



An
Bord
Pleanála

Inspector's Report ABP307306-20.

Development	Extensions, Alterations and Change of Use to Hotel with associated facilities.
Location	St Mary's College, (Avila), Bloomfield Avenue, Donnybrook, Dublin 4. (Protected Structure.).
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3608/19.
Applicant	Donnybrook Hotel Ltd.
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party X Refusal
Appellant	Donnybrook Hotel Ltd.
Observers	B. Higgins and C Loftus. Carlisle Avenue Management Co. Mary McCormack. Order of Discalced Carmelites
Date of Inspection	31 st August, 2020.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site which is that of the former St Mary's Carmelite College and Seminary has a stated area of 112,114 square metres and is that of a complex of institutional buildings. The original nineteenth century house known as Gayfield House was set within larger designed landscaped grounds which was acquired by the by Discalced Carmelites circa 1884. It is a brick faced, L shaped building designed by W H Byrne in a Gothic Revival style constructed circa. 1888 and an oratory /chapel was added adjacent to the original house circa 1902.
- 1.2. In the 1930s an additional block was added to the west side to which an additional floor was constructed in the 1940s. Within the grounds there is a 'north' garden, a south garden and a walled orchard and a front curtilage marked off by historic railings. Original limestone walls are intact along the northern boundary with Bloomfield Avenue and the west and south boundaries.
- 1.3. The Discalced Carmelites vacated these buildings and transferred to a new purpose-built priory, retreat centre and chapel/oratory (Avila Centre) in a two-storey contemporary building on subdivided lands from the south east of the original grounds which are outside of the application site.
- 1.4. There are two existing vehicular entrances off Bloomfield Avenue along the boundary with which there is stone walling. The entrance at the western end is the original main entrance and it comes within the inner landscaped grounds in which there are several mature trees onto an avenue enclosed by metal fencing to the front of the original building. The second entrance is a relatively recently constructed entrance midway along Bloomfield Avenue opening onto a driveway outside the metal railing and immediate front curtilage the original building. It was in use as an entrance and access route for the Avila Carmelite Centre.
- 1.5. A relatively recently constructed apartment development (Bloomfield Park) is located on lands formerly within the landholding around Gayfield, to the east. There is a further gated entrance from Morehampton Road to the side of the Bloomfield apartment complex which was not in use at the time of inspection. The Royal Hospital campus is located to the west side of the site. There also are relatively recently constructed apartment developments, Edward Square and Bloomfield Park on the north side of Bloomfield Avenue opposite the site.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for development of a 177-bedroom hotel.

- Demolition of the four storey 1930s/1940s accommodation block on west side, outbuildings, and garage.
- Change of Use of remaining buildings to be retained to hotel use.
- Construction of a three-storey extension on the west side of the chapel (lower ground level is a services, storage, and plant level swimming pool, spa facilities and bedrooms on the top floor.
- Two storey steel and glass orangery extension in courtyard linking chapel and original building providing for tea rooms and lounge and external terrace at ground level and services/staff facilities area at lower ground level.
- Two- five storey bedroom wings/extensions (west wing and east wing) with setback top floor and fourth floor balconies to the south and south west of the existing building providing for bedroom accommodation.
- Single storey ESB substation and switch room building at northern boundary,
- Alterations to original building providing for hotel offices and meeting rooms at lower ground level, bedrooms at first and second levels and reception and concierge areas and bar and lounge facilities at ground level in former chapel.
- Alterations to entrance steps, provision of an access ramp, alterations to internal walls and openings to facilitate function room and bedroom use.
- Construction of basement adjacent to the eastern boundary for 56 carparking spaces, 56 cycle parking spaces storage and ramp access.
- Vehicular ramp for delivery area adjacent to north east boundary from existing Bloomfield Avenue entrance.
- Alterations to existing north east entrance adjacent to Avila Centre) and new entrance, piers walls and gates on vehicular access to Avila Centre
- Fire tender access roads vehicular turning area to east of origin building two surface disabled car spaces and coach set down area.

- Landscaping scheme to include courtyard between bedroom blocks to incorporate the existing orchard boundary wall (to be adapted) and formal gardens to the north of the external terraces to orangeries' extension and spa facility.
- Flagpoles, free standing hotel sign, an Avila Centre sign at north east entrance.

2.2. The total stated floor area of structures for demolition is 3,509 square metres, and that of the existing structures to be retained and new structures to be constructed is 14,582 square metres with a plot ratio of 1:20 and site coverage of 28%.

2.3. A multiple item additional information request was issued on 19th September, 2019. to which a response was received on,12th June 2020 to address concerns of the planning officer, conservation officer, transportation planning division, landscape, and parks division. The proposals in which the total number of rooms is reduced to 169 from 177 include modifications to the design, materials and finishes, footprint, height, scale and mass of the east bedroom block and glazed link to the south side of the existing building. A revised layout and configuration for the hard landscaping and vehicular circulation, use of one access off Bloomfield Avenue for all vehicular access, modifications to the proposed basement excavation and its layout, size and access, and, modifications to the proposed interventions to the eighteenth century orchard and increased tree retention.

2.4. In the response it is also submitted that for the application of the requirements for 25% open space/community facilities provision required under the Z15 zoning objective, it is reasonable that the entirety of the lands, (which include the Royal Hospital grounds) in totality be taken into consideration although there is an increase in open space provision to 28% of the site area.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 16th March, 2020 the planning authority decided to refuse permission for the following three reasons:

“The proposed development does not satisfy the Z15 zoning objective or secure the aims of the zoning objective to provide 25% of the site for open space and/or community facilities. The proposed development would therefore materially contravene a zoning objective and would be contrary to the proper planning and sustainable development.” (sic)

“The proposed development by reason of its height and massing would adversely impact the setting of the protected structures and the adjacent terrace of protected structures to the south. The proposed development would thereby seriously injure the amenities of property in the vicinity and would be therefore be contrary to the proper planning and sustainable development of the area.”

“The proposed development including the extent of access driveways, turning areas, parking set downs and ramps would result in a significant loss of mature trees and landscaping of historic value which would adversely pact the setting of the protected structure. The proposed development would seriously injure the amenities of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.”

3.2. **Planning Authority Reports**

- 3.2.1. The **planning officer** in the initial report indicated a recommendation for a multiple item request for additional information in order to address the concerns raised in the technical reports and observer submissions. Having taken into consideration the modifications to the proposal and clarification of details provided in the further information submission and the supplementary technical reports, indicated a recommendation for refusal of permission based on the reasoning provided in para 3.1 above.
- 3.2.2. The original and supplementary reports of the **Conservation Officer** includes a statement of acknowledgement of justification and the planning gain and security of the buildings in the adaptive reuse of existing buildings, at the cost of some of the proposed removals and interventions, concerns as to adverse impact on fabric and character of existing structures and historic landscaped gardens, and adverse impact

on the setting and context of the existing structure attributable to the form, mass and height of the new build and to proposed internal hard surfacing and landscaping.

- 3.2.3. The original report of the conservation officer dated, 12th September, 2019 several issues of concern were raised and discussed and a comprehensive request for additional information was recommended.
- 3.2.4. The supplementary Conservation Officer report dated, 13th March, 2020 indicates a recommendation for refusal of permission on grounds that the proposed development materially contravenes Policy CHC 2 (a) and (d) of the CDP in that the scale, height and mass of the proposed new development and the extensive loss of trees, especially those within the historic orchard seriously injures the architectural character and setting of the protected structure and adjacent protected structures to the south of the site (Carlisle Avenue)
- 3.2.5. The conservation officer notes the heights to ridge and eaves of the extant structures and states that the orchard trees are intrinsic to the site and that the landscaping proposed does not mitigate the removal or screen the new development, that there is a lack of clarity in survey details and in the methods, nature and extent of proposed refurbishment and conservation works, and that while revisions to the design of the linkages between the new build extensions and the existing structure are more sensitive to and compatible, a level should be omitted in that the roof arrangement is too high.
- 3.2.6. The **Transportation Planning Division**: The original report of the conservation officer dated, 19th September, 2019 indicated a request for additional information was recommended in respect of traffic impact assessment (operational and construction stages), mobility management planning, and layouts and circulation for parking and servicing arrangements, including swept path analysis.
- 3.2.7. The supplementary Transportation Planning Division report dated, 26th July, 2020 indicated satisfaction with the proposed development subject to conditions, which include a requirement for a construction management plan to be agreed, by compliance, following appointment of the main contractor.
- 3.2.8. The **Parks and Landscaping Division's** original report indicates concerns are indicated about the extent of tree removal proposed, hard surfacing proposed, and potential invasive species within the site for which a survey would be required

- 3.2.9. The **Drainage Division's** report indicates no objection subject to conditions.
- 3.2.10. The **Waste Management Division's** report indicates no objection subject to conditions.
- 3.2.11. The **Environmental Health Officer** 's report indicates no objection subject to conditions.

3.3. **Third Party Observations**

- 3.3.1. The issues raised in the third party observations include issues of concern relating to consistency with the Z15 zoning objective, overdevelopment, excessive size, mass and height and proportions of new build relative to existing resulting in overbearing impact and on existing structures within the site and adjoining the site on Carlisle Avenue, a residential conservation area subject to the 'Z2': zoning objective in which the residential properties would be affected by insufficient separation distances, overlooking and overshadowing and noise disturbance, excessive tree loss and hard landscaping, trip generation and impact on traffic flows.

4.0 **Planning History**

- 4.1. There is no record of applications for major development involving the existing complex of buildings and remaining grounds.
- 4.2. Under P. A. Reg. Ref. 1060/04, Permission was granted for development residential development of 182 apartments and fourteen houses and a creche on the lands to the east which have a stated area of 1.46 hectares which were subdivided from the original grounds and have been developed as an apartment development comprising to the east side. Several minor applications were subsequently lodged with the planning authority involving proposals for modifications for which permission was granted. This development has been completed and is occupied.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan 2016-2023 according to which the site area is subject to the zoning objective .Z15: *to protect and provide for community and institutional uses*”, the area adjoining the southern boundary in which two storey historic houses are located is subject to the zoning objective: Z2: *“To protect and/or improve the amenities of residential conservation areas”*.
- 5.1.2. Policy CHC2 provides for ensuring the protection of the special character and integrity of protected structures. Guidance and standards on works and additions, internally and externally, to protected structures are set out in section 11.1.5.3 which provides for minimal intervention to and maximisation of retention historic fabric and original planform, protection of proportions within buildings and relative to adjoining buildings.
- 5.1.3. According to Section 16.10.15 it is the policy of the City Council to discourage significant underground or basement development or excavation below ground adjacent to residential properties in conservation areas or included on the record of protected structures.
- 5.1.4. According to Map J the site location is in Area 2 for the application of parking standards. According to table 16.2 there is a requirement for three spaces per bedroom.
- 5.1.5. The historic structures and curtilage are included on the record of protected structures (Ref 8726): -

“St Marys College, Gayfield” Bloomfield Avenue, Donnybrook Dublin 4 (Site also known as “Avila”): Curtilage including college chapel, building to the south of the chapel, red brick L shaped wing, exterior northern boundary wall on Bloomfield avenue and excluding post 1930 structures.”

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal against the decision to refuse permission was lodged on behalf of the applicant on 8th June, 2020. It is accompanied by a revised site layout plan, a revised landscape and garden design report and traffic and transport report and a supplementary submission prepared by the applicant's architect prepared in connection with the modifications included with the appeal.

6.1.2. In the appeal some modifications to the design for the proposal that was lodged in the further information submission which was substantially in accordance with the CDP policies and objectives to address the reasons for the decision to refuse permission are included for consideration.

6.1.3. According to the appeal:

- As extensive engagement and consultation with the planning authority took place prior to lodgement of the application and further information submission which included revisions. Therefore, the planning authority's decision to refuse permission was so the decision was unexpected.
- As in the further information submission the number of rooms is reduced from the initial 177 to 169 in total.
- Four main criteria for Z15 zoned lands are satisfied. The proposed development secures the aims of the zoning objective, retains institutional and community uses and complies with CDP.
- To address Reason One:

In the modifications included with the appeal: -

- the size of the basement is reduced, the layout and levels revised, and the service access ramp omitted. The deliveries area and staff cycle parking are relocated to the ground floor and plant is relocated to the lower ground floor. The main access ramp is relocated to the southern boundary with a revised design.

- The external lower ground floor ramp is omitted, and goods will be transported by two goods lifts to be installed. The ground floor kitchen layout is revised. Four bedrooms are omitted and the width of the buffer landscaped strip on the south boundary is increased.
 - At lower ground level the external ramp is removed, with goods being transported via two goods lifts and the boiler room and waste storage are relocated from the ground floor to lower ground floor.
 - Four bedrooms are omitted from the ground floor and the width of the landscape buffer is increased on the southern boundary.
- To address Reason 2;

In the modifications included with the appeal: -

- Reductions and omissions in the further information submission. The applicant's conservation architect has provided a supplementary assessment according to which:
 - The redesigned extensions which are modern and simple in expression complement the existing building and their height and their connections to the existing structure will not adversely impact on the setting of the protected structure.
 - With regard to the concerns of the planning officer about the setback from the boundary with Carlisle Avenue, it is demonstrated that the proposed extensions are appropriate and do not adversely impact on the adjoining properties. The redesign provides separation distance of 25 metres with a further setback for the top floor. Existing mature boundary planting can be retained and additional screening.
- In response to Reason 3:
 - The dominance in site coverage allocated to parking and circulation etc and the impact on existing trees and landscaping is acknowledged. Included with the appeal are revisions to the site layout to allow for less internal roads and increased open and landscaped space and to address the setting and layout concerns of the planning authority.

- There is consolidation of the vehicular access arrangements to one visitor and services entrance, 4.8 metres wide entrance half-way along the boundary with Bloomfield Avenue. The visitor access in the northern corner is for the Avila Centre alone. An assessment is included in the revised traffic and transport assessment provided with the appeal. As the Traffic and transportation division indicated acceptance of the proposals in the further information submission.
 - A reconfigured parking and a set down and turning area one-way system at the entrance is proposed with a hotel concierge and fob operated parking to the basement carpark using a narrow access ramp, beyond the entrance to the hotel. Fifty car spaces, six motorcycle and 67 cycle spaces are provided in the revised proposal which accords with CDP standards.
 - The omission of eight bedrooms and six car spaces increase the landscaped space on the southern side of the site. There is increased cyclist permeability and parking with an additional eleven spaces
 - The provision for all services deliveries and loading in the same location at ground level to the west side of the hotel allows for omission of the separate ramp and basement space can be omitted.
 - The existing site features and circulation areas are utilized as integral part of the development. The orchard walls are retained and protected and the landscape zone on the southern boundary at Carlisle Terrace is increased by four metres.
 - The historic fence is to be refurbished and reinstated at a position similar to the original location.
- As a result, the open landscape is retained with a parkland open space and planted borders introduced at the north east retain the open aspect and setting of the retained buildings. The open parkland is (3,355 square metres) allows for a range of activities and is 28 per cent of the site area which complies with the zoning excluding the other facilities within the overall 'Z15' zoned parcel. The orchard is partially retained with increased supplementary planting of semi mature trees (mitigating tree loss) with high quality landscaping including provision of tree lined avenues will be created.

- The applicant's conservation architect regards the revisions to the roads layout and entrance arrangements as an improvement in that it involves a reopening of an original entrance that was on Bloomfield Avenue with positive impact on the character of the site, retention of landscaping and planting, walls and fencing and reduces interventions.. He regards the impact is positive on the character and setting within the site and the adjoining structures on Carlisle Avenue.

6.2. **Planning Authority Response**

6.2.1. There is no submission from the planning authority on file.

6.3. **Observations**

6.3.1. Observer submissions outlined below were received from the following four parties.

B. Higgins and C Loftus.

Carlisle Avenue Management Co.

Mary McCormack.

Order of Discalced Carmelites

6.3.2. **B. Higgins and C Loftus. No 8 Carlisle Avenue.**

- The proposed development is contrary to Policy CHC 2 with regard to impact on the protected structures and their curtilage and visual impact on the setting of the Carlisle Conservation Area in which the houses are protected structures. It is insensitive in heights, proportions, scale design and detail and visually obtrusive.
- The extensions are too high and excessive in mass, form, density, and bulk and, too close to the southern boundary. There are windows in the centre and at the top of the gable ends facing Carlisle Avenue which are close to and, will affect the Carlisle Avenue properties in that that there will be extensive views into the properties. Trees which do not exist at Carlisle Avenue have been included in images.
- It is unreasonable, in the shadow report, to state that affected rooms are insignificant as other windows are with access to light on Carlisle Avenue.

The height of the blocks is at the maximum height and in stark contrast to the Carlisle Avenue houses. Equal protection should be afforded to the Carlisle Avenue properties which are also protected structures.

- Consideration must be given to the type of trees to be planted on the southern boundary. The details are not sufficient.
- The noise study only relates to the construction stage. A noise study is required for a hotel operation.
- There is scope for the development to be redesigned, as a preferred option, so that it does not adversely impact on Carlisle Avenue.

6.3.3. Carlisle Avenue Management Co.

- The applicant has not provided a substantive rationale for appeal against the refusal of permission having regard to section 127 (1) (d) of the Act in which full grounds, reasons considerations and argument is required. Instead, it is in

effect, providing a clarification of further information and seeking an arbitrator function from the Board. This places third parties in a compromised position with regard to participation. However, the fundamental issues raised in the observer submission are not addressed.

- The revisions do not overcome the problems with, direct overlooking, visual impact, and compromised residential amenity with regard to the boundary at Carlisle Avenue due to insufficient separation distances, setbacks, scale, design, and form.
- There will be unnecessary tree loss and an appropriate tree planting for screening on the peripheries especially the southern boundary is required.
- The Carlisle Avenue Conservation Area will be dominated in that the development, which is insensitive, will overwhelm the two-storey house degrading the unique and special characteristics.
- The Transitional Zone Areas provisions in section 4.7 of the CDP should be applied with regard to the adjoining Z2 (residential conservation area) zoned Carlisle Terrace comprising eighteen houses and a small park. The

extensions at the rear of Nos 12-14 were disregarded in consideration of impact on residential amenities at Carlisle Avenue and a cross section with the extension and No 12A Carlisle Avenue should have been included. There would be significant adverse impact on these residential amenities.

- There is no setback in the upper levels in the revisions included with the appeal. Drawings are unclear regarding separation distances from the boundaries and houses on Carlisle Avenue and there are no visualisations of sunlight and shadow studies for the revised scheme.
- Development outside conservation areas can impact on conservation areas and this is the case with the current proposal vis a vis Carlisle Avenue. The proposal is contrary to section 11.1.5.6 of the CDP as it will significantly detract from the integrity and character of the Conservation Area due to scale height form and proximity and visual impact.

6.3.4. **Mary McCormack 12 A Carlisle Avenue**

- The property has a very long common boundary with the application site and its residential amenities and value will be adversely affected. The northern elevation of the house is one metre from the boundary and has several windows facing the proposed block and it will be circa ten metres from the boundary with No 12A Carlisle Avenue.
- The transition between the five storey extensions and Carlisle Terrace is very abrupt.
- Including land outside the site boundary (within the Z15 zone) to argue consistency with the zoning is inappropriate and incorrect. The nature of use of the additional lands would need to be considered in the claim that the open space is brought above 25%. A private hotel with access and circulation routes is not consistent with the community intention for the Z15 objective.
- There is an unacceptable degree of intervention into and destruction of mature landscaping history fabric and historic character. Basement excavation will compromise existing trees and scope for replacement tree growth.

6.3.5. **Order of Discalced Carmelites, Avila, Carmelite Centre.**

The argument regarding open space provision and continued community use, and consistency with the Z15 zoning objective is not acceptable in so far as it is based on the entirety of the land parcel within the Z15 zoning objective instead of being confined to the application site alone. The key concern on the part of the Carmelite community is that no development should prejudice possible future proposals relating to the Avila Carmelite Centre lands and consideration of any such proposal on its own merits. It is pointed out that conditions can be attached that relate to the lands, outlined in blue, and outside the control of the applicant.

7.0 **Assessment**

7.1. The issues central to the determination of a decision which reflect that are raised in the three reasons attached to the planning authority decision to refuse permission and can be considered under the following broad sub-headings followed by ecological assessment, environmental impact screening and appropriate assessment screening:

Consistency with the “Z15” zoning objective.

Below ground excavation – basement development.

Demolition and works to existing buildings.

Hard surfaces - access and circulation – front and north curtilage.

East and West Hotel Extension Blocks: Impact on South Gardens and Orchard.

East and West Hotel Extension Blocks - Impact on setting and context of original structures.

East and West Hotel Extension Blocks - Impact on Protected Structures and residential amenities at Carlisle Avenue (Residential Conservation Area).

Ecology – Invasive Species and Bats.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.2. Consistency with the “Z15” zoning objective.”

- 7.2.1. The proposed hotel use is 'open for consideration' and, in principle it is considered acceptable for the site having regard to the zoning objective. The site lands, as indicated in the documentation in connection with the application and the appeal is part of a larger parcel of land subject to the 'Z15' zoning objective. These lands comprise the lands at Gayfield House/St Mary's College Avila Centre are subdivided with the area at the south east to which the Carmelite community has relocated and at which their consolidated services and activities are based and the lands on the west side at which the Royal Hospital campus is located. Historically all of these lands have been in institutional / community uses. The application site is within an original, historic designed landscape incorporating the walled orchard and boundary walls and multiple mature trees, historical fencing between the immediate front curtilage of the original building and the wider space to the east.
- 7.2.2. The Royal Hospital lands have substantial space allocated to soft landscaping gardens and sports fields and extensive surface parking. With its low site coverage and plot ratio and consequent low intensity of development the case made for reference to the combined sites within the area zoned, 'Z15' having regard to open space provision is not considered accepted. The sites and the developments operated on them are entirely independent of each other and there is no overlap or any connectivity in their uses. It also appears that no consideration has been given to preparation of an agreed overall masterplan for the combined lands or any other scope for any agreed objectives that might ideally benefit from a statutory basis.
- 7.2.3. With regard to the provisions of section 14.8.14 if the site lands are considered in isolation from the combined lands zoned 'Z15', there is little potential for contribution to accessible green infrastructure, open and recreational space in amenity potential and securing continuation of institutional or community use bearing in the proposed use as a commercial hotel.
- 7.2.4. Furthermore, the development potential of the lands of the Royal Hospital adjoining the west boundary is a major consideration over which the applicant has no control is a consideration and potentially affects available open space within the combined lands subject to the Z15 zoning objective.

- 7.2.5. The lands adjoining the western site boundary within the Royal Hospital grounds which are tree lined on the inner side of the boundary and an open space between the boundary and the former Nurses Home building to the west and a surface carpark to the north west. As recorded on the City Council's planning register, there are prior grants of planning permission for extensions for primary care use and a pharmacy and change of use. (P. A. Reg. Refs. 2027/19 and 2703/13 refer.)
- 7.2.6. The footprint of the proposed extensions and loading area are in close proximity to the western boundary wall adjoining the Royal Hospital grounds. This also gives rise to concern as to lack of adequate space for circulation, landscaping, and access for maintenance along with issues as to protection from damage to the historic boundary wall during construction and to the trees on the outer side.
- 7.2.7. Bearing the foregoing in mind, the substantive consideration of the application site in isolation, as the planning unit by the planning authority is considered appropriate and is fully supported.

7.3. Below ground excavation – basement development.

- 7.3.1. At the outset it should be borne in mind that the current development plan contains, in section 16.10.15, clearly restrictive policies for below ground/basement level development at historic properties included on the record of protected structures and in or near conservation areas. This policy is a major departure from the flexibility allowed for in prior development plans.
- 7.3.2. The proposed excavation works and basement construction are to be within the curtilage subject to statutory protection of a protected structure, close the chapel and existing foundations with existing buildings having semi basement construction and in close proximity to the protected structures within Carlisle Avenue, a residential conservation area subject to the 'Z2' zoning objective and the Royal Hospital.
- 7.3.3. Both the original and modified proposals are in direct conflict with this policy objective. Notwithstanding the submission of the flood risk assessment report with the application and the basement impact assessment report which is comprehensive, it is not possible to reconcile the proposals for a basement level with this policy objective bearing in mind the characteristics of the site and the significant excavation and construction works involved. There is no apparent provision in the

CDP for flexibility and justification for the setting aside of this policy in exceptional circumstances and potential for setting precedent is also a major consideration.

7.4. Hard surfaces - access and circulation – front and north curtilage.

- 7.4.1. In the event of favourable consideration of the proposed basement element of the proposed development and, setting aside the issues raised with regard to the proposed basement level, it is considered that the modifications proposed with the appeal to the front and north side hard surfaced areas, access and circulation reduces to some dominance of hard surfacing with some ameliorative effect on the adverse impact on the setting and character of the protected structure.
- 7.4.2. The modified proposals for the confined area at the front of the original building, shown within the appeal are ameliorative in reducing the proportion and dominance of hard surfaced circulation space. The suggestion in the conservation officer report that substitution of a permeable surface for the proposed asphalt, would be more sympathetic to the presentation of the buildings. A light gravel type material may be suitable, and, in the event of favourable consideration, this matter could be addressed by condition.
- 7.4.3. This has been achieved in confining all vehicular access and circulation to the use original entrance, the arrangements for stopping off and pick-ups, introduction of a concierge service for basement parking along with the redesigned basement ramp and basement including parking for cars, cycles and motorcycles and ramp. The access route and surface parking serving the Avila Centre which were within the site prior to its subdivision are outside the control of the applicant and screen planting is proposed along the boundary. The visual impact is ameliorated by enclosure achieved in the proposed reuse of the historic fence in conjunction with the screen planting at the outer edge of the proposed access route.
- 7.4.4. Generally, it is considered that the details provided for the proposed consolidated use of the of existing entrance and circulation and parking arrangements, (including the quantum and layout of motor cycle and cycle parking) and deliveries/emergencies vehicles within the site are acceptable, subject to compliance on details with the relevant standard requirements having regard to the supplementary traffic impact assessment report included with the appeal and the favourable consideration in the transportation division's report on the proposals in

the responses to the additional information request. However, there is some concern about the proximity to the boundary with the Royal Hospital grounds and as to the safeguarding of the party wall and any root spread of trees. Outstanding details could be addressed by condition.

- 7.4.5. The design modifications involve severance to the north garden area, for the realigned access route to the loading area a two-way route on one width, involving 5-7 trips daily and it facilitates the modifications proposed for all other traffic. It can be justified in that it facilitates the modified layout and arrangements for all vehicular, access, circulation, and parking.

7.5. Demolition and works to existing buildings.

- 7.5.1. Aside from the works to the grounds previously discussed which give rise to concern as to loss of historic features and context and setting for the protected structures, significant demolition and interventions are proposed. As indicated in the conservation officer report, the removal of the 1930s block is regrettable but justifiable in so far as it allows for contemporary use that sustains the viability of historic structures. The interventions proposed for elements of the protected structure are significant and may be justifiable in so far as a viable and appropriate use can be delivered. In this regard, for example, as stated in the conservation officer's report, a reasonable case can be made, to facilitate hotel use in proposals for considerable internal alterations to provide for hotel bedrooms with the retention of some former cell rooms for conversion to en-suite bathrooms being welcome.
- 7.5.2. With regard to maintenance, repair and refurbishment works, and all servicing upgrade works to the protected structures it would be essential for comprehensive surveys and condition studies, work specifications and conservation method statements to be prepared and submitted for agreement with the planning authority, providing an opportunity for review by the conservation officer. It is noted that the conservation officer in the observations in her report, comments on lack of clarity in the details and range and nature of proposed works available in the submission available in connection the application.

7.6. East and West Hotel Extension Blocks: Impact on South Gardens and Orchard.

- 7.6.1. The proposed modifications shown with the appeal to the south side in which the two extensions are to be located provide for retention of elements of the eighteenth

original orchard trees and features but with significant removals and severance and major interventions to walls and trees. These proposals in conjunction with the substantial footprints of the extensions enclosed the retained element area which is to be overlooked by the five storey high extensions results in loss of form, layout, integrity, and enclosure and historic fabric and trees and with profound adverse impact on the original eighteenth-century orchard. The remaining element would be unrelated to the historic context and the special interest as an original historic feature would be unrecognisable. Therefore, while it is acknowledged that an element of the orchard, and additional trees can be retained and supplemented by additional new planting, the integrity of the orchard and surrounding garden space is eliminated and there would be a lack of permeability within the grounds, connectivity and visual linkage to the site boundary walls, original buildings and front curtilage.

7.7. East and West Hotel Extension Blocks - Impact on setting and context of original structures.

- 7.7.1. The views of the conservation officer and the planning officer that the proposed extensions are incompatible with the existing historic building are supported and it is considered that this issue is not overcome in the appeal submission. The blocks fail to create the impression of deferring to and presenting the main original building as the set piece structure of primacy within the group of new and existing buildings within the complex. The height and roof profile should relate to but not exceed the parapet line of the main building. In views from the east, the new build dominates the original building and this impact is exacerbated by the considerable length of the building on the north south axis with the setbacks shown in the further information and appeal submissions marginally ameliorating the impact.
- 7.7.2. The effect of the proposed insertion of the two blocks is to detract from the historic setting in obliterating the context of the view towards the orchard and gardens to the side of the existing original building and the existing block tucked behind and perpendicular to the original building on approach and from the east and south. There is no major objection to the revisions to the original design and selection of materials, finishes, and fenestration for the elevations.

7.8. East and West Hotel Extension Blocks - Impact on Protected Structures and residential amenities at Carlisle Avenue (Residential Conservation Area).

- 7.8.1. On approach along Carlisle Avenue, the direct view is towards the existing south facing building with the two proposed extensions to the sides as a result of which the view from the public realm with Carlisle Avenue, having regard to the “Z2” ‘residential conservation area’ designation and the protected structure status of the houses would be unaffected. Any potential visibility in views over the houses, (Nos 12-15) of the upper levels of the west block, would not unduly affect the character and amenities of Carlisle Avenue.
- 7.8.2. It is of note that the rear gardens of Nos 12-15 Carlisle Avenue, (which are included on the record of protected structures) from the original rear wall to the boundary (excluding the returns or extensions) is circa ten metres and that there is an infill at the side of No 11 Carlisle Avenue adjacent to the party boundary. These properties are to the south of the proposed development and screened off by the limestone boundary wall and existing trees on the inner side within the site with some supplementary planting is shown in the plans.
- 7.8.3. Taking for foregoing into account along with the proposed modifications for the blocks, in the further information and appeal submission, especially the setbacks for the upper floors having regard to the separation distances from the southern boundary it is considered that there is no potential for any undue degree of overlooking, overshadowing or an overbearing impact on the Carlisle Avenue properties. (It is satisfactorily established that the space to the rear building line the original houses at these properties would continue to receive sunlight in excess of the minimum standards recommended in (*‘Site Layout Planning for Daylight and Sunlight, BRE, 2011’*). The relationship between the proposed development and the Carlisle Avenue properties would be reasonable for an established suburban area, although it is acknowledged for the residents, a significant change to the very open context of the adjoining grounds within the application site would rise to perceptions of unreasonable negative impacts on the residential amenities and property value.

7.9. Ecology – Invasive Species and Bats.

- 7.9.1. The further information submission is accompanied by an ecological report on invasive species and bats assessment report which has been consulted. According

to it no invasive species listed on Schedule 3 of the European Community⁴ (Birds and Natural Habits) Regulations, 2001 as amended were in the surveys undertaken recorded and it is confirmed that the project would involve potential for invasive species. According to the report, while the lands are suitable or common foraging bat species minimal bat activity and no roosts were recorded within the site. Mitigation requirements are recommended for the demolition construction period to include additional surveys and obtaining a derogation license in the event that a bat roost is encountered, and it is to be destroyed. It is considered that the issues arising can be addressed by recommended requirements which can be addressed by condition.

7.10. Environmental Impact Assessment Screening.

7.10.1. Having regard to the nature of the proposed development, the location in an established, serviced urban area and, the existing development on the site and in the vicinity, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.11. Appropriate Assessment Screening

7.11.1. Having regard to the location of the site which is on serviced land in an established serviced, urban area, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, 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.

8.0 Recommendation

In view of the foregoing, it is recommended that the planning authority decision to refuse permission be upheld based on the following draft reasons and considerations. The Board may wish to add an additional reason indicating that the proposed excavation and construction of the basement is in conflict with Policy SI13 and Section 16.10.15 of the CDP having regard to the extent and intensity of development proposed for the confined and sensitive site and potential for precedent.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective Z15: which seeks to protect and provide for institutional and community uses and secure the retention of existing functional open space; to the configuration and limited size of site lands formed from the original grounds which form the immediate curtilage of Gayfield, (which is included on the record of protected structures) within which the historic features include the intact, eighteenth century orchard, it is considered that due to the proposed interventions and the footprint and site coverage of the extensions to the south side of the original building into the orchard, their height, scale and massing and, the close proximity to the western site boundary, the proposed development constitutes substandard overdevelopment lacking in a satisfactory quantum of open space of adequate quality on a confined and sensitive site which seriously injures the fabric and integrity and the setting and context of the original buildings and the historic features, character of the grounds within the immediate curtilage included on the record of protected structures and is contrary to Policy CHC2 and section 11.1.5.3 of the said development plan which provides for ensuring the protection of the special character and integrity of protected structures. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
9th September, 2020.