



An
Bord
Pleanála

Inspector's Report

ABP-305280-19

Development	Construction of 2 additional floors to hotel (11 storey building) an additional 64 bedrooms and an overall hotel comprising 303 bedrooms
Location	site of 0.35 hectares at 31-34 Abbey Street Upper, 42-51 Great Strand Street, and bounded by Byrnes Lane, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3232/19
Applicant(s)	Balark Trading GP Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Balark Trading GP Limited.
Observer(s)	TII.
Date of Site Inspection	29 th November 2019.

Inspector

Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located within a city centre block with frontage onto both Abbey Street Upper and Strand Street Great, both of these streets are perpendicular to Liffey street Lower to the east and Jervis Street to the west. The site has been excavated and is undeveloped at present. The site has c. 27 metres of frontage onto Abbey St and is bounded to the west by the existing Chapter House office building, which is four-storey to Middle Abbey Street and has two further storeys stepped back. To the east is an existing three storey building in a derelict condition.
- 1.2. The site faces the rear service yard for the existing Marks and Spencer building on Mary Street, while there are a number of four-storey and four-storey over basement houses of likely Georgian origin, which are protected structures, on the north side of Abbey Street facing Chapter House.
- 1.3. Road frontage on Greater Strand Street is c. 70 metres facing onto a c. 9.7 metres wide carriageway where there is a Dublin Bikes station in front of the site. This side of the proposed site is bounded to the east by an existing single storey building, and to the west by an existing five-storey building, which extends to the corner of the pedestrian Millennium Walkway. An existing laneway, Byrne's Lane, extends between Chapter House and this building to the west of the site, with a gate at the Millennium Walkway frontage. The buildings on the south side of Great Strand Street range in height from two to four storeys.

2.0 Proposed Development

- 2.1. It is proposed to construct an additional 2 floors (11 floors in total) to a previously permitted hotel.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to refuse permission for the following reason:

1. Having regard to the scale and height of the development already permitted on this site, the surrounding context including protected structures on the

north side of Abbey Street Upper and the proximity to a conservation area at Ormond Quay adjacent to the Ha'penny Bridge, it is considered that the proposed increase in height would result in the development detracting from the character, and failing to integrate successfully with, the existing streetscape and built environment of the surrounding area at Upper Abbey Street and Great Strand Street, and detracting from the existing quayscape at Ormond Quay in the vicinity of the Ha'penny Bridge, a conservation area. The proposal would also result in increased overshadowing and loss of light to Upper Abbey Street, including protected structures on the north side of the street. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-22), to the Urban Development and Building Height Guidelines set down by the Department of Housing, Planning and Local Government and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report was consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- Drainage Division – No objection subject to standard conditions

3.3. Prescribed Bodies

- An Taisce – the scale and bulk of the already permitted development is significant in relation to the scale and bulk of the surrounding built environment. The proposed development will result in a significant reduction in sunlight and daylight levels to the front rooms of no. 123 & 124 an additional two floors will result in this area becoming a windy and dark canyon, out of scale with surrounding development and resulting in poorer levels of amenity for surrounding occupiers.

- TII – Site is in area of Section 49 Luas cross city levy scheme, no adverse effects to Luas Line should arise and development should have regard to TII code of engineering practice for works on, near or adjacent the Luas light rail system (available on <https://www.luas.ie/work-safety-permits.html>).
- Failte Ireland – Support for the need for additional bedspaces in the city.

3.4. Third Party Observations

One third party submission was received from the owners of the adjacent site, the issues raised can be summarised as follows:

- Note permission granted at Abbey Cottages for a nine-storey over basement hostel, subsequent permission for additional basement level and current application for amendments including omission of a basement level and reconfiguration of the seventh and eighth floor levels to meet the permitted building line along Abbey Street Upper;
- Proposal is welcome as it is considered to be consistent with the departmental guidelines in respect of height; proposed building height of 34.2m onto Abbey Street Upper and 31.7m onto Great Strand Street; while proposed development would exceed the permitted development at Abbey Cottages in respect of height it is accepted that it would not significantly impact on it or injure its amenities;
- Proposal is considered to be appropriate for a key underutilised city centre site, provide much needed tourist accommodation and contribute to the regeneration of the surrounding area.

4.0 Planning History

3093/19: Permission granted to amend part of the development permitted under Reg. Ref. 3172/18, to provide for an increase in the permitted basement area of c.129m² providing for additional hotel storage space, resulting in a revised basement area of c. 1,718m².

2997/19: Permission granted for to amend part of the hotel development permitted under Reg. Ref. 3172/18; development replaces the permitted stairwell providing

access to Byrne's Lane (from basement to eighth floor level) to now provide for an increase of c. 15.5m² to the basement storage space and an increase of c. 16.5m² to the ground floor retail unit to provide a service access/escape and the provision of eight additional hotel bedrooms (one per floor from first to eighth floor level (resulting in an increase in the number of permitted hotel bedrooms from 239 to 247; development also provides for associated revisions to the facade fronting Byrne's Lane to accommodate the hotel bedrooms and for revisions to the facade of the hotel fronting onto Abbey Street Upper.

3172/18: Permission granted for construction of a nine-storey (with seventh and eighth floor level set back) over basement aparthotel fronting Great Strand Street, comprising 269 bedrooms and related aparthotel facilities. Condition 5 required: The aparthotel block shall be reduced in extent at seventh and eighth floor levels so as not to project further east than the stairwell in the southeastern area of the block.

Adjacent site at Abbey Street frontage to east:

PL29N.249037 Permission was granted for the development of a nine-storey tourist hostel over basement and comprising 144 rooms, café and bar areas.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

The appeal site is located within an area zoned Z5 in the Dublin City Development Plan 2016-2022 which seeks 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

The following policies and objectives are more generally relevant:

- Policy CHC9: seeks to protect and preserve National Monuments:
- Objective CHCO10 – seeks to promote archaeological best practice.
- Policy CHC12: seeks to promote tourism in the medieval city and suburbs.
- Policy CEE12 (i): promote & facilitate tourism as one of the key economic pillars of the city's economy.

- Policy CEE13 (iii): to promote and support the development of additional tourism accommodation at appropriate locations.
- Policy CEE22: to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8.

Urban Development and Building Height Guidelines for Planning Authorities 2018

- Section 3.0 - Building Height and Development Management
- Section 3.1 - Development Management Principles 3.1

Project Ireland National Planning Framework 2040

- Section 1.2 Making the vision a reality
- Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

South Dublin Bay and Tolka Estuary SPA – 3km northeast of site.

South Dublin Bay SAC – 4km south east of site.

South Dublin Bay and river Tolka Estuary SPA – 4km south east of site.

North Bull Island SPA – 6km north east of site.

North Dublin Bay SAC - 6km north east of site

5.3. EIA Screening

- 5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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

The grounds of appeal have been prepared by Tom Philips and Associates on behalf of the applicant. The issues raised can be summarised as follows:

- A nine storey hostel and 8 storey aparthotel were permitted in the vicinity of the site.
- An 8 storey aparthotel was permitted in Middle Abbey Street which is directly in line with the view north from the Ha'penny Bridge.
- The DCC assessment does not have regard to National Planning Policy.
- It is proposed to project the 7th and 8th floors to the street and recess the 9th and 10th floors.
- The proposed design is considered to be an appropriate response to the context of the site.
- The development is 3-6 metres in height over that permitted.
- National Planning policy highlights that a significant proportion of future development should be targeted on infill /brownfield sites.
- The appeal site is located within the city centre adjacent to the Luas the increase in height at this location is appropriate.
- The proposed development provides a stronger vertical line.
- A sunlight analysis was prepared by 3D Design which states that there is no difference between that proposed and the permitted scheme.
- Only minor changes to overshadowing occur at no. 123-125 Abbey Street.
- The site is not within a conservation area.
- There will be no impact on Protected Structures along the quays.

6.2. Planning Authority Response

- None

6.3. Observations

- TII – No new issues were raised.

7.0 Assessment

7.1. The proposed development is located within an area zoned Z5 under which hotel developments are accepted. The principle of the proposal is therefore in accordance with the zoning objective for the site. The issues before the Board are solely in relation to the additional floors proposed and the refusal of these floors by the local authority. The remainder of the development has obtained permission. The issues can therefore be summarised as follows:

- Building height & Impact on streetscape
- Appropriate Assessment

7.2. It is contended by Dublin City Council that the proposed additional floors result in the development detracting from the character, and failing to integrate successfully with, the existing streetscape and built environment of the surrounding area at Upper Abbey Street and Great Strand Street, and detracts from the existing quayscape at Ormond Quay in the vicinity of the Ha'penny Bridge. It is further contended that the proposal would also result in increased overshadowing and loss of light to Upper Abbey Street, including protected structures on the north side of the street.

7.3. The applicant rebuts the concerns raised by the Council and states within the grounds of appeal that the proposal makes a negligible change to the streetscape and such increases in height and density are supported by national policy and guidance. It is also contended by the applicant that the proposed development would not significantly increase overshadowing and would have no impact on accessibility to daylight for adjacent buildings.

7.4. The appeal site is located in an inner-city location in an area identified within the Dublin City Development Plan as in need of regeneration. Development within the immediate vicinity of the appeal site consists of 6-7 storey commercial buildings and three-storey mixed use terraced properties. It is important to note at this juncture that permission has been granted to the west of the site for a 9 storey hostel building and

an additional application to increase the height of this approved hostel has been refused by DCC and is currently under appeal.

- 7.5. Section 4.5.4.1 of the Dublin City Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The vast majority of the city area is identified as not being suitable for mid-rise or taller buildings. The spatial approach to taller buildings in the city is in essence to protect the vast majority of the city as a low-rise particularly within the historic core.
- 7.6. The plan requires that in all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views. The design standards of the development plan set out in Section 16.7.2 outlines that heights within the inner city of up to 28 metres for commercial are permissible.
- 7.7. The permitted development on site measures c. 28 metres in height at the Upper Abbey Street elevation which is similar to the previously approved hostel development adjoining the site to the east. The proposed increase in height will result in this elevation rising to c.34 metres which will provide c.6 metres of additional height to the proposed hotel. The proposed additional floors would provide for a building that would be c. 12 metres higher than the existing building adjoining the site to the west at Upper Abbey Street and significantly higher than many of the low rise buildings within the vicinity. The same is true of the elevations proposed at Great Strand Street whereby the proposed height will rise c. 7 metres above the existing building to the west.
- 7.8. The appeal site is located in an area of the city whereby many historic buildings remain, and the overall heights are low. It the policy of DCC to protect the historic setting of such areas and to only permit modest increases in height in order to prevent the degradation of important views and vistas within this part of the city and to ensure that historic buildings and streetscapes are not dwarfed by excessively high new development. It is important to note that the permitted hotel on this site provides for a building of 28 metres in height which is significantly in excess of the overall height of existing established development in this vicinity and to further

increase on this height by an additional 6 metres whereby the upper floors are not significantly recessed I consider to be excessive.

- 7.9. I note that the proposed additional floors will have a negative impact on adjacent buildings in terms of overshadowing and notwithstanding that this impact will be minimal, I would have concerns regarding the precedent of permitting such heights at this location whereby the architectural merit of the building is not of a significantly high standard.
- 7.10. Whilst I note the provisions of the Urban Development and Building Height Guidelines for Planning Authorities 2018 and the location of the appeal site in an area served by a high frequency multimodal public transport system, I also note that these guidelines do not prescribe high buildings in all situations. Section 2.8 recognises that historic environments can be sensitive to large scale and tall buildings and Section 3.2 requires that proposals respond to the overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. I do not consider the additional floors respond to the surrounding environment, nor do I consider the design of the proposal to be a positive contribution to the existing streetscape. The proposal provides for a plain block of additional floor space to merely sit on top of the permitted hotel and does not seek to provide for a building of any significant architectural merit which could be presented as a feature within the landscape. As such I do not consider that the proposed development would meet the design tests within the Urban Development and Building Height Guidelines for Planning Authorities 2018 in order to warrant a contravention of the height restrictions prescribed within Section 16.7.2 of the Dublin City Development Plan 2016-2022.
- 7.11. In conclusion I consider the proposed development in terms of its overall design, massing, height and scale to be inappropriate at this location. The overall design of the proposal does little to integrate the proposal with neighbouring buildings in the vicinity and does little to improve or compliment the existing streetscape.
- 7.12. The proposal would therefore be contrary to the key tenets of the Urban Development and Building Height Guidelines for Planning Authorities 2018 and to the provisions of the Dublin City Development Plan 2016-2022 in this regard.

Appropriate Assessment

7.13. I have assessed the information provided and carried out a site inspection and note that no pathway exists between the appeal site and these sites and as such in the absence of any pathway connecting the development site with the sites above and having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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 that permission is refused for the following reason:

9.0 Reasons and Considerations

1. Having regard to the design, height, scale and massing of the proposed development and its relationship with neighbouring buildings in the immediate vicinity it is considered that the proposed development fails to comply with both the provisions of the Dublin City Development Plan 2016-2022, in particular Section 4.5.4.1 which seeks to provide for taller buildings which respect their context and the provisions of the Urban Development and Building Height Guidelines for Planning Authorities 2018 in which it is a requirement for taller buildings to make a positive contribution to the urban neighbourhood and streetscape. The proposed development would fail to adequately respect and complement the prevailing character and height of Georgian buildings along Abbey Street Upper and buildings along Great Strand Street, would result in an abrupt transition in building height moving along both streets, would fail to appropriately address or make a positive contribution to the streets and would fall short in terms of the quality of building required in this context. The proposed development would therefore be visually obtrusive and would seriously injure the visual amenities of the area and would thereby prove contrary to the provisions of both the Dublin City Development Plan 2016-2022 and the Urban

Development and Building Height Guidelines for Planning Authorities 2018 and would be contrary to the proper planning and sustainable development of the area.

Sarah Lynch
Planning Inspector

2nd December 2019