



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304424-19

#### Development

PROTECTED STRUCTURE:

Retention of change of use from office to short-term let residential and permission for development works at site.

#### Location

25 Eustace Street, Temple Bar, Dublin 2.

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

2312/19

#### Applicant(s)

Temple Bar Cultural Trust DAC

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Tony Lako

#### Date of Site Inspection

30<sup>th</sup> August 2019

**Inspector**

Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0102 hectares, is located on the western side of Eustace Street in Temple Bar. The appeal site is occupied by a four-storey over basement structure currently with office use at ground floor level and residential use on the first, second and third floor. The structure is on the record of protected structures and is a terraced three-bay four-storey former house built c.1720 with a single bay return to the rear. Immediately north of the site is no. 24, which is four-storey structure in use as hotel (River House Hotel). To the south is also a four-storey structure, which is in office use.

## 2.0 Proposed Development

- 2.1. Permission is sought for the retention of change of use of the basement from office to ancillary use, the first and second floors from office to short-term let residential use, and the third floor from residential to short-term let residential use: the carrying out of fire upgrade works to the existing building to include partition and floor upgrades, new lobbies at basement and ground floor level, relocation of basement stairs, installation of fire suppression system and fire detection and alarm system with associated automated venting , and sundry other related works. The existing structure is on the record of protected structures.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 9 conditions. Of note are the following conditions...

Condition no. 2

A number of items are to be submitted for written agreement including a detailed drawn record of all early historic fabric (lath and plaster ceilings, timber panelling, staircase elements, doors and door cases, fireplaces etc.), details specification and conservation method statement for how the proposed works and repairs shall be carried out, detailed sections at a scale of 1:10 of the proposed new interventions

including new wall partitions, detailed drawings that co-ordinate any proposed structural interventions and services installation, details of proposed automatic opening mechanism to windows(s), details of new roof vent and details of the new staircase.

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

#### **3.2.1. Planning Reports**

Planning report (16/04/19): The proposed use of existing residential accommodation for short-let purposes was considered satisfactory due to the improvement in the standard of the unit in question and the ability for it return to long term residential use in the future. The alterations to the protected structure were considered satisfactory subject to a condition dealing with the issues raised by the Conservation Officer. A grant of permission was recommended subject to the conditions outlined above.

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

City Archaeologist (08/03/19): No objection subject to condition.

Drainage Divisions (25/03/19): No objection subject to conditions.

Conservation Officer (11/04/19): Additional information including a detailed drawn record of all early historic fabric (lath and plaster ceilings, timber panelling, staircase elements, doors and door cases, fireplaces etc.), details specification and conservation method statement for how the proposed works and repairs shall be carried out, detailed sections at a scale of 1:10 of the proposed new interventions including new wall partitions, detailed drawings that co-ordinate any proposed structural interventions and services installation, details of proposed automatic opening mechanism to windows(s), details of new roof vent and details of the new staircase.

### 3.3. Prescribed Bodies

TII (12/03/19): The proposal falls within the area subject to the Section 49 Luas Cross City Supplementary Contribution Scheme.

### 3.4. Third Party Observations

3.4.1 A submission was received from Tony Lako, 5 Crow Street, Temple Bar, Dublin 2.

- The issues raised included the lack of active frontage in the context of policy RD17 of the City development Plan, the reduction in the mix of uses at this location, the loss of residential accommodation in the context of the issue of housing supply in the city, the impact of short term letting on the area including an over concentration of such and an impact on the amenities of the area, the impact of the proposal on a protected structure within a conservation area.

## 4.0 Planning History

2541/96: Permission granted for retention of alterations to the front and rear facades and roof, as part of the architectural restoration of the List 2 and List 4 Building.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development plan is the Dublin City Development Plan 2016-2022. The site is zoned Z5: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

The site is located with a Conservation Area and the existing structure is on the record of protected structures.

QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

RD17: To promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres and having regard to the criteria for category 1 and category 2 streets and special planning control areas.

CHC1: To seek 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.

CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

(a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest

- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- (f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

## 5.2. Natural Heritage Designations

None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by David Armstrong on behalf of Tony Lako, 5 Crow Street, Temple Bar, Dublin 2. The grounds of appeal are as follows...

- The proposal is contrary development plan policy RD17 which seeks to promote active uses at street level on principal shopping streets and retail is to be the predominant use at ground floor level within the Z5 zoning. Eustace Street is a principal shopping street and the cumulative loss of active frontage would have an adverse impact on the area.
- The proposal would lead to an over-proliferation of short term lettings in the area reducing housing stock and be contrary policy QH 6 which encourages the creation attractive mixed-use sustainable neighbourhoods.
- The change of use of a residential unit from residential use to short term letting is a concern given the shortage of housing available in the city. The proposal is premature pending the provision of guidance by the Department of Housing, Planning, Community and Local Government on short term letting. An over concentration of such development would impact on the character of the area and residential amenities.
- The appellant notes that there is misunderstanding of the proposal and that it is his understanding that the proposal is for change of use of the entire building from office use at basement up to second floor and the residential unit at third floor level. It is noted that no office use is proposed.



## 6.2. Applicant Response

6.2.1 A response has been received from the applicant Doyle Kent Planning & Architecture on behalf of the applicant, Temple Bar Cultural Trust (TBCD).

- It is noted that Eustace Street is a Category 2 street in terms of retail under the Development Plan. It is noted that changing the unit to a retail unit would be inappropriate as would impact on the integrity and character of the protected structure.
- The proposal would not result in a reduction in the mix of uses with it noted that the basement and ground floor level are to continue in office use (to be used by the Irish Landmark Trust) with the proposal entailing a reduced level of office use with an increased quantum of residential proposed. This is no different to the existing arrangement on site with the level of each use being the main change.
- It is note there is no actual loss of residential units with the proposal changing the existing residential and extended residential development to short term letting. The applicant notes the Circular Letter from the Department and states that the development subject to this application does not fall within the categories described in the Circular Letter. The existing residential accommodation at third floor level was already used on short term basis and the proposal is to ensure the future of the historic building under the management of the Landmark Trust which is a not for profit charity.
- The applicants note that although in a rent pressure zone the accommodation in question would not constitute a good permanent dwelling due to accessibility (lack of a lift) and lack of outdoor amenity space. It is noted that the proposal and existing unit is managed to ensure no issues regarding noise and disturbance or adverse impact on existing residential amenities.
- The applicants note that the appellants have misinterpreted the proposal and confirm that the ground floor is to remain in office use.

## 6.3. Planning Authority Response

6.3.1 No response.

## 7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/short term letting.

Protected structure/architectural heritage.

Appropriate Assessment.

7.2. Principle of the proposed development/short term letting:

7.2.1 The proposal is a retention of change of use of the basement level of an existing structure to ancillary use (associated with existing ground floor office use) and change of use of the first and second floors from office use to residential use for short term letting. The previous arrangement of the structure was office use at basement, ground, first and second floor level and a residential unit at third floor level. Office use is being retained at ground floor level and the basement level is to be used as ancillary spaces for such. The first, second and third floor are to be used as a single residential unit with three bedrooms and is to be for short term letting.

7.2.2 The appeal site is zoned Z5 with a stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The proposed uses are all identified as being permissible uses within this zoning objective. I would note that regardless of being permissible uses, the uses proposed are established uses with the change being the percentage of the structure being used for office and residential with a reduced level of floor area dedicated to office use and an increase in the floor area dedicated to residential accommodation. The appellant has indicated that there has been a misinterpretation of the proposal and questions whether there will be any office use within the proposal. I would note that the proposal is clear and that the ground floor is being retained in office use and the basement is an ancillary space to such. It is noted the office use is to be used by the Irish Landmark Trust.

7.2.3 The appellant raises concern about lack of active frontage at ground floor level and policy RD17. The appellant indicates that the site is on a principal shopping street and that an active use should be provided at ground floor level. The site is located in the Central Shopping Area as defined in the City Development Plan. Eustace Street is identified as a Category 2 Shopping Street. RD17 is an objective “to promote active uses at street level on the principal shopping streets in the city centre retail core and in Z4 district centres and having regard to the criteria for category 1 and category 2 streets and special planning control areas”. I would note that there is an established office use at ground floor level and it is proposed to retain such use which is wholly acceptable and also in accordance with the Z5 zoning objective. In this regard I would note there is no change from the existing arrangement in term of use at ground floor level apart from some internal alteration and that the proposal would not be contrary to objective RD17.

7.2.4 The appellant raises concerns regarding the loss of residential use and the provision of a unit for short term letting in the context of reduction of housing stock, adverse impact on the area including lack of sustainable neighbourhoods and adverse impact on the amenities of the area. The proposal does not entail the loss of significant housing stock in that the original apartment at third floor level was small and had no kitchen facilities. It would appear that this unit was let on a short term basis by the Landmark Trust who occupy the building. The proposal entails provision of a larger apartment over first, second and third floor, providing for three bedrooms, a living, room dining room, kitchen and bathroom. The original apartment on site was restricted in its residential amenity and was not suitable for long term occupation meaning the proposal cannot be considered to be a loss in terms of quality housing stock.

7.2.5 The proposal is to use the apartment unit for short term lets. The new configuration provides for an apartment unit of much better quality. The unit is located in a high demand area for such type of short term letting as well and area of high demand for rental properties in general. The use of the residential unit appears to be a revenue generator for the Irish Landmark Trust and important in terms of its role promoting

conservation. I would be of the view based on the conservation benefits of having a better quality residential unit in the existing protected structure and on the basis that the proposal entails the provision of improved housing stock that could at a later time revert to a more permanent residence, that permitting it as short-term let would be acceptable in the context of the proper planning and sustainable development of the area. I would note that such would not lead to an over concentration of such units in the area on the basis the unit is an enlargement of a small unit that was previously only suitable for short term letting. I would consider that the use for short term letting would have no adverse impact on the amenities of the adjoining properties in that the two closest properties on either side of the site are a hotel and an office building.

### 7.3. Protected structure/architectural heritage:

7.3.1 The proposal entails alterations to a protected structure which is located within a Conservation Area. The structure is on the record of protected structures and is a terraced three-bay four-storey former house built c.1720 with a single bay return to the rear. A number of internal alterations are proposed. In the main the historical layout of the structure is to be retained. An existing staircase on the northern side of the building between ground floor and basement, which is a later addition is to be removed and a new flight of stairs is to be provided between ground floor and basement, which is a reinstatement of the main stairs. At basement level a new partition is to be provided and a upgrading of existing wall partitions to current fire ratings. At ground floor level there is to be upgrading of existing partitions along the hall to current fire ratings, provision of a new partition to provide a lobby area and relocation of a door off the hallway to the front room. At first floor level again there is to be upgrading of existing partition walls to current fire ratings but no change in layout or additional partitions. The same is to be the case on the second floor and third floor with a window on the rear elevation at third floor level serving a store/cupboard to be blocked up and a new window on the side wall. A new services riser is to be provided to the rear of the property from the basement level to the third floor. A number of the walls being upgraded in fire rating have wooden panelling (in particular the hallway staircase with all panelling to be reinstated after upgrading works.

7.3.2 I would consider that the level of intervention proposed is justified with a need to upgrade the structure in terms fire safety. The upgrade works are to facilitate the reinstatement of residential use, which would have been the original use within the structure. The historical layout of the structure is to remain largely intact and the proposal entails retention of features of architectural heritage value, of which there are many within the structure. In granting permission the Council imposed condition no. 2, which requires number of items are to be submitted for written agreement including a detailed drawn record of all early historic fabric (lath and plaster ceilings, timber panelling, staircase elements, doors and door cases, fireplaces etc.), details specification and conservation method statement for how the proposed works and repairs shall be carried out, detailed sections at a scale of 1:10 of the proposed new interventions including new wall partitions, detailed drawings that co-ordinate any proposed structural interventions and services installation, details of proposed automatic opening mechanism to windows(s), details of new roof vent and details of the new staircase. These were details that the Conservation Officer recommended to be submitted by way of further information.

7.3.3 In lieu of applying similar condition I would recommend a condition requiring that a conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. I would also recommend that such a condition requires that all repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2004. That such repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

7.3.4 I would consider that subject to such a condition that the proposed development would be acceptable in the context of architectural heritage and conservation and that the overall development as proposed is a positive and active use of an existing protected structure that has adequate regard to the status of such on the record of protected structure and its location within a conservation area.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that 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 a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

Having regard to the design and scale of the proposed development and subject to the following conditions, the proposed development would be acceptable in the context of the visual amenities of the area, the amenities of adjoining properties and would have no adverse impact on the character and setting of the existing protected structure on site, those on adjoining sites or the wider Architectural Conservation Area the site is located in. The proposed development, would, therefore be satisfactory in the context 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 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. Water supply and drainage arrangements, including the attenuation and 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.

3.

(a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases

including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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.

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Colin McBride  
Planning Inspector

30<sup>th</sup> August 2019