



An
Bord
Pleanála

Inspector's Report ABP 308136-20.

Development	A Fifty-two bedroom expansion and Change of Use from Office to Hotel use.
Location	No 71 Harcourt Street, Rear of No 70 Harcourt Street (Harrington Hall) Via Stable Lane, Nos 72-74 Harcourt Street. Dublin 2. (Protected Structures Nos 70 and 74.)
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	4677/19.
Applicant	Olema Property Holdings Ltd.
Type of Application	Permission
Decision	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Olema Property Holdings Ltd.
Observer	Philip O'Reilly
Date Inspection	8 th January, 2021.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site is on the east side Harcourt Street has a stated area of 447.8 square metres and is that of a No 71 Harcourt Street, part of the original rear garden of No 70 Harcourt Street and a strip beneath Stable Lane. Nos 69 and 70 (Harrington Hall) are Georgian townhouses circa 1800. (These two buildings are rated “regional” on the NIAH and as having special architectural, artistic and social interest according to the report of the conservation officer. (Survey details are unavailable on ‘Buildings of Ireland’.)
- 1.2. The Iveagh Garden Hotel, a 145-bedroom hotel incorporating a bedroom extension (Nos 72-74) in the applicant’s ownership is located on the north side of Stable Lane. The original Georgian townhouses which were demolished circa 1980 were replaced with buildings with a pastiche Georgian façade on the Harcourt Street frontage.
- 1.3. Access to Stable Lane is off Harcourt Street and it extends eastwards towards the Iveagh Gardens boundary and to the north and south along the rear boundaries of properties on Harcourt Street. The Holy Child Convent a two-storey residential institutional building occupied by a religious community is located at the corner of Stable Lane on Stable Lane at the eastern end of the original plots for Nos 69-71 Harcourt Street. Public access to the adjoining Iveagh Gardens is from Clonmel Street off Harcourt Street, a short distance to the north.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
 - Demolition of the existing extension to the rear of No 70 Harcourt Street (Harrington Hall) and creation of a new entrance from Stable Lane to No 71 Harcourt Street.
 - Construction of a one to seven storey over double basement hotel extension at the rear, behind Nos 70 and 71 Harcourt Street with the north elevation facing the existing wing on Stable Lane. New openings in the rear of No 71 for connection and,
 - construction of a setback floor above No 71 Harcourt Street.

- Change of use of No 71 Harcourt Street from office to hotel.
- The accommodation to be provided comprises:
 - At lower basement plant and storage,
 - At basement, meeting rooms toilets and plant.
 - At Lower ground level, a new link to under Stable Lane to the Iveagh Garden Hotel with meeting rooms and bedrooms.
 - At ground to fifth level inclusive – bedrooms.
 - External plant is to be provided on the south elevation at the third-floor level.

Harrington Hall at No 69 Harcourt Street (in common ownership) at the rear is to remain altered

The existing and proposed development will result in an enlarged 197-bedroom hotel.

2.2. , The further information lodged on 7th July, 2020 in response to the request issued on 13th February, 2020 provides for omission of the fifth level of the rear extension projecting fenestration on the south elevation increasing the setbacks and omission of the second basement level with energy services being provided from the facilities within existing hotel, investigative works for surviving fabric at basement level, and provision for underpinning of a return at No 70 There is increased separation from the boundary within the convent building with the basement escape stairs also being moved back.

2.2.1. The application and or further information submission is accompanied by an architectural design statement, a conservation survey and incorporating an appraisal of the proposed works. mobility management plan, Mechanical and Electrical and Engineer Services reports, a daylight and sunlight assessment and an outline construction and demolition waste management plan, outline construction and environmental management plan. (No 71) is 984.55 square metres and new build extension is 1,556.95 square metres resulting in a hotel expansion of 2,541 square metres in total.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 13th August, 2020 the planning authority decided to refuse permission for the two reasons reproduced below:

1. *“By way of its design, form, scale, height and proximity to the rear of No’s 69/70 and 71 Harcourt Street, the proposal does not relate sensitively to the scale, proportions, legibility and special architectural character of these Protected Structures and would cause serious injury to their setting and Curtilage. The proposed development would therefore contravene Policies CHC2 (d) of the Dublin City Council Development Plan 2016-2022, and would set an undesirable precedent for development, which would be incompatible with the established character of the area. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”*

2. *“Due to the scale, design and proximity of the proposed extension the development would appear seriously overbearing when viewed from the adjoining residential units to the east of the site. The proposed development would therefore be seriously injurious to the amenity of existing neighbouring residents, would depreciate the value of property in the vicinity and would set an undesirable precedent for development. The proposal development would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

- 3.2.1. The **planning officer** in his initial report indicated that the proposed amalgamation of the 1980s office building into the hotel development was acceptable in principle but that a request for additional information was necessary due to concerns regarding the impact of the proposed rear extension on the protected structures and in respect of issues raised in the technical reports of the Conservation Officer and the Transportation Planning Division.

- 3.2.2. The **planning officer** in his supplementary report, based on consideration the further information submission recommended refusal of permission on grounds that the proposed rear extension would adversely affect the protected structures through overbearing and negative impact on character.
- 3.2.3. The reports of the **Waste Management Division, and City Archaeologist** indicated recommendations for conditions to the attached if permission is granted.
- 3.2.4. The initial report of the **Conservation Officer** which is very comprehensive indicates serious concerns regarding loss of historic fabric, impacts on the historic streetscape, the Iveagh Gardens and the height, bulk and massing in the design, and the separation distance and setting and curtilage of the protected structure, the urban grain and cumulative impact of interventions. It is also recommended, with reference to section 16.10.15 of the CDP that that the proposed excavation to a depth for two level basements close to the historic fabric is a risk to structural integrity of historic fabric and constitutes overdevelopment.
- 3.2.5. The supplementary comprehensive report of the **Conservation Officer** on the further information submission indicates concerns regarding impacts on the historic streetscape, height, bulk and massing in the design, and the separation distance and setting and curtilage of the protected structure, the urban grain and cumulative impact of interventions. It is also indicated that while, in the further information submission one basement level is omitted, basement level construction is considered unacceptable.
- 3.2.6. The report of the **Transportation Planning Division** indicated a recommendation for an additional information request in respect of cycle parking provision.
- 3.2.7. The report of the **Drainage Division** indicated recommendations for additional information in respect of the proposed surface water drainage arrangements.

3.3. **Prescribed Bodies**

- 3.3.1. An Tasice, in a submission recommended refusal of permission having regard to seven storey height, incorporation of the double penthouse roof and, adverse impact on amenity, setting and lighting levels at the character and setting of eighteenth-century structures.

3.3.2. The report of Transportation Infrastructure Ireland. indicates a recommendation for vibration and settlement monitoring regime, a construction traffic management plan and a demolition and construction methodology to be prepared and for compliance, by condition with requirements relating to the LUAS Light Rail Scheme.

3.4. **Third Party Observations**

3.4.1. A submission was received from Mr. O'Reilly who has submitted an observation on the appeal. He objects to the proposed development on grounds of adverse impact on the historic architectural context of the Georgian central city area.

4.0 **Planning History**

4.1.1. **P.A. Reg. Ref 2189/16:** Permission granted for change of use at Nos 72-74 Harcourt Street, from office use to a hotel providing 152 bedrooms inclusive of two levels of hotel accommodation at the rear. The works included internal and external modifications, alterations upgrades and additions.

4.1.2. **P.A. Reg. Ref 3682/16:** Permission was granted for modifications and a ground floor and first floor extensions to the previously permitted hotel development under P. A. Reg. Ref. Reg. Ref. 2189/16 at Nos 72-74 Harcourt Street.

4.1.3. **P.A. Reg. Ref. 4300/16/ PL 248104:** Permission was granted, following first party appeal for modifications to the previously permitted hotel development under P.A. Reg. Ref.2189/16, as modified under P. A. Reg. Ref. 3682/16, providing for roof-level extensions to include four additional bedrooms, plant and plant enclosure and reroofing. at Nos 72-74 Harcourt Street.

4.1.4. P. A. Reg. Ref 1470/96: There is a prior grant of permission, for No 71 Harcourt Street for demolition of a two-storey mews building and former chapel and construction of a two-storey extension adjacent to the mews at Stable Lane at the arear formation of an access to the rear of Nos 69 and 70 Harcourt Street.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within the Georgian Core and in an area subject to the zoning objective: Z8. *“To protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective. Hotel use is permissible.*

5.1.2. All the buildings within the applications site and also indicated as being within the applicant’s ownership are included on the record of protected structures along with the buildings on the east side of Harcourt Street to the north and south sides.

Nos 69 and 70 Harcourt Street, (House) (Item 3549),

No 79 (Offices) Item 3550 and,

Nos 72-74 Harcourt Street, (offices) (item 3551) Pinebrook House (Existing Iveagh Garden Hotel building).

5.1.3. Policy Objective CHC2 is reproduced below:

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

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

b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances

c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.

e) Protect architectural items of interest from damage or theft while buildings are empty.

f) Have regard to ecological considerations for example, protection of species such as bats.

Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.”

- 5.1.4. These policies and objectives are elaborated on in detail in section 11.1.5.3 in which the reinstatement or protection of the original planform, retention of historic use where possible, securing long term viable use and avoidance of harmful extensions and modifications is encouraged.
- 5.1.5. The site location is within a “Conservation Area”.
- 5.1.6. Policy CHC4 provides for the protection of the special interest and character of Dublin’s Conservation Areas. The policies and objectives are elaborated on in detail in section 11.1.5.4
- 5.1.7. Policy Objectives CEE 12 and CEE 13 provide for the promotion and facilitation of tourism and support for additional tourism accommodation at appropriate locations.
- 5.1.8. Criteria for basement level development are set out in section 16.10.15 according to which it is the policy of the planning authority to discourage significant underground development and excavation work basements and, extensions to existing basement development, adjacent to residential properties in conservation areas and/or included on the record of protected structures. It is stated that significant basement development has been sought in planning applications in recent years and there is concern as to risk of flooding and excessive provision habitable accommodation over one hundred percent in site coverage. Such development in Flood Zone A or B areas is not permissible according to Policy SI13.

5.2. Strategic Guidance

- 5.2.1. Policies and standards for building heights are in “*Urban Development and Building Heights: Guidelines for Planning Authorities*”, 2018, particularly the criteria set out in section 3.2 issued under Section 28 of the Planning and Development Act, 2000 as amended.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Simon Clear and Associates on behalf of the applicant on 9th September, 2020 in which *de novo* consideration of the proposed development as provided for in the original application submission is requested. It is stated that the applicant is in ownership of three hotels (including the Iveagh Gardens hotel) on Harcourt Street and that No 71 Harcourt Street was acquired in 2019. The submission contains a detailed account and commentary on the existing built character at the site location and on the planning authority's assessment of the proposed development and it is stated that the account and commentary on the planning background and context and the planning authority's assessment is central to the determination of a decision and that the proposal is a modest sized development at the rear of the office building return and No 70 Harcourt Street.

6.1.2. According to the appeal:

- The existing seven storeys development at the rear, is not visible from Harcourt Street or the surrounding areas. The proposed development is lower than but similar to the permitted development constructed on the opposite side of Stable Lane in 2016. (P. A. Reg. Ref 4300/16 /PL 248104 refers.) None of the taller extensions are visible from Harcourt Street. The curve in the street obstructs distance views. The two-storey extension at roof level would not injure the historic Harcourt streetscape. It is a continuation of the plantroom level of the existing bedroom extension which has no visual impact on the streetscape or roof profile.
- There are buildings up to eight storeys and modern buildings behind historic buildings in the area. There are inconsistencies in the assessment of the current proposal as there are relative local precedents of no significant visual impact from heights from important viewpoints:

The Deane Hotel opposite the application site has a connected bedroom block higher than the original buildings (P. A. Reg. Ref.2291/13 refers.)

There is a grant of permission for significant expansion at Harcourt Square; to nine storeys with connections to protected structures. At the Harcourt Square precinct, the interconnected office block is higher than the original building is also relevant.

The Harcourt Street Children's Hospital has a substantial office building across several curtilage plots has been connected glazed atrium connection at all levels.

- The location adjoins the SDRA 19 in the CDP, providing for development at significant scale at the upper end of Harcourt Street served by LUAS and it is demonstrated that the proposed development through Visual Impact assessment, and photomontages and "Birds' Eye views" that the scale and massing is appropriate and modest. There are precedents at Stayne House, Harcourt House and at the rear of the Iveagh Hotel at No 72 which is higher and larger than the proposed extension. The proposed block is in scale with the development context on the east side of Harcourt Street and modest in comparison to buildings to the rear on the west side and the taller and larger linear blocks behind the historic buildings in the area towards St Stephen's Green as shown in the 'Birds' Eye images
- The conservation officer incorrectly considers the proposal an amalgamation several plots. The proposed extension does not extend beyond the side boundary at No 70. The conservation assessment demonstrates prior amalgamation of the plots of Nos 69-70 and that proportional relationship have already been undermined. No recent subdivision of curtilage has taken place at No 70 and 71 and there are extensions to many buildings where curtilage boundaries are eliminated. The planning officer considers that the convent formed several properties but is a single convent extending across several plots along Stable Lane.
- It has been demonstrated that the extension to be demolished at the rear of No 70 is not original, that Nos 69 and 70 Harcourt Street have already been significantly altered. Nos 71-74 is a single 1980s construction to be reintegrated rather than newly connected. It is not proposed to provide connection between No 71 and Nos 69 and 70 Harcourt Street.

- Nos 71-74 has as pastiche Georgian façade. The historic value is questionable although the Georgian frontage is readable. There are many interventions at Nos 69 and 70 Harcourt Street with No 70 being significantly altered, having formerly been in an institutional use. The extension proposed retains the existing vertical return providing in an infill seven storey extension infill towards the convent building on Stable Lane with clear separation and transition. The building height with the setbacks graduates away from the convent, assimilates into the context and does not cause overlooking or overshadowing of the convent building or its gardens. The community has no objection to the proposed development.
- There are many successful connections with historic buildings including protected structures. The original conservation officer report recommended a six metres separation distance from the rear of the protected structure, (for which there is no statutory basis) and the proposal is 5.8 metres a minimal shortfall.
- The presentation of the lane will be improved by the proposed extension and accords with CDP policies and best conservation practice bringing the area back into use. The return is behind two bays only of the five bays at Nos 69 and 70. There is gain through removal of unsightly elements and a modern extension and in restoration of the rear elevation of No 69 and 70.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

6.3. Observations

6.3.1. A submission was received from Philip O'Reilly on 28th September, 2020 in support for the reasons for the decision to refuse permission. It is stated that the proposed development:

- Is insensitive to the scale, proportions legibility, and special architectural character and setting and scale of the Harcourt Street protected structures.

- That the seven-storey extension is too high and is up and over the original buildings and visually incongruous from the street and negative in views from Iveagh Gardens. It is incompatible with the existing buildings and streetscape and is an overdevelopment which overbearing and adversely affects residential amenities in the area.
- There already an oversupply of hotels and hotel bedrooms in the city which have in the past year and will be unused.
- The proposal sets bad precedent.

7.0 **Assessment**

7.1. The issues central to determination of the decision are considered below under the following subheadings:

Design, Form and Scale and Visual Impact – Harcourt Street

Footprint, Design, height, form and massing. Impact on Nos 69-71 and 71 Harcourt Street.

Impact on amenities of adjoining residential community building

Basement levels

Traffic, Transport and parking.

Other Issues.

Environmental Impact Assessment Screening

Appropriate Assessment Screening

7.2. **Design, Form and Scale and Visual Impact – Harcourt Street.**

7.2.1. Given the location within the Georgian core, a conservation area, and the inclusion of existing structures along Harcourt street's east side streetscape, the receiving built environment is sensitive even though Georgian houses in which the hotel is located were replaced in the 1980s. The pastiche facades of which reflect the Georgian townhouses proportions and features within the streetscape characteristics. The existing roof level extensions at the hotel are visible in streetscape views along

Harcourt Street on approach along the street from both directions. While existing roof level extensions establish some precedent, additional roof level extensions exacerbating visibility of roof level extensions in streetscape views are not supported.

7.3. Footprint, Design, height, form and massing. Impact Nos 69-71 and 71 Harcourt Street.

- 7.3.1. There is no dispute that the scale of the proposed development is modest in comparison to other commercial development at the rear of the street frontage on the east and west sides of Harcourt Street. However, each development proposal is worthy of consideration on its own planning merits, and in the case of the current proposal there are issues as to the relationship with the existing historic structures having regard straddling and/or severance of historic plots, separation distances and proportions in scale, mass and height proportion to extant historic fabric and features of original houses included on the record of protected structures.
- 7.3.2. The proposed extension as shown in the original application at the rear exceeds the eaves height of the original townhouses (protected structures) which retain integrity in historic fabric and features at the rear. It is agreed with the conservation officer and planning officer that the original proposal is unacceptable as it overbears and dominates their setting and context and diminishes their legibility for reasons of proximity, excessive scale, form and height, undermining the historic structures and the plot form.
- 7.3.3. As stated in the report of the conservation officer, the two-storey height of the convent building while straddling the historic plots at the Stable Lane end, does not overly interfere with or eliminate the legibility of the historic plot form for the original townhouses. The proposed extension, at the dominating and overbearing scale, form and height as originally proposed and as shown in the further information submission, to be inserted in the central space of the original plots at Nos 71 and 70 Harcourt Street would sever the legibility of the plots in width and in depth, (as far as Stable Lane) as opposed to being sympathetic to some degree and recognisable as subordinate to the main townhouses. The resultant relationship would be completely at odds with good conservation theory and practice notwithstanding the desirability

for sustainable consolidation and intensification of development within the central business district of the city and achievement of the CDPs 'Z5' zoning objectives.

7.3.4. The modifications in the form of omission of one floor in the further information submission with substitution of a blue/flat roof is less unacceptable but does not reduce the height relative to the Harcourt Street buildings sufficiently to as to overcome the adverse impact on the setting and context of the protected structures. There is a strong case to support the argument made in the conservation officer reports for protection of the character of the rear of structures. Notwithstanding the loss of definition of historic plots for the original houses to development the protection of the substantively intact rear facades and features at Nos 69 / 70 should not be disregarded. In this regard Reason One attached to the decision to refuse permission is supported.

7.3.5. The modified development may be partially visible from the adjoining Iveagh Gardens, an important historic park of significant public amenity value. The surrounding visual context from with the gardens to the north west and south in the vicinity is dominated primarily by commercial development from the past fifty years.

7.4. **Impact on the amenities of the adjoining residential community building.**

7.4.1. With regard to the relationship with the adjoining **community** building, given its use as a residential community building, the potential impact on residential amenities is a consideration. The letter included with the further information submission from the community in occupation of the building indicating that they have no objection to the proposed development has been noted. However, an assessment as to consistency with qualitative planning standards and merits with regard to effects on existing development is required notwithstanding any observations of a current occupant.

7.4.2. As stated in the planning officer's report the seven-storey height block would be overbearing to the two-storey convent building and would diminish the amenity potential of the modest size private open space the west side and rear of the convent building. With regard to the proposed modifications in the further information submission there would be some reduction in the overbearing impact due to setbacks from the boundary and at upper levels and due to the omission of the top floor and the floor but these modifications do not overcome these issues of concern.

As regard potential for adverse or undue negative impact on sunlight and daylight to the interiors and the private open space at the convent property.

7.4.3. Basement levels.

7.4.4. It is considered that there are no circumstances that would justify setting aside of the CDP polices in Section 16.10.15 and SI13. Having regard to the request for consideration of the proposal as shown in the original application, that is the double basement proposal. The proposed location is adjacent to protected structures within the conservation area, there is likelihood of subsurface historic fabric and notwithstanding measures for underpinning and stabilisation works to avert, risk to structural integrity of existing fabric, the views of the planning officer and conservation officer in this regard are supported. The substitution of a proposal for a single level basement element as proposed in the further information submission significantly reduces the excavation required conflict with CDP policies are not overcome.

7.5. Traffic, Transport and parking.

7.5.1. Given the central city location and availability of public transport options and, the availability of a mobility management plan, it is considered that additional dedicated on-site parking provision is not required for the proposed intensification of the existing development on the site. Additional cycle parking is to be provided.

7.6. Other Issues.

7.7. There is no objection to the proposed drainage and water supply arrangements and to the proposals for connections to services and facilities at the adjoining hotel buildings which eliminates requirements for separate mechanical plant and equipment on site.

7.8. Environmental Impact Assessment Screening.

Having regard to the nature of the proposed development and its location in a serviced location in the city centre, removed from any sensitive locations or features, 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.

7.9. Appropriate Assessment.

Having regard to the scale and nature of the proposed development and to the serviced central city location, 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 reasons attached to the decision to grant permission and as set out in the reason and considerations set out below.

9.0 Reasons and Considerations.

It is considered that the proposed development by reason of the footprint, articulation and site coverage straddling the original historic plots, proposed excavation works and the overbearing impact due to excessive height, massing, scale and proportions, and proximity to the existing buildings at Nos 69 and 70 Harcourt Street at which original fabric and features are substantially intact and the overbearing impact and proximity to the adjoining institutional building in residential use, the proposed development would seriously injure the architectural character and special interest and setting and integrity of the existing buildings which are included on the record of protected structures and would seriously injure the residential amenities and would depreciate the value of the adjoining residential community building and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy
Senior Planning Inspector
11th January, 2021.