sup>th</sup> February, 2018.

### Inspector

Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site is that of the Morgan Hotel which located at the eastern edge of Temple Bar. It has frontage onto, Aston Place to the east, Fleet Street to the south off which there is the main hotel entrance, and Bedford Row to the west. It comprises two five storey blocks a link between which has the benefit of a grant of permission under P. A. Reg. Ref. 2535/17. (See section 4 below.) A lobby, restaurant and bar facilities are on the ground floor with bedroom accommodation on the upper floors. At the time of inspection, the hotel was surrounded with scaffolding and construction works were under way at the site, inclusive of the permitted link between the two blocks.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for modifications to previously permitted development under P. A. Reg. Ref. 3648/16 and 2535/17 details of which are available under Section 4 below. Alterations at roof level proposed comprise an additional sixth floor for use as an “event space” along with an east facing terrace and toilets stairs and passenger lifts. A stair case leading from the fifth floor to a permitted roof garden/terrace is to be omitted.
- 2.2. The application includes an architectural statement in which it is stated that the design is lightweight glass pavilion around a solid central core with minimum parapet heights to mitigate visual impact along with a terrace at the east end of the northern block and two metres high glass balustrade enclosing the terrace. There are setbacks from Bedford Lane at 2-3 metres, a sedum roof over existing plant that also provides a SUDS solution along with a glass bock enclosure for the staircase at the western façade.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated, 24<sup>th</sup> October, 2017, the planning authority decided to refuse permission on the basis of the reason reproduced below:

*“Having regard to the prominent and sensitive location of the subject site within the historic City core close to the River Liffey, the proposed development due to its scale, bulk and height would result in an over scaled and imbalanced form of development. The proposal would have a significant and detrimental visual impact on the River Liffey Conservation Area, would seriously injure the urban character and visual amenities of the historic core and wider area and would be contrary to the proper planning and sustainable development of the area. “*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The planning officer who considers the site location highly sensitive, remarks that there is some lack of clarity within the submitted photomontages, that the proposed development amounts to an additional, sixth floor and indicates serious concern as to angled roof facades, selection of materials and finishes and the impact on Fleet Street and on the Liffey Quays Conservation Area.

#### 3.2.2. Other Technical Reports

The report of the Drainage Division indicates no objection to the proposed development.

## 4.0 Planning History

- 4.1. The application site has an extensive planning history for the past six years: P. A. Reg. Refs. 3047/12, 2298/14, 2955/15, 0249/15, 2649/16 and 2535/17 refer. (Copies of Manager’s Orders and Planning Officer reports are available on file.)
- 4.2. The current application is for permission (a) for modifications to the grant of permission under P. A. Reg. Ref. 2648/16 providing or an additional floor to include

an increase from 132 to 168 bedrooms and an increase in total floor area from 7,135 square metres to 8,448 square metres and,(b) to the grant of permission under P. A. Reg. Ref. 2535/17 for modifications which included a link between the two blocks with a sedum roof and various internal alterations to include retention of glazed facades and minor alterations to the Fleet Street façade.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The operative development is the Dublin City Development Plan, 2016-2022.

The site location is within an area subject to the zoning objective Z5: *“To consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity.”*

The O’Connell Street and Environs Architectural Conservation Area is to the east and the Liffey Quays Conservation Area is to the north.

Policy CHC4 provides for a requirement that new development contributes positively to the character and distinctiveness of Conservation Areas. Under section 16.2.1 contemporary architectural design is encouraged provided that the design where visible provides interesting and well-designed development in the background behind the Liffey Quays without spoiling the setting of the quays.

Section 16.7 provides for building height criteria in which the city is recognised as low rise with protection and enhancement of the skyline being important. New high buildings are to make a positive contribution to urban character and to create opportunities for place making and identity.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A first party appeal was received from McGill Planning on behalf of the applicant on

20<sup>th</sup> November, 2017 in which it is claimed that the assessment and decision of the planning authority fails to strike a proper balance regarding the protection and enhancement of the city centre and the historic core and the Liffey Quays. An outline summary follows;

- The planning officer does not refer to promotion of consolidation, intensification and efficient land use and renewal in the city centre especially on public transport catchments, as provided for in sections 1.3 and 2.2.1 and for the Z5 zoning objective within the development plan.
- The proposed development is central, highly accessible and consistent with the zoning objective and with the height strategy for the low rise location within the city centre. It allows for a maximum commercial height of 28 metres whereas the proposed height is 22.9 metres and 0.85 metres above the permitted development under P. A. Reg. Ref. 2648/16 albeit with a larger floor area.
- The planning officer took an absolute position with regard to conservation and the sensitivity of the site's historic city centre and Liffey Quay location's context having regard to section 16.7 of the development plan. It is not agreed that the location is "prominent and sensitive" in the cityscape. The southern block addresses Fleet Street and will have an additional floor to the five storeys. (P. A. Reg. Ref. 2648 refers)
- The northern block facing onto Aston Place and Bedford Lane is not visible on Fleet Street except at the junction with Fleet Street. However, the proposed additional space is with an eight metre setback from the east side and is not visible from Fleet Street and is also setback from Bedford Lane by eleven metres. The proposed development entails one third of the footprint.
- The site location is not in an Architectural Conservation Area or Conservation area.
- The photomontage views from O'Connell Bridge and Bachelor's Walk show the architectural character of the existing context especially blocks behind those on the street frontage. The planning officer statement that the images are not clear in demonstrating the impact is rejected. As the existing hotel is not visible on the Quays it is incorrect to describe the site as prominent and

sensitive. The buildings facing onto Aston Quay are within the Conservation Area and sensitive but themselves are not of significant merit. There is a 'busy roof profile' with setback floors, service structures.

- The roof plan will only be partially visible along the quays. And it will provide an interesting addition adding to diversity and distinctiveness in the evolution of the city with accords with Section 16.2.1.1 of the CDP as opposed to disrupting the street pattern or building rhythm.
- The proposed development would have less visual impact than other precedent contemporary development in the areas subject to the Z5 zoning objective, and within the Liffey Quays Conservation Area and O'Connell Street and Environs ACA where the development is visible from the Quays. Reference is made to Scot's Church, Abbey Street Lower (The grant of permission under P. A. Reg. Ref. 1548/08, the duration of which was extended twice refers. Extracts from the planning officer report are reproduced in the appeal.)
- With regard to CDP policy objective CHC4 and section 16.2.1 which promote contemporary design in an interesting modern extension behind the Quays of visual interest will be achieved. There is no loss of traditional or historic building form or roof scape. The extension sits over and back from the floor permitted under P. A. Reg. Ref. 2648/16 and replaces an existing 20<sup>th</sup> century mansard from and plant and equipment. There is precedent glass at the Morrison Hotel, the former Central Bank building, the Clarence Hotel, 8 Eden Quay, 34-35 Wellington Quay and at Ormond Quay Lower and the Westin Hotel.
- The proposed materials reflect those of the permitted development under P. A. Reg. Ref. 2648/16 of glazing and zinc seamed roof and parapets which are distinct from the other hotel elevations. The proposed zinc to the west elevation conceals the existing plant.

It is requested that the decision to refuse permission be overturned.

## 6.2. Planning Authority Response

6.2.1. In a letter dated, 11<sup>th</sup> December, 2017 it is stated that the planning author has no comments on the appeal and reference is made to the planning officer report.

## 7.0 Assessment

7.1. The issue central to the determination of a decision is that of visual impact on views of the River Liffey Quays, a Conservation Area according to the development plan due to the proposed height increase and design, materials and finishes.

7.2. There is no objection over the proposed additional floor area of 197 square metres provided for in the current proposal which allows for some intensification and diversification in the nature of use, the additional space being required for events. This is not in conflict with the zoning objective and associated strategic policy objectives for the central business district of the city which accommodates intensification and enhancements that contribute to the central city's economy.

7.3. While it is accepted that the proposed height, at 22.9 metres does not exceed the maximum height open to consideration, according to current development plan standards, the importance of protection of the skyline and to ensure a positive contribution by new development of higher structures as provided for in section 16.7 cannot be overstated. Along the River Liffey Quays, the predominance of vertical emphasis and a well-defined and continuous parapet lines can be detracted from by dominant roof level and roof top development both in the form and selection of materials used.

7.4. Unfortunately, the photomontage images that have been made available with the application are not sufficiently clear, are not adequate for the purposes of assessment purposes. It is noted that the planning officer indicated similar concerns in his report. Furthermore, there are no contextual drawings which would facilitate an assessment although details are adjoining structure are provided.

7.5. Although the overall additional height difference between the proposed development and the permitted development is just under one metre, the proposed development entails considerably more massing. This is clearly indicative in the section and elevation drawings in which, notwithstanding the proposed setbacks a horizontal



emphasis is clearly evident. The proposed development would be significantly more visible than the permitted development in the Liffey Quay views. It is also agreed with the planning officer that the angled facades and use of glazing and zinc seam would be incompatible, visual conspicuous impact and would fail to contribute to the enhancement of the established predominant architectural character of the Liffey Quays Conservation Area. The Liffey Quays Conservation Area has limited capacity to accept additional roof top development due to the considerable sensitivity of the existing built environment along the Quays. The difference in impact between the proposed and permitted development is quite considerable.

7.6. In the appeal it is submitted that there are several precedent permitted developments in contemporary design and which incorporate glazing. However, it is considered that each individual development proposal should be considered on its own merits.

7.7. The argument made in the appeal as to the need to strike a balance between the interests of the architectural heritage conservation and facilitation of the achievement of the strategic goals for economic development within the central business district is fully appreciated. It is considered that the decision of the planning authority to refuse permission is reasonable and appropriate in this regard.

#### 7.8. **Appropriate Assessment**

7.8.1. Having regard to and to the nature of the proposed development and serviced, central city site location, no Appropriate Assessment issues 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 **Recommendation**

8.1. In view of the foregoing, it is recommended that the decision of the planning authority be upheld and that permission be refused. Draft reasons and considerations follow.

## 9.0 Reasons and Considerations

It is considered that the proposed development, by reason of the form, massing, materials, finishes and design in conjunction with the additional height would be visually prominent in the skyline and have a negative impact on the architectural character and integrity of streetscape views along the Quays on the south side of the River Liffey. As a result, the proposed development would have adverse visual impact on the integrity and character of the River Liffey Conservation Area immediately to the north of the site location and would be contrary to the proper planning and development of the area.

**Jane Dennehy**  
Senior Planning Inspector  
22<sup>nd</sup> February, 2018.