



Development

PROTECTED STRUCTURE:

Demolish 16 Harcourt Street Mews Building and 16, 17, 18 and 19 Montague Street to accommodate a licensed restaurant/cafe bar, pizzeria, coffee shop and hostel accommodation.

Location

16 Harcourt Street + Mews Building of, 16, Harcourt Street, Dublin 2

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4678/18

Applicant(s)

Gambetta Limited

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Gambetta Limited

Observer(s)

Transport Infrastructure Ireland

Date of Site Inspection

5th July 2019

Inspector

Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.2. Development Plan.....	10
5.3. Natural Heritage Designations	11
5.4. EIA Screening	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Planning Authority Response	13
6.3. Observations	13
6.4. Further Responses.....	13
7.0 Assessment.....	13
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18

1.0 Site Location and Description

- 1.1. The L-shaped site faces onto Harcourt Street and Montague Street and backs onto Montague Lane to the south of Stephen's Green in Dublin's City Centre. The site incorporates No. 16 Harcourt Street which is a Protected Structure and the mews building to the rear which lies within the curtilage, as well as No's 16-19 Montague Street.
- 1.2. No. 16 Harcourt Street comprises of a four storey over basement Georgian building. The three-bay four-storey over basement structure forms part of the original fabric of Harcourt Street which was laid out in the 1770s. No. 16 forms the northern part of an original five-bay dwelling. The upper floors above basement to the front of the building accommodate offices and do not form part of the subject application. Currently the basement is vacant and it previously accommodated a restaurant use.
- 1.3. The basement leads out onto a backyard/courtyard area which separates the main building at No. 16 Harcourt Street from a mews structure to the rear, within the curtilage of the protected structure. It has a double floor to ceiling height and is currently used for storage purposes. It is currently in a state of disrepair but incorporates mainly original external features. The majority of internal features associated with this mews building have been lost. The mews building to the rear of No. 16 fronts onto Montague Lane.
- 1.4. No's 16-19 Montague Street comprise of a two-storey structures of a later date, dating from the early 20th century.

2.0 Proposed Development

- 2.1. PROTECTED STRUCTURE: Demolish 16 Harcourt Street Mews Building and 16, 17, 18 and 19 Montague Street to accommodate a licensed restaurant/cafe bar, pizzeria, coffee shop and hostel accommodation. In summary the proposal consists of the following main elements:

Demolition

- Demolish 16, 17, 18, 19 Montague Street and Mews Building to the rear of No. 16 Harcourt Street.

No. 16 Harcourt Street (Basement and Ground Floor Rear Return)

- Extension of the existing current use as a licenced restaurant with an additional use as a café bar.
- Removal of wall sections/partition walls and demolition of 21st century single storey rear extension.
- Landscaping and seating areas to the courtyard.
- New external stairs to the mezzanine floor/outdoor seating area on mezzanine floor.
- External staircase from courtyard to the first floor terrace.

Basement

- Extension to basement to accommodate toilets serving bar/restaurant, kitchen area serving bar/restaurant/pizzeria, staff facilities and storage for hostel/bar/restaurant/coffee shop and pizzeria.

New Build (Montague Street/Montague Lane)

- Ground Floor – Pizzeria, coffee shop, access to hostel via undercroft, bar/restaurant.
- First Floor – Bar/Restaurant/external terrace/hostel.
- Second Floor/Third Floor – Hostel.
- Fourth Floor – Bar/Restaurant/External Terrace.

2.1.1. The appellant has submitted Revised Drawings with the appeal which detail the following changes:

- Retention of the facades of No's 16, 17, 18, 19 Montague Lane and the façade at the corner of Montague Lane.
- Revisions to facades on upper floors.
- Minor Modifications to floorplans.
- Additional cycle parking.
- Acoustically treated gate to the undercroft now proposed.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 3 no. reasons as follows:

1. It is considered that the licensed premises within the proposed development would lead to an over concentration of licensed premises in this area of the city. In addition, given the narrow/restricted nature of the Montague Street and Montague Lane, the proposed entry/exit points from the proposed licensed premises would also give rise to an unacceptable level of disturbance for the amenities of the area and the proposal, including the large external seating areas, will generate noise pollution from and at the boundaries of the proposed establishment which will have detrimental impact on nearby residential amenity, environmental quality and the established character of the area. On balance, the proposed development would undermine the character of the subject site, the streetscape and the amenities of nearby residents. The proposal would result in an undesirable precedent for further such development, would depreciate the value of property in the vicinity and, as such, would be contrary to the proper planning and sustainable development of the area.
2. The proposed excavation works to the site, including works to create a basement level to the rear of No.15 & 16 Harcourt St and creation of a basement level along Montague St, is contrary to Chapter 16.10.15 in the Dublin City Development Plan 2016-2022, as it is the policy of Dublin City Council to discourage any significant underground or basement development or excavations below ground level of, or adjacent to, residential properties in Conservation Areas or properties which are listed on the Record of Protected Structures. The proposed basement levels within the proposal is considered to be a significant contravention to Section 16.10.15 of the Development Plan, an overdevelopment of the subject site and would create a precedent for similar type unwanted development. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.
3. The extent of proposed demolition of the former mews to No. 16 Harcourt Street and the existing unprotected buildings within the curtilage of protected structures, and the scale, bulk and massing of the proposed five-storey-over-basement building would have a seriously adverse impact on the architectural character and

setting of the Protected Structures Nos. 15 and 16 Harcourt Street, the historic mews (Protected Structure) to the rear of No. 17 Harcourt Street, the scale and streetscape character of Montague Street and Montague Lane, and would be contrary to Policy CHC1 of the Development Plan. The proposal would interfere with the present established and appropriate balance between the primary historic Harcourt Street and Wexford Street/Camden Street and the secondary interconnecting streets - Montague Street and former mews lane Montague Lane. The proposed building would be significantly different from the existing unified architectural treatment along Montague Street and proposed increase in height would have detrimental visual impact, negatively impact on the historic character and fabric of the protected buildings and would create an unwanted precedent for similar type development along the street and laneway. The proposal would constitute an overdevelopment of the subject site, would depreciate the value of property in the vicinity and as such would be contrary to the current City Development Plan and to the proper planning and sustainable development of the area.

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:

- Applicant has made significant alterations since the previous application (3150/17) including encompassing No's 16, 17 and 18 Montague Street into the development.
- Changes include the introduction of a hostel and additional bar areas into the subject scheme and a significant increase in the bulk and scale of development to the rear of these Protected Structures.
- Number of serious concerns regarding the proposed development and its potential detrimental impact on the subject site and surrounding area.
- Introduction of a 5 storey building to the subject site would have a significant detrimental impact on the historic character of the subject site.
- Scheme is grossly overscaled/fails to have any regard to the historic 18th Century townhouses along Harcourt Street/to the urban form and context.

- Would cause harm to the curtilage of the structures through its design, form, scale, height and proportions.
- Detrimental visual impact and negative impact on the historic character and fabric of the protected status of the buildings along Harcourt Street.
- Would constitute an overdevelopment of the site and would create an unwanted precedent for similar type development along the street and laneway.
- Attachment to the rear boundary of No. 15 Harcourt Street is particularly blunt in its execution and the design fails to provide any transition between old and new on site.
- Concern with the cumulative impact of a scheme of this scale together with late night venues along Harcourt Street and the impact on nearby residential amenity.
- Noise emanating from the scheme is likely to have a detrimental impact on neighbouring offices and homes.
- Mitigation measures proposed in the Noise Management Plan appear to be inadequate.
- No crowd control measures have been put forward.
- Proposed basement level would be considered a significant contravention to Section 16.10.15 of the Development Plan, would be constitute an overdevelopment of the site and would create a precedent for similar type unwanted development.
- Recommendation was to refuse permission.

3.2.2. Other Technical Reports

Drainage – No objection subject to conditions.

Conservation – Recommends refusal.

Archaeology – No objection subject to conditions.

Environmental Health Officer – Requests Additional Information.

Roads & Traffic – No objection subject to conditions.

3.3. Prescribed Bodies

An Taisce – Object to the demolition of the existing non-protected structures at No's 16-19.

Transport Infrastructure Ireland – No objection subject to conditions.

3.4. Third Party Observations

3.4.1. 2 no. observations were received. The issues raised are as follows:

- Will demolish a scale-scale attractive range of shops
- Design is mediocre
- Little to prevent another super-pub
- profound negative impact of the demolition of the mews building/significant negative impact of the height, scale and intensity of the development

4.0 Planning History

4.1.1. Appeal Ref 249126 (PA Ref 3150/17) - **Grant** - Extension of restaurant, additional use as cafe bar, installation of steps, new bar, demolition of extension, change of use from warehouse and pizzeria to restaurant and associated site works.

0082/92 – **Grant Retention Permission** – Change of use of basement floor from offices to secretarial college.

5.0 Policy Context

5.1. Project Ireland 2040: National Planning Framework

5.1.1. From 16th February 2018, the National Planning Framework has replaced the National Spatial Strategy (NSS) and now represents the overarching national planning policy document. The National Planning Framework sets a new course for planning and development in Ireland, to achieve a shared set of goals for every community across the country, focused on ten National Strategic Outcomes. Chapters of particular relevance to this appeal include chapters 1, 2, 4, 9, 10 and 11.

5.1.2. The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development.

- 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011)

5.2. Development Plan

5.2.1. The majority of the subject site is zoned Z8 – To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective. The western portion of the site is zoned Z4 – to provide for and improve mixed service facilities.

5.2.2. No 16 Harcourt Street is a Protected Structure.

5.2.3. The site lies partly within a Conservation Area.

5.2.4. Relevant provisions of the Development Plan include:

- Chapter 2 Vision and Core Strategy – s.2.2 Core
- 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 CEE18: new growth sectors.
- Objective CHCO28 – To discourage overconcentration of large public houses in any particular area.
- Section 16.29 – Restaurants- Provides guidance for the consideration of restaurant proposals.
- Section 16.32 - Night Clubs/Licensed Premises/Casinos/Private Members' Clubs
- 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.
- Appendix 24 Protected Structures and Buildings in Conservation Areas.

5.3. Natural Heritage Designations

5.3.1. None.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party Grounds of Appeal are as follows.

- The scale and massing of the proposal has been considered and developed through the use of 3D modelling.
- 3 D visualisations included.
- Scale has been considered in the context of the surrounding built form and other permitted developments in the area (i.e. at 10 Harcourt St/10-11 Montague Lane – ABP Ref 247059/PA Reg Ref 2942/16).
- Various design strategies employed to reduce the overall perceived scale of the building.
- Proposed development acknowledges the scale of the buildings along Harcourt Street, matching the parapet height of No. 15 Harcourt Street, falling below the eaves line of No. 15, and below both the parapet and eaves lines of No. 16 Harcourt Street.
- Permission has previously been granted for the amalgamation of the curtilage of No. 19 Montague Street and No. 16 Harcourt Street under Reg. Ref. 3150/17-249126
- Curtilage of No. 15 Harcourt Street has been dramatically altered over time with the development of buildings along Montague Street/the proposal to amalgamate the curtilages of the buildings along Montague Street with No. 16 Harcourt Street is deemed to be a minor alterations.

- Revised proposal put forward for the Board retains the existing facades along No. 16, 17, 18 and 19 Montague Street and the façade at the corner of Montague Lane.
- Allows familiar eclectic nature of the streetscape to remain intact.
- Transition between No. 15 Harcourt Street and the proposal has been amended to be more light weight.
- Revised visuals included in the appeal submission.

Use

- Current application seeks to positively increase the mix of uses on the subject site, adding to the activity and vitality of the area.
- Response prepared by E.J. Dalton Acoustic Consultants under Appendix M.
- The Mews building to be demolished has been much altered.
- Retains only limited authentic fabric – current state of the building has been taken into consideration – is not deemed practical to retain it.
- No. 16, 17, 18 and 19 originally proposed to be demolished – revised drawings submitted with appeal show retention of the facades – revised visuals attached.

Noise

- Proposed lobby areas will limit noise transfer from inside the venue to the outside space
- It is proposed that the balcony areas be vacated of patrons at an agreed time of the evening to reduce any noise nuisance on sensitive locations.
- Noise mitigation measures proposed.
- Proposed operation of the different uses and entry/exit points is outlined.
- Varied mix of uses within the surrounding context – Map attached under Appendix N

Design/Character/Basement

- Proposed mix of uses are in line with the Development Plan/positively impact on the established character of the area.
- Context is one of various scales and typology of built form.

- Proposal further adds to the character and variety of the streetscape.
- Works to No. 16 Harcourt Street will upgrade the building in a sensitive manner while opening the building up once again to public activity.
- Mews building is effectively derelict – proposed building will add more positively to the streetscape than the existing mews.
- Proposed to retain the facades of 16-19 Montague Street – redesign of the shopfronts – new lease of life into the streetscape.
- Will have a positive impact on the value of property in the vicinity.
- Proposed basement under the mews building to No. 16 Harcourt Street has already been granted under the previous permission – therefore principle of a basement has already been established – the size of the basement should not be deemed an area of concern.
- No objections or observations from An Taisce which is seen as positive.
- There was only 2 no. Third Party Submissions were made.
- No objections from any local residents in relation to the proposal.
- Appendices A-R included with the appeal submission.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. 1 no. observation received from Transport Infrastructure Ireland who recommend conditions.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Design and Conservation/Impact on Protected Structures/Basement
- Concentration of Licenced Premises/Noise
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal site lies with an area that is zoned Z8 (Georgian Conservation Area) – To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective and zoned Z4 (District Centre) – to provide for and improve mixed-service facilities. The proposed uses are as follows:

- Restaurant/Café/Bar, Pizzeria, Coffee Shop, Hostel.

7.2.2. The uses above are permissible use within the Z4 zoning. Within the Z8 zoning a hostel is a permissible use. Restaurant uses are Open for Consideration. A public house is not listed either as permissible or open for consideration. However, I have had regard to the most recent consent on site that allowed for the extension of the existing restaurant, an additional use as a café/bar and change of use to pizzeria and restaurant. As such similar uses to what is now being currently proposed have been consented on this site and, as such, the principle of such uses is acceptable, subject to the detailed considerations below.

7.3. Design and Conservation/Impact on Protected Structures/Basement

7.3.1. Reason for refusal No. 3 of the decision of the Planning Authority refers to the extent of demolition proposed within the curtilage of protected structures, and refers to the scale, bulk and massing of the proposed five-storey over basement building and its impact on the character and setting of the Protected Structures at No. 15 and 16 Harcourt Street, the mews at the rear of No. 17 Harcourt Street, as well as the impact on the streetscape character of Montague Street and Montague Lane. It is further stated the proposal would interfere with the existing balance between Harcourt and Wexford Street/Camden and the secondary interconnecting streets. The reason for refusal also refers to the visual impact, the creation of an unwanted precedent, overdevelopment of the site and impact on property values.

7.3.2. The appellants, in the First Party Appeal Submission, state that the scale has been considered in the context of the surrounding built form and other permitted developments in the area and that various design strategies have been employed to

reduce the overall perceived scale of the building including matching the parapet height of No. 15 Harcourt Street, falling below the eaves line of No. 15, and below both the parapet and eaves lines of No. 16 Harcourt Street.

- 7.3.3. It is noted in the appeal submission that permission has previously been granted for the amalgamation of the curtilage of No. 19 Montague Street and No. 16 Harcourt Street under Reg. Ref. 3150/17 (ABP Ref 249126).
- 7.3.4. The appeal submission also includes revised drawings which retains the existing facades along No. 16, 17, 18 and 19 Montague Street and the façade at the corner of Montague Lane and also the transition between No. 15 Harcourt Street and revisions to the façade treatment at the upper levels.
- 7.3.5. 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 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. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas.
- 7.3.6. I note that the overall aim of the zoning objective for Z8 'Georgian Conservation Areas', within which the majority of the site lies, is to 'protect the architectural character/design and overall setting of such areas'. The western portion of the site is in an area zoned Z4 (District Centres) 'To provide for and improve mixed services facilities'. While the proposal would align with the zoning objective for Z4 areas, I do not consider that it is in line with the overall Z8 zoning objective, for the reasons outlined below.
- 7.3.7. Notwithstanding the revised drawings presented with the appeal, I consider that the bulk, scale and massing of the proposal is excessive and would appear as an overbearing structure, out of scale with the existing pattern of development, and would materially harm the character and appearance of the conservation area and surrounding areas. I concur with the view of the Planning Authorities Conservation Officer, in that Montague Street, as existing, provides an appropriate transition in scale between the primary streets of Harcourt Street and Wexford Street/Camden Street.
- 7.3.8. I concur also with the view that the wholesale demolition of the unprotected buildings along Montague Street is unwarranted and would have an adverse impact on the

streetscape, and notwithstanding the concerns noted above, the revised proposals showing the retention of the facades is welcomed.

Protected Structures

- 7.3.9. Notwithstanding the revised drawings submitted, which includes revisions the facades on the upper floors, the excessive scale, bulk and massing of the proposal would a detrimental impact on the setting of the Protected Structures at 15, 16 and 17 Harcourt Street, and the loss of an original mews structure within the curtilage of the existing Protected Structure at No. 16 Harcourt Street is not justified in this instance. This mews building, while considerably altered internally, has external architectural features of merit and its retention is warranted.
- 7.3.10. 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.

Basement

- 7.3.11. Reason for refusal No. 2 of the decision of the planning authority refers to the basement and states the creation of a basement is contrary to Chapter 16.10.15 which discourages significant underground or basement developments below or beside properties in conservation areas or properties which are Protected Structures.
- 7.3.12. The appellant states that the proposed basement under the mews building to No. 16 Harcourt Street has already been granted under the previous permission – therefore principle of a basement has already been established – the size of the basement should not be deemed an area of concern.
- 7.3.13. I concur with the appellant in that the principle of a basement on site has been established. However, a larger basement in closer proximity to the Protected Structures does have the potential for greater impacts. However I consider that appropriate conditions to ensure the structural stability of the Protected Structures via best practice construction measures are appropriate in this instance.
- 7.3.14. Subject to a condition requiring best practice construction measures to be followed, thus ensuring the structural stability of the adjacent Protected Structures, I do not consider that the basement is in contravention of Development Plan policies.

7.4. Concentration of Licenced Premises/Noise

- 7.4.1. Reason No. 1 of the decision of the planning authority refers to the over-concentration of licensed premises in this area of the city. It is further stated that the

proposed entry/exit points from the proposed licensed premises would give rise to an unacceptable level of disturbance for the amenities of the area and the proposal will generate noise pollution from which will have detrimental impact on nearby residential amenity, environmental quality and the established character of the area.

- 7.4.2. The applicant states that the proposed lobby areas will limit noise transfer from inside the venue to the outside space and that the balcony areas will be vacated of patrons at an agreed time of the evening to reduce any noise nuisance on sensitive locations.
- 7.4.3. Of material consequence in this instance is the previous consent for a relatively large restaurant/bar use (APB Ref 249126/PA Ref 3150/17). While the floor area of the bar/restaurant uses is greater in this instance, it is not such an increase so as to have an impact over and above the consented scheme. The surrounding area is commercial in nature and there is little residential uses in the immediate vicinity. The most readily identifiable residential uses are located at Montague Lane, approximately 80m from the appeal site.
- 7.4.4. I consider that noise concerns can be mitigated as per the proposals put forward by the applicants, such as limiting the use of external areas to certain times and other noise mitigation measures.
- 7.4.5. In conclusion I do not concur that the proposal would lead to an overconcentration of licenced premises in the area, and I do not consider that the amenity of surrounding residents would be adversely impacted as a result of the proposed uses, having regard to noise and disturbance.

7.5. **Appropriate Assessment**

- 7.5.1. 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 Sites and the lack of an apparent pathway to same, it is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

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 to the established built form and historic character of the area, it is considered that the proposed development, by reason of its excessive height, bulk and mass, would be out of character with the streetscape, and would adversely affect the setting of nearby Protected Structures. The wholesale demolition of the existing mews structure to the rear of No. 16 Harcourt Street is not considered to be justified. 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 Dublin City Development Plan 2016-2022, in relation to conservation and design, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

15th August 2019