



An
Bord
Pleanála

Inspector's Report ABP-300484-17

Development	PROTECTED STRUCTURE: The development will consist of a glazed awning in frames, supported by moulded brackets over the entrance to the hotel development permitted by Dublin City Council under planning Reg. Ref. 2189/16 and as modified under planning Reg. Ref. 3682/16.
Location	72-74, Harcourt Street, Dublin 2
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3944/17
Applicant(s)	Olema Consultants
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Olema Consultants
Observer(s)	Transport Infrastructure Ireland
Date of Site Inspection	20/03/2018
Inspector	Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the eastern side of Harcourt Street, a mixed use Georgian Street running south from St Stephens Green to Harcourt Road. The subject site, a five storey over basement red-brick mid-terrace extends over Stable lane which provides rear access to these terraced buildings. The building is currently in use as a hotel and is a Protected Structure. The entrance to the hotel is up a flight of five granite steps with railings either side and a typical Georgian doorframe.
- 1.1.2. Site photos and maps are appended.

2.0 Proposed Development

- 2.1.1. Permission was sought to erect a glazed awning (10m x 2.1m) with scalloped glazing panels in frames, supported by moulded brackets over the entrance to the hotel. The application was accompanied by an Architectural Conservation Method Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 22nd November the Planning Authority issued a notification of intention to REFUSE permission for the following reason:
 - 1 Nos. 72-74 Harcourt Street are protected Structures located within a Conservation Area and the proposed awning by reason of its design and materials would be injurious to the character and amenities of this sensitive streetscape and would set an unwarranted precedent for similar type development. The proposed development is contrary to the zoning objective Z8 to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective and not in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Drainage Division:** No objection subject to conditions.
- 3.2.2. **Planning Report:** As little visual clutter as possible is encouraged in this conservation area. The proposed awning appears to sit heavily on the front elevation

of this protected structure, does not complement or harmonise and is visually obtrusive. Recommendation to refuse.

3.3. **Third Party Observations**

3.4. **Transport Infrastructure Ireland**

- The proposed development is close to a Luas line. The applicant should ensure there is no adverse impact on operation and safety. The development shall comply with the Code of Engineering practice for works on, near or adjacent to the Luas.
- In accordance with bye-laws a permit shall be required for the erection of hoarding or scaffolding, which will require prior consultation with Transdev.
- The proposed works are in close proximity to a Luas Overhead Conductor System (OCS). A works permit shall be required which shall require prior consultation with Transdev.

4.0 **Planning History**

- 4.1.1. Planning Authority Reg. Ref. **2189/16** – Permission granted for a change of use of office building to a hotel and the addition of 2 levels of accommodation at the rear, providing 152 bedrooms in total. The works proposed consequent to the conversion of the existing office accommodation to hotel use included : Internal modifications to the existing structures to provide hotel accommodation and services; Structural modification of the rear block and its extension horizontally at all levels & vertically by the addition of two floors over the rear wing (6-storeys over lower ground and basement levels); Breakfast room/ bar/ kitchen, external terrace extension at rear ground floor level; Rear, east-facing terraces at fourth floor level; Addition of fenestration at front mansard level; Addition of fenestration to bedrooms at lower ground floor level fronting Stable Lane; Widened fenestration to rear elevation over Stable Lane archway at 1st, 2nd and 3rd floor levels; Roof level lifts, stairs and plant room enclosure; New service lift to all levels; Attachment of identification signs to the front elevation at ground floor level; Plant enclosure at rear first floor extension roof level; Modifications to rear stairs, with added glazing at upper levels; All ancillary site works and services.

- 4.1.2. Planning Authority Reg. Ref. **3682/16**- Permission granted for modifications to the hotel development permitted under planning Reg.Ref. 2189/16, including the following: - Extensions at ground floor level to accommodate additional sun room in breakfast area and at first floor level to accommodate relocated fire escape stairs; Provision of 3 no. balconies to rear (east elevation) at first, second and third floors; Amendments at ground floor level comprising relocation of fire escape stairs, provision of meeting rooms/ store room in lieu of permitted bedrooms, provision of 3 no. doors to external terrace and omission of voids in external terrace; Amendments at first floor level comprising provision of bedroom in lieu of meeting room; Alterations to roof light above resident's lounge; Omission of permitted glazing and cladding to existing south-east stairwell at ground to third floors; Alterations to glazing at fourth and fifth floor link to south-east stairwell.
- 4.1.3. **PL29S.248104**: Permission for roof-level extensions to the hotel permitted under planning register reference number 2189/16 and as modified under planning register reference number 3682/16, to provide for four additional bedrooms at roof level, two located on each side of the existing rooftop plant room, with re-roofing of the plant enclosure that is located at the back of the mansard roof, was granted subject to 5 no. standard conditions.

5.0 Policy Context

5.1. Dublin City Development Plan 2016 -2022

- 5.1.1. The site is zoned Z8 which has the stated objective 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective'. Hotel use is a permissible use in Z8.
- 5.1.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 are as follows:
- 5.1.3. **Policy CHC2** which seeks to ensure that that the special interest of protected structures is protected. **Policy CHC5** which seeks to protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas and finally **Section 16.2.1** which outlines the Planning Authority's Design Principles and Standards.

5.1.4. The building is a protected structure and is listed as Offices (Pinebrook House) no. 3551 in the RPS, volume 4 of the Development Plan.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the applicant submitted a first party appeal against the Planning Authority's decision to refuse permission. The grounds of the appeal can be summarised as follows:

- The application demonstrated that there would be minimal visual impact from the proposed development when viewed from the public realm.
- The proposed awning is modelled on awning over the Protected Structure Gresham Hotel on O'Connell Street – a far more important street in conservation terms.
- The proposed awning is understated, with simple horizontal scalloped glazing in frames, supported by moulded brackets, traditional in style, open ended and in a muted tertiary colour. Photos submitted.
- The proposed awning is essential to provide cover and shelter over the main hotel door.
- The subject building while a protected structure has a late C20th pastiche Georgian façade screening a modern office block. There is no historic value to the building. It is submitted that the refusal reason exaggerates the impact of the awning on the architectural and civic design character of the building. The previous ABP inspector recognised the questionable historic value. The permitted change from office to hotel can accommodate a hotel-style awning over the entrance area.
- The Planning Authority's planning report referred to the flat glazed awning that does not extend beyond the steps and railings and will not overhang the street. Other hotels on the street have awnings, decorative frontages, street furniture, and lanterns on poles. The former Harcourt Street Children's hospital has a full portico with granite pillars. The subject hotel has only first floor window boxes over the location of the proposed awning. The clean line desired by the Planning Authority is not reflective of the traditional street front.

- There is no proposal to expand the hotel.
- The hotel is not a shop and policy RD15 does not apply. The proposed awning contains no logo or branding and does not add unnecessary clutter. It is designed to complement the hotel, to provide shelter and to be lightweight and transparent.
- Views along Harcourt Street are short and not comparable to the Georgian Mile. There is no view of anything above or behind the parapet of the subject building from the top of Harcourt Street (Garda HQ). Photo submitted showing hotel awning permitted by DCC.
- Photo submitted from Stephens Green demonstrating that the development cannot be seen.
- There is no merit in the decision of the Planning Authority to refuse permission. The board is requested to grant permission.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority indicated that they would respond to the appeal but no response has been received to date.

6.3. **Observations**

- 6.3.1. **Transport Infrastructure Ireland:** TII requests that the Board take account of the submission they made to the Planning Authority.

- The proposed development is close to a Luas line. The applicant should ensure there is no adverse impact on operation and safety. The development shall comply with the Code of Engineering practice for works on, near or adjacent to the Luas.
- In accordance with bye-laws a permit shall be required for the erection of hoarding or scaffolding, which will require prior consultation with Transdev.
- The proposed works are in close proximity to a Luas Overhead Conductor System (OCS). A works permit shall be required which shall require prior consultation with Transdev.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development including the various submissions on file. I am satisfied that the issues raised are as follows:

7.2. Principle of Development

- 7.2.1. The subject hotel is a protected structure in a Georgian Conservation Area (z8 zoning). Section 11.1.5.6 of the development plan sets out the policy application for Conservation Areas in Dublin city, stating that all new development must have regard to the local context, distinctiveness and the contribution of the particular building or feature. The aim for Z8 zones is to protect the architectural character / design and overall setting of the areas but also to maintain and enhance the areas as active day and night areas. Section 11.1.5.3 of the plan states that interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure.
- 7.2.2. The Planning Authority, in refusing permission for the proposed awning stated that it sat heavily on the hotel elevation, did not complement or harmonise with the architectural character of the area and was visually obtrusive.
- 7.2.3. The wider Harcourt Street area contains a mix of uses – from offices to hotels and shops. The area is vibrant by day and night, due to this mix of uses, achieving one of the aims of the zoning objective for the area. In terms of streetscape, the defining characteristic remains the red-brick four storey over basement terrace with first floor window boxes and standard Georgian doorframe with fanlight. This section of Harcourt Street is particularly strong in terms of retaining the defining features, with little alteration of the front elevations. What has occurred however is a degree of individualisation on the front facades, in terms of the treatment of the window boxes, flower boxes etc.
- 7.2.4. I note the applicant's agent refers to an awning over the Harcourt Hotel (58-64 Harcourt Street) and other commercial buildings on Lower Harcourt Street, stating that the proposed awning will be less obtrusive than those existing. While the subject site is sufficiently far removed from these two properties for a precedent to exist, I

accept the submission that a degree of alteration is not material. The proposed awning, of a lightweight transparent material on frames that are to reflect the wider ironmongery of the area is both a nod to and a move away from the architectural character of the area. I do not consider the proposed awning to represent visual clutter, nor do I consider it to be materially damaging to the streetscape. The proposed awning of 10m in length and 2.1m in width will be entirely within the footprint of the building, will not overhang the public footpath and will not interfere with the Luas operations or structures (subject to compliance with the requirements of Transport Infrastructure Ireland prior to the commencement of development). I am satisfied that the proposed awning is in keeping with the pattern of development on the street, is in accordance with the zoning objective for Harcourt Street and will not have a material impact on the protected structure.

- 7.2.5. I note that the Luas operators do not object to the proposal. They require some prior consultation regarding the works and advise that permits may be required prior to the commencement of development.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area, no appropriate assessment issues arise and it is considered that 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.

9.0 Recommendation

- 9.1. I recommend permission be GRANTED for the following reasons and considerations:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the zoning objective for the site, the pattern of development in the vicinity and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not detract from the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The Developer shall ensure there is no adverse impact on Luas operation and safety. The proposed development shall comply with the 'Code of Engineering Practice for Works on, near or adjacent to the Luas light rail system'.

Reason: To ensure no adverse impact on Luas operation and safety.

3. The developer shall comply with the requirements of Transport Infrastructure Ireland in relation to compliance with Light Railway (Regulation of Works) By-Law 2004 SI no. 101 of 2004.

Reason: To ensure no adverse impact on Luas operation and safety.

4. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any

applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Gillian Kane
Planning Inspector

27 March 2018