



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307391-20

#### Development

Removal of roof level plant equipment and the provision of a 2-storey vertical extension, increasing the height over basement to 6 storeys to provide additional office accommodation.

#### Location

Nos. 1 and 2 Haddington Road (also known as Victoria Buildings),  
Ballsbridge, Dublin 4

#### Planning Authority

Dublin City Council South

#### Planning Authority Reg. Ref.

2254/20

#### Applicant(s)

Tullington Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Tullington Ltd.

#### Observer(s)

1. Clive and Patricia Carroll
2. Marion Masterson

3. Carmen Neary, Chairperson  
*Upper Lesson Street Residents  
Association ( Ulsara)*
4. Philip O'Reilly
5. The Pembroke Residents  
Association

**Date of Site Inspection**

14<sup>th</sup> September 2020

**Inspector**

Irené McCormack

## 1.0 Site Location and Description

- 1.1. The subject site is located on the corner of Haddington Road and Baggot Street Upper with frontage onto the Grand Canal. The site comprises 1-2 Haddington Road and consists of two buildings of different architectural styles connected at the lower levels.
- 1.2. No. 1 Haddington Road known as the 'Victoria Building' is a red-brick three-storey building at the crossroads between Haddington Road, Baggot Street Upper and the Mespil Road and provides frontage truing the corner onto '*Macartney Bridge*'. No works are prosed to no. 1 Haddington Road. The works are limited to no. 2 Haddington Road a four-storey modern building clad at ground, first and second floor in a pink/maroon stone with the recessed fourth floor finished in zinc. The south facade onto Haddington Road includes a clip-on steel structure with wood brise soleil and large glazed panels. Directly to the east of the site is the Hertz Car Rental site, which has a two-storey building facing onto Haddington Road and also directly onto the Canal.
- 1.3. Primary access to the site is from Haddington Road. The subject site also makes use of access onto the bank of the Grand Canal directly to the north of the site where there is outdoor seating and mature planting.
- 1.4. Directly to the east of the site is the Hertz Car Rental site, which has a two-storey building facing onto Haddington Road and also directly onto the Canal. To the south of the site, and on opposite side of Haddington Road, there is a three-storey period building in use as a bank. This building is a Protected Structure and bookends a terrace of Protected Structures facing onto Baggot Street. To the north of the site and on the opposite side of the Grand Canal is Herbert Place, which is also flanked by a terrace of Protected Structures. The site is located within a designated Conservation Area and Baggot Street Bridge, (*Macartney Bridge*) is listed on the Record of Protected Structures, Ref. 872.

## 2.0 Proposed Development

- 2.1.1. The development comprises:
  - the removal of roof level plant equipment to the structure at No. 2 Haddington Road and the provision of a 2 no. storey vertical extension (629 sq m)

increasing the height from 4 no. storeys over basement to 6 no. storeys over basement to provide additional office accommodation (491 sq m) and ancillary uses (138 sq m). The development also includes:

- the recladding of the existing structure at No. 2 Haddington Road and associated elevational changes modifications to window opens; internal modifications; plant; sedum roof; and all other
- ancillary works above and below ground.
- There are no works proposed to No. 1 Haddington Road which forms part of the subject site.

2.1.2. The site is 0.0514 ha (514 sq m) in area.

2.1.3. The design includes alterations to the external facade of the existing building and the addition of two floors increasing the building height from four storeys to six storeys. The additional floors reflect expansive wrap around glazing with a top floor 'Twist' and two large glazed box windows projecting from both facades extending over four to six storeys, respectively. The external façade will be clad in a dark cladding reflecting a black monochromatic form in combination with large glazed elements.

2.2. The proposal would provide an additional floor area of 629sqm over two levels, which would yield 491sqm office space with 138sqm ancillary use. It is stated that the existing quantum of office use between both buildings is 1,136sqm. The additional floor area would increase this to 1,627sqm.

2.2.1. A Design Statement , Planning Repot , Appropriate Assessment Screening Report, Conservation Impact Statement, Engineering Report and Photomontages accompanied the planning application

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Dublin City Council recommend refusal or the following reasons:

1. The proposed development for a 2 no. storey vertical extension to increase the height of No. 2 Haddington Road from 4 storeys to 6 storeys and to include the recladding of the existing structure with associated elevational changes and modifications, would constitute overdevelopment of the site by

virtue of its height, scale, design and massing and would result in an unacceptable negative visual impact on this prominent site within a designated Conservation Area. The proposal therefore is considered too seriously injure the amenity of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

2. The overall design of the proposal is an inappropriate and an overly dominant response to the existing Conservation Area and would have an overbearing impact on adjoining properties. As such, the proposal would contravene the Dublin City Development Plan 2016-2022, and in particular Policy CHC4, which seeks 'To protect the special interest and character of all Dublin's Conservation Areas', and which states that 'Development within or affecting a conservation area must contribute positively to its character and distinctiveness'. Therefore, the proposal would be seriously injurious to the amenity of properties within the area and, as such would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The planning officer notes the zoning objectives for the site, the site location, the planning history and sets out the relevant national and development plan policies noting the prominent site location and conservation context. The additional office floor area is noted and considered acceptable in accordance with the Z4 zoning objectives. The contents of the Transportation Planning Division report is referenced noting the recommendation to include specific conditions.
- The report sets out that whilst the suitability of the additional height is one consideration, the overall design of any proposal within this sensitive location is very important. During pre-planning consultations, the applicant was advised that a two-storey extension was excessive and if an additional floor was to be considered, the design would have to be light-touch and streamlined.

- It is set out that the overall design is contemporary in nature and purposely provides a contrast with the adjoining building. Whilst this approach is generally reasonable the nature and scale of the design is unsuitable within the existing context and bears no reference to the surrounding developments. The overall effect of the additional height, dark cladding, large scale window features and architectural details is that of an over-bearing and dominant form within the streetscape and in particular when viewed from Baggot Street Bridge and would loom in a most unsympathetic manner above Victoria Building and the adjoining modest two storey building.
- The report concludes that planning permission should be refused for two reasons as set out in section 3.1 above.

### 3.2.2. Other Technical Reports

**Transportation Planning Division** - No objection in principle subject to planning conditions to include cycle parking and staff facilities.

**Drainage Division** – No objection in principle subject to planning conditions.

**Waste Management Division** - Planning conditions are recommended

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

3.4.1. The Area Planner in their report refers to receipt of seven submissions in relation to the development. A brief summary of the issues raised in the submissions to the Planning Authority are set out below:

- There is ambiguity between the development description and the description in the Appropriate Assessment Screening document.
- The site is located in a Conservation Area and is visually prominent from Macartney Bridge. The proposed design is unsuitable within this context and is unsympathetic to its surroundings.
- The proposed building would dominate the period red brick building and would be incongruous and unsympathetic.

- All 3 buildings at the junction of Baggot Street Upper are of the same historic period and were constructed in similar materials, which gives a uniformity to the junction.
- The proposal represents an overdevelopment of the site. It is overbearing and excessive in height.
- The additional height would dominate the Canal and encroach on all views of the historic bridges of McCartney Bridge and Hubbard Bridge.
- Information contained in the application is very light, no information on the layout of lower floors, no height on roof top plant room, inadequate contiguous elevations, and details on the proposed finishes.

## 4.0 Planning History

### *Site*

**DCC Reg. Ref. 4338/16** – Planning permission granted for external signage.

**DCC Reg. Ref. 2614/16** - Planning permission granted for the change of use of part of the ground floor level from restaurant to office use (68.6 sq.m); the provision of 2 No. external internally illuminated identification signs. Two signs facing the canal were omitted by condition.

**DCC Reg. Ref. 2369/15** - Planning permission granted for the change of use of the first floor level of No. 2 Haddington Road from financial institution to office use (300 sqm); the horizontal amalgamation of Nos 1 and 2 Haddington Road at first and second floor levels (reflecting the horizontal amalgamation that has already taken place at ground floor level); the provision of 2 No. external back-lit signs to No. 2 Haddington Road; internal alterations; and all other associated site development works.

**DCC Reg Ref. 1144/08** - Planning permission granted for signage, alterations to exterior to provide for canopies on the rear elevation facing onto the grand canal. The proposed canopies and the internal lit projecting double sided table sign shall be omitted.

**DCC Reg Ref 4814/06** - Planning permission refused in 2006 for alterations to previously approved planning application No. 3895/04 (An Bord Pleanala ref. no.

PL29s.209242) a four-storey mixed use building over basement at 2 Haddington Road, Dublin 4. The application comprises of the construction of an additional setback storey of offices at fourth floor level to create a fifth storey with setbacks to Haddington road from the existing building with terrace to rear overlooking the Grand Canal.

**DCC Reg. Ref. 3895/04 / ABP PL29s.209242** – Planning permission granted in 2015 for a four-storey mixed-use development including restaurant, cultural, educational and administrative uses. .

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is located in an area zoned Z4 – To provide for and improve mixed-service facilities.

*Office* use is a permissible use on lands that are zoned Objective Z4 up to a limit of 600 sq. metres and are Open for Consideration up to 1,200 sq. metres.

- 5.1.2. The indicative plot ratio standard for Objective Z4 lands is 2 and the indicative site coverage standard is 80 percent. There is provision in the plan for the relaxation of these standards in areas where, inter alia, the site adjoins a major public transport termini or corridor, to maintain existing streetscape profile or where there is already a higher site coverage / plot ratio on the site.

- 5.1.3. Conservation - The site is located within a designated Conservation Area and is visibly prominent when looking east from Baggot Street Bridge, (Macartney Bridge), which is listed on the Record of Protected Structures, Ref. 872.

- 5.1.4. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- The subject site lies in car parking Area 2 – The maximum car parking requirement for an office development in this zone is 1 no. space per 200 sqm GFA. The cycle-parking standards for offices in Zone 2 is 1 cycle space per 100 sqm.
- Section 4.5.9 Urban Form and Architecture
- Policy SC25 – To promote high standards of design



- 6.5.2 Offices/Commercial/Employment Space
- CEE11: To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.
- 11.1.5.3 - Protected Structures
- 11.1.5.4 - Architectural Conservation Areas and Conservation Areas
- 11.1.5.6 – Conservation Areas – Policy Application
- 16.2.2.3 – Alterations and Extensions (General)
- CHC1 – Preservation of the built heritage 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.
- *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.
- Policy CHC5 – To protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.
- Chapter 16 sets out Design Principles and Standards
- 16.2 Design Principles and Standards.

*“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.*”

*In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin's heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context."*

- 16.7.2 Assessment Criteria for Higher Buildings.

#### 5.1.5. National Policy and Guidelines

- **National Planning Framework (2018)**

The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

- **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

Development Management Principles

3.1 – It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

3.2 - In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a set of criteria. The criteria relate to the development's impact at the scale of the city/town, the district neighbourhood / street and the site / building.

- **Architectural Heritage Protection Guidelines (2011)**

Chapter 3 – Architectural Conservation Areas

3.10.1 - When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design.

Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

## 5.2. **Natural Heritage Designations**

The site is not located within or directly adjacent to any Natura 2000 sites. There are two designed sites within 2.2 km of the site.

- South Dublin Bay SAC (site code 00210) is located 2.1 km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.2km east of the site.

## 5.3. **EIA Screening**

On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere". Having regard to the size of the development site (.0514ha) and scale of the development it is sub threshold and the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary

examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal submission seeks to address the two reasons for refusal issued by the planning authority.

- Referencing the planning authority's reasons for refusal it is set out that the design proposed is intended to provide a recognisable building that provides an architectural statement on the banks of the Canal and can play a key role in increasing employment opportunities within the city and in taking a relatively mundane piece of architecture that currently exists and providing a more exciting urbanscape.
- It is set out that through the design process there has been a considered a varied approach and following pre-planning consultation in an effort to reach a consensus the design was amended to omit all development above the existing building at No.1 '*Victoria Building*'.
- Referencing the preplanning feedback from the PA, in particular, that the scheme should read as a natural extension of the building the design was revised to include the recladding on the existing buildings no. 2 Haddington Road to allow the additional levels proposed and the existing structure to read as a singular form.
- It is set out that the design response provides:
  - no alteration to the period building no. 1 Haddington Road.
  - The top two storeys are entirely enclosed in glass and set back softening the appearance.
  - The monochrome building serves as a backdrop to the period building and enhances its appearance.
  - The cladding of the entire building creates a natural extension of no. 2.

- In terms of the conservation assessment it is noted that there is no report on file from the DCC Conservation Officer and the concerns raised stem from the planning officer.
- It is further set out the DCC did not previously deem no. 1 Haddington road to be worthy of Protected Structure status in so far as it is not on the Record of Protected Structures and it is not connected directly to the heritage of the Georgian Conservation Area or that of the Grand Canal. It is set out that the design provides an appropriate representation of contemporary architectural expression that does not detract from the unique character and setting of no. 1 Haddington Road. It is argued that the development complements the surrounding environment and is in accordance with Policy CHC4.
- It is set out that the proposed development enhances the architectural expression of no. 2 Haddington Road and provides for a modest increase in height which can be absorbed by the receiving environment as set in the Conservation Impact Assessment submitted by the planning application.
- It is set out that owing to site location adjacent to a major road junction, the Grand Canal and associated greenway and key transportation corridors into the city centre the site is an ideal location for additional height and in accordance with relevant national policy in this regard.
- It is further argued that the prevailing height discussed in the planning assessment does not have due regard to the many higher buildings permitted close to the canal in the vicinity of the site. Reference is made to the permitted redevelopment of the former Bord Failte Offices at Nos 74-75 Baggot Street to facilitate the replacement five storey structure in a Conservation Area DCC Reg. Ref. 3543/19 / ABP 29S.305602-19.
- It is further argued that there is a disconnect between Dublin City Council and An Bord Pleanala in their interpretations of the appropriateness of additional verticality in Conservation Areas.
- The submission references a number of recent developments along and close to the Grand Canal which provides a corridor of contemporary architecture where height is modulated upwards from the surrounding context to provide

for a gateway/threshold to the city centre and where contemporary material expression is utilised.

- The submission includes three additional visualisations demonstrating that the development does not negatively impact on the surrounding environment and can be understood and absorbed within the existing urban context.
- It is argued that the adjoining two storey Hertz building to the east should not dictate the scale of development.
- It is set out that the principle of additional office use is accepted by the planning authority in line with development plan objectives.
- In conclusion, it is set out that the development has been designed to fully accord with national planning policy, which seeks the densification of urban, infill, brownfield sites close to high quality public transport, with both the NPF and the Building Height Guidelines stating the we need to be building upwards rather than outwards. The appeal has fully demonstrated that the development will have no material impact on amenity of neighbouring properties, there is precedent for similar such development in or adjacent to the Grand Canal Conservation Area.

## 6.2. Planning Authority Response

None

## 6.3. Observations

1. Clive and Patricia Carroll, 56 Herbert Lane, Dublin 2. A brief summary of the issues raised in the submission are set out below:
  - The proposal is incongruous in design, unsuitable in aspect and completely out of scale to the surrounding buildings
  - Constitutes over development of the site by virtue of its height scale, design and massing
  - The development neither integrate onto or enhances the character of the area or the conservation impact.
  - The images with trees in full leaf misrepresent the scale of the development

- Disagree with Conservation Assessment submitted by the applicant.
2. Marion Masterson, 57 Herbert Lane, Rear Baggot Street, Dublin 2. A brief summary of the issues raised in the submission are set out below:
- The development constitutes over development of the site by virtue of its height scale, design and massing and would have an unacceptable negative visual impact on this prominent site in a Conservation Area.
  - The development fails to satisfy Section 3.2 of the Building Height Guidelines
  - The images with trees in full leaf misrepresent the scale of the development
  - Disagree with Conservation Assessment submitted by the applicant.
3. Carmen Neary, Chairperson *Upper Lesson Street Residents Association* (Ulsara). A brief summary of the issues raised in the submission are set out below:
- The building represents an inappropriate design response and makes the building top heavy.
  - The site is located within a designated Conservation Area
  - The development by reason of its height, scale, bulk and massing constitute an unduly dominant and a discordant elements that overwhelms the adjoining historic corner building and seriously injures the visual amenities of the Conservation Area and is contrary to Policy CHC4.
  - The development constitutes over development of the site
4. Philip O'Reilly. A brief summary of the issues raised in the submission are set out below:
- The development will destroy the setting and environment of the surrounding area.
  - The existing building is already higher than the surrounding buildings.
  - The development would adversely impact on the existing architectural heritage.
  - The height is not in accordance with the development plan.

5. The Pembroke Residents Association, 57 Pembroke Lane off Raglan Road, Dublin 4. A brief summary of the issues raised in the submission are set out below:

- The development takes little cognisance of the historic district
- The proposed development will overwhelm the amenities of this important corner and diminish historic views.
- The development neither integrates into or enhances the character of the area or the conservation impact.
- Views from the McCartney Bridge must be protected.

## 7.0 Assessment

The main issues that arise for assessment by the Board in relation to this appeal can be considered under the following broad headings:

- Principle of Development
- Design, Height and Impact on Visual Amenity and Architectural Heritage
- Appropriate Assessment Screening

### 7.1.1. Principle of Development

7.1.2. The appeal site is located on lands that are zoned Objective Z4 '*to provide for and improve mixed services facilities*' under the provisions of the 2016-2022 Dublin City Development Plan.

7.1.3. On lands that are zoned Objective Z4, '*Office*' up to a maximum of 600 sq. metres is identified as a Permissible Use and '*Office*' up to a maximum of 1200 sq. metres is stated to be Open for Consideration. The proposal would provide an additional floor area of 629sqm over two levels, which would yield 491sqm office space with 138sqm ancillary use. It is stated that the existing quantum of office use between both No. 1 Victoria Building and No. 2 Haddington Road is 1,136sqm. The additional floor area would increase this to 1,627sqm.

7.1.4. Whilst I acknowledge the floor area provision is above that identified within the zoning objective, I note the planning authority have no concerns in this regard. I further note that Policy CEE11 of the development plan seeks to promote and facilitate the supply of commercial space including larger office floorplates and



quanta, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city. I further consider the development consistent with the concept of urban sustainability and compact growth and provides for increased office accommodation in an urban area well served by public transport in line with the objectives of the National Planning Framework.

- 7.1.5. The provision of a modern office use will clearly improve the overall vibrancy and vitality of this area and will consolidate the employment generating uses. I consider that in terms of the principle of development, there is policy support for this development.

## **7.2. Design, Overdevelopment, Height and Impact on Visual Amenity and Architectural Heritage**

- 7.2.1. The appeal site is located within a designated Conservation Area and in close proximity to Baggot Street Bridge, (Macartney Bridge) listed on the Record of Protected Structures, Ref. 872. There are a number other protected structures in the vicinity of the site and in the wider area.
- 7.2.2. The development works are limited to no. 2 Haddington Road only. The development proposes alterations to the external facade of the existing building and the addition of two additional floors increasing the building from 4 to 6 storeys. The design of the additional floors includes expansive wrap around glazing with a top floor 'Twist' and two large glazed box windows projecting from both facades extending over four to six storeys, respectively. The external façade of the entire building will be clad in a dark cladding reflecting a black monochromatic form in combination with large glazed elements.
- 7.2.3. The planning authority recommended refusal for two reasons relating to the design of the proposed development, in particular, the PA consider the increase from 4 storeys to 6 storeys including the recladding of the existing structure with associated elevational changes and modifications, would constitute overdevelopment of the site by virtue of its height, scale, design and massing and would result in an unacceptable negative visual impact on this prominent site within a designated Conservation Area. The second reason states that the overall design of the proposal

is an inappropriate and an overly dominant response to the existing Conservation Area and would have an overbearing impact on adjoining properties. As such, the proposal would contravene the Dublin City Development Plan 2016-2022, and in particular Policy CHC4.

- 7.2.4. By contrast, it is the applicants contention that the design proposed is intended to provide a recognisable building that provides an architectural statement on the banks of the Canal and can play a key role in increasing employment opportunities within the city and in taking a relatively mundane piece of architecture that currently exists and providing a more exciting urbanscape. The Conservation Report submitted with the application concludes that “the impact on the conservation along the canal will not be significant” as there is little building cohesion already along the Canal. The report states that No. 1 ‘Victoria Building’ is not a protected structure and the dark backdrop of the proposed development will allow No. 1 ‘Victoria Building’ to stand out more. Furthermore, it is the applicant’s contention that there is no impact on Mccartney Bridge as the development is removed from the bridge.
- 7.2.5. In terms of **overdevelopment** of the site the indicative plot ratio figure for lands zoned Objective Z4 is 2.0, the proposed development has a plot ratio of 4.21 and a site coverage is 100% again exceeding the indicative average of 80%. Notwithstanding, the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, and standards of public realm.
- 7.2.6. The architectural expression of the development reflects a statement modern contemporary architectural **design** and whilst, the extensive wrap around glazing on three sides and top floor ‘twist’ reduces some of the bulk of the structure, the block form is not diminished by virtue of the uniform height, the extensive blank façade on approach from Haddington Road and the contrast of the dark monochromatic design against the surrounding backdrop. The visually prominent nature of the site by virtue of context adjacent to the Grand Canal and two-storey nature of the adjoining site to the east serve to highlight the development and as a result the building appears visually incongruous at this location. Whilst I accept that this was the design intention

and I appreciate the architectural merit of the design regard must be had to the impact on the architectural heritage of this designated conservation area.

- 7.2.7. I agree with the Conservation Report submitted by the planning application that the development will not impact on Protected Structure McCartney Bridge. However, section 3.10.1 of the Architectural Heritage Protection Guideline state when it is proposed to erect a new building in an conservation area the greater the degree of uniformity in the setting, the greater the presumption in favour of a harmonious design and where here is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character. The design of the structure will be of paramount importance. This is reinforced in section 11.1.5.6 Conservation Area – Policy Application and policy CHC4 of the development plan which state that 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. I consider the design approach has little regard to the site context, the pattern, scale, bulk and form of adjoining development and would represent an unacceptable proposal in the context of the impact on the Conservation Area. The development should be refused for this reason.
- 7.2.8. The proposed additional floor will increase the height of the building to 22.4m (excluding plant) over six floors. This is an increase of 8m. The prevailing **building height** in the immediate vicinity of Haddington Road and Baggot Street this three-four stories. Similarly, the buildings to the immediate north of McCartney Bridge are five stories. I note the applicant's argument regarding increased buildings heights and contemporary architectural design approach in the wider area, however each development proposal must be assessed on its own merit having particular regard to its particular site context.
- 7.2.9. Clearly additional building height over and above prevailing height can have a considerable impact in the context of historic buildings. The six storeys as proposed projects above the eaves height of the immediately adjoining development and in my opinion the proposed building at 22.4m in combination with the distinctive dark

monochromatic finish would represent a disjointed pattern of development along Haddington Road, Baggot Street and the Grand Canal. Paragraph 16.7.2 of the Development Plan references low rise areas such as the appeal site where there is a pre-existing height, and this provides that a building of the same number of storeys may be permitted '...subject to assessment against the standards set out elsewhere in the plan and the submission of an urban design statement'. The applicant argues that the Urban Development and Building Heights Guidelines for Planning Authorities (2018) encourages increased building heights and whilst I agree in principle, Section 3.2 of the Guidelines sets out that increased building height in architecturally sensitive areas should successfully integrate into/enhance the character and public realm of the area, having regard to its cultural context. I note the planning authority at preplanning stage raised concerns in this regard. In my opinion the additional floors would represent an increase in building height over and above the established character of the area and would be out of character in the context of the site.

7.2.10. The planning officer in their assessment assert that the proposed development would have an **overbearing impact**. I note that the primary views of the development will be from Haddington Road, the northern approach to the site from the city centre and along the northern banks of the Grand Canal, in particular, during the winter months when the trees are not in leaf. Views of the proposed development from elsewhere will be largely screened by existing buildings. There are a number of three/four storey type developments in the vicinity of the site. The applicant has submitted additional photomontages as part of the appeal response establishing limited views of the development in a wider context including the Grand Canal Bank facing south-west, Baggot Street Lower facing south-east and the Grand Canal Lock at Wilton Terrace and Mespil Road facing east. However, I note that views of the proposed development from Haddington Road along the eastern approach to the site have not been submitted and owing to the increased height and blank facade on this approach, I would have serious concerns relating to the overbearing visual impact at this location.

7.2.11. The development site is a visually prominent and exposed site in so far as the site fronts both Haddington Road and the Grand Canal and the location adjacent to the Grand Canal does not offer the same urban backdrop as the precedent cases put forward by the applicant in the appeal submission is so far as the site is not

embedded in an urban block per say. As a result, the increased building height will be significantly more prominent, in particular, relative to No. 1 'Victoria House' and the adjoining two storey hertz building. I accept that applicants' arguments that the adjoining two storey Hertz building should not dictate the building height at this location. However, in the wider context of the immediate built environment, I consider that the proposal will be a prominent feature in the context of the site and will have a visually overbearing impact.

- 7.2.12. In conclusion, the proposed additional floors by reason design, scale, massing and finishes would be a visually incongruous feature at this location, detract from the architectural heritage, would seriously injure the visual amenities of the area and fails to adequately respond to its context or integrate successfully with the immediate and surrounding built environment .

### **7.3. Appropriate Assessment**

- 7.3.1. The site is not located within or directly adjacent to any Natura 2000 sites.
- 7.3.2. A screening report for Appropriate Assessment was submitted with the planning application.

#### *Stage 1 AA Screening Report*

- 7.3.3. The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It confirmed that the proposed development would not be located within any European sites. Five European sites that could be affected were assessed; the South Dublin Bay SAC (site code 00210) located 2.1km east of the site, the South Dublin Bay and River Tolka Estuary SPA (site code 004024) located 2.2km east of the site, North Dublin Bay SAC (site code 00206) and North Bull Island SPA (site code 004006) located 5.6km northwest and the Poulaphouca Reservoir SPA (site code 004063) located 24km from the site. It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes.

#### *Appropriate Assessment Screening Assessment*

7.3.4. **Conservation Objectives:** to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

<b>European Site</b>	<b>Site Code</b>	<b>Relevant QI's and CI's</b>	<b>Distance</b>
South Dublin Bay SAC	000210	Mudflats and sandflats not covered by seawater at low tide	2.1km
South Dublin Bay and River Tolka Estuary SPA	004024	Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetland and Water birds	2.2km
North Dublin Bay SAC	000206	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows (Glaucopuccinellietalia maritimae) Mediterranean salt meadows (Juncetalia maritimi) Embryonic shifting dunes	c. 5.6km

		<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>Humid dune slacks</p> <p><i>Petalophyllum ralfsii</i> (Petalwort)</p>	
North Bull Island SPA	004006	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Shelduck (<i>Tadorna tadorna</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)]</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Wetland and Waterbirds</p>	c. 5.6km
Poulaphouca Reservoir SPA	004063	The site is a Special Protection Area under the E.U. Birds	c.24km

		Directive, of special conservation interest for the Greylag Goose and Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is a Wildfowl Sanctuary.	
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7.3.5. The Stage 1 AA screening report concluded that having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site and the absence of a pathway, 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 and projects on a European Site.

7.3.6. I note the distance to the sites identified above and the fact that the site is fully serviced within an urban area. There are no direct pathways to vulnerable habitats, and I find no basis to find that foul and surface water pose a risk to designated sites as the building footprint remains the same. The proposal includes additional SUDs measures incorporating a sedum roof finish which will generate a net reduction of rainfall discharge to the public system of 40%. The Engineering Report submitted establishes that the site is not a risk of flooding.

*In Combination or Cumulative Effects*

7.3.7. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP.

7.3.8. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small development on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted



under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

- 7.3.9. Therefore, having regard to the small scale and nature of the proposed development and its location within the built up area of the city which can be serviced, no Appropriate Assessment issues arise and 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 .

#### *AA Screening Conclusion*

- 7.3.10. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), North Bull Island SPA (Site Code 004006) and the Poulaphouca Reservoir SPA (site code 004063) or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

## **8.0 Recommendation**

I recommend that planning permission for the proposed development should be refused for the reason and considerations, as set out below.

## **9.0 Reasons and Considerations**

1. The proposed development, by reason of increased building height relative to surrounding buildings, its bulk, massing and monochromatic design, would be out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this Conservation Area, which it is appropriate to preserve. The proposed development would be contrary to Section 3.10.1 of the *Architectural Heritage Protection Guidelines 2011* which states that the scale of new structures should be appropriate to the general scale of the area and not its biggest building and Section 3.2 of the *Urban*

*Development and Building Heights Guidelines for Planning Authorities (2018)* relating to increased building height in architecturally sensitive areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The overall design of the proposal is an inappropriate and an overly dominant response to the existing Conservation Area and would have an overbearing impact on adjoining properties. As such, the proposal would contravene the Dublin City Development Plan 2016-2022, and in particular Policy CHC4, which seeks 'To protect the special interest and character of all Dublin's Conservation Areas', and which states that 'Development within or affecting a conservation area must contribute positively to its character and distinctiveness'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Irené McCormack  
Planning Inspector

22<sup>nd</sup> September 2020