



An
Bord
Pleanála

Inspector's Report

ABP-308568-20

Development	PROTECTED STRUCTURE: (a) Refurbishment of the Protected Structure building with works to facade onto Usher's Island (b) change of use of former visitor centre to hostel accommodation comprising 56 bedroom spaces
Location	15, Usher's Island, Dublin 8
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4300/19
Applicant(s)	F McCabe & B Stynes
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Friends of Joyce Tower Society (2) An Taisce (3) John McCourt & Colm Toibin (4) Dermot Kelly

Date of Site Inspection

19th February 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated of 0.02192 hectares, is located at 15 Ushers Island on the southern side of the River Liffey. The appeal site is occupied by a four-storey over basement 18th century building that is on record of protected structures. Adjoining structures include a two-storey over basement structure at no. 14 Ushers Island to the east, a six-storey apartment block part of the Viking Harbour Apartments complex to the west.

2.0 Proposed Development

- 2.1. Permission is sought for the following...

(a) the refurbishment the protected structure building with works to the façade onto Usher's Island including repairs and repointing of brickwork, limestone front door surround, minor repairs, refurbishment and painting of ironwork to railings door and windows where necessary, installation of new insulation, joinery and mechanical services, and installation of platform lift on the front elevation.

(b) change of use of vacant former visitor centre to hostel accommodation at ground to third floor comprising of 56 no. bedroom spaces in total including dining and amenity space at ground floor level, with a café (c82.6sqm) at basement level, (c) demolition non original mid 20th century two-storey extension (c30sqm) and the construction of a replacement contemporary extension (c68sqm) over 4 floors comprising of office space and bathroom facilities, (d) the provision of 4 no. cycle parking spaces and bin storage in the rear basement yard and all ancillary site development works.

- 2.2 The proposal was amended in response to further information with a number of changes. The main change is the proposal to omit the new extension to the rear at basement, ground, first and second floor level and retain the existing extension at basement and ground floor level. At basement level the café is now a canteen area to serve the hostel. At ground floor level the room at the rear which was to have been the canteen area for the hostel is proposed as a bedroom. At first floor level two rooms previously dedicated to bedrooms are now an office space and a

bathroom. At second floor level a room previously labelled as a bedroom is now an office space. The number of bed spaces originally proposed was 56 and that has been reduced to 54.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 14 conditions. Of note are the following conditions...

Condition no. 3: Hostel use to be for tourist use only on a short term basis.

Condition no. 4: Compliance with the requirements of the conservation officer.

Condition no. 5: Details of all features and interventions to be submitted and agreed writing.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (18/12/19): Additional information required including clarity regarding the nature and type of accommodation to be provide, revisions including omission of the new extension, the issues raised by the conservation officer and submission of a structural appraisal.

Planning report (11/09/20): The information submission in response to the FI request were considered, the proposal was considered to be acceptable in the context of land use policy, architectural heritage, cultural heritage and in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (02/10/20): No objection.

Drainage Division (27/11/20): No objection.

Waste management Division (28/11/19): Requirements in terms of waste management.

Transportation Planning (09/12/19): No objection subject to conditions.

Archaeological report (10/1/19): No objection subject to conditions.

Consecration report (12/12/19): Additional information including clarity regarding specific alterations and interventions as well as consideration of an alternative less intensive use.

3.3. Prescribed Bodies

3.3.1 Department of Culture, Heritage and the Gaeltacht (DAU) (28/11/19): The Dept. raise concerns regarding the appropriateness of the development in the context of the cultural status of the building, the level of information provided is insufficient to assess the impact on the structure and the proposed use will require significant upgrade of elements of the structure, the design and scale of the extension is inappropriate. Permission should be refused.

3.3.2 An Taisce (27/11/19): The cultural significant of the structure is too important regardless of the proposal being reuse of a protected structure and the proposed use is inappropriate. An Taisce refer to a comparable case with refusal under PL29N.121679 at no. 14 Henrietta Street (now a museum). The proposal would be contrary development plan policy regarding cultural heritage.

3.3.3 The Heritage Council (no date): the submission highlights the cultural significance of the structure and would consider a less intensive, cultural use more appropriate. The proposal is considered insufficient in detail regarding impact on the character of the protected structure.

3.3.4 The Arts Council (18/12/20): The submission highlights the literary and architectural importance of the existing building. The proposed use does not guarantee that the character of the building will be protected and sustained. It is also stated that the

proposal does not provide for enough acknowledgement of the cultural importance in how it would allow for ongoing access or visitation for the purpose of celebrating its literary status.

3.4. Third Party Observations

3.4.1 A number of third party submissions were received. The issues raised can be summarised as follows...

- Inappropriate use in a structure of this stature in terms of architectural heritage and cultural standing. Development regarded to be overdevelopment and insensitive to the standing and character of the structure.
- Inadequate detail in terms of architectural heritage assessment and level of intervention.
- Structure should have been acquired for cultural use due to its significance.
- Inappropriate alterations to the existing structure to facilitate the proposed development without regard to cultural significance.
- Concern regarding the manner in which work would be carried out and potential future use of the structure.
- Proposal would undermine the Dublin's UNESCO status.
- Disruptive impact of construction work.
- Proposal would be contrary the development plan in relation to architectural heritage.
- Adverse impact on visual and residential amenity.
- Prejudice future development of no. 13.

4.0 Planning History

1342/96: Permission granted to restore the existing structure in such a manner as to create a public cultural facility celebrating James Joyce.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Dublin City Development Plan 2016-2022.

The appeal site is zoned Z5 (City Centre) with a stated objective 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

No 15 Ushers Island is on the record of protected structures (RPS No. 8198) described as

Built Heritage and Culture - The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included in the Record of Protected Structures (Volume 4 of the Plan) and the special character of Conservation Areas.

Relevant policies include the following;

CHC1 - To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

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

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

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

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

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

(e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works

(f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

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

Enhancement opportunities may include:

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

Architectural Heritage Protection Guidelines for Planning Authorities

Section 7.3 Keeping a Building in use

It is generally recognised that the best method of conserving a historic building is to keep it in active use. Where a structure is of great rarity or quality, every effort should be made to find a solution which will allow it to be adapted to a new use without

unacceptable damage to its character and special interest. Usually the original use for which a structure was built will be the most appropriate, and to maintain that use will involve the least disruption to its character. While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is a change of use of an existing structure to a hostel, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Friends of Joyce Tower Society, Sandy Cove Point, Sandycove, Co. Dublin. The grounds of appeal are as follows...

- Validity issues relating to inadequate public notices and planning status of the rear extension.
- The proposed hostel use is an inappropriate use and detail submitted in relation to such is vague, with concern regarding the quality of accommodation proposed.

- The proposed use is a low quality use, which will be detrimental to character of the existing structure, not enhance the area and is the wrong type of tourist use for this structure.
- The density of development/use is excessive for the structure and be detrimental to a structure or architectural heritage value. The internal Council report highlight the deficiencies of the proposal in regards to conservation.
- The proposal fails to give regard to current situation regarding Covid-19 and such should inform assessment of the proposal.
- The existing protected structure and its fabric does not lend itself to such an intense use.
- The existing structure should be retained as a Joyce visitor's centre or a comparable tourism use.
- The proposal would be contrary development policy in regards architectural heritage. The appellant also raise concerns regarding a possible amalgamation of no.s 15 and no. 14 for which a similar permission was granted in recent times.
- The appeal submission contains and extensive petition of names supporting objection to the proposal.

6.1.2 A third party appeal has been lodged by An Taisce. The grounds of appeal are as follows...

- The appeal submission outlines the historical background of the house, its status as a protected structure and its unique cultural significance/value. The submission outlines its last use as a visitor centre.
- It is considered that the proposed change of use to a hostel is inappropriate considering the cultural significance of the building.
- The appeal submission raises concerns regarding the level of intervention and impact on the historical fabric of the existing structure and the potential impact of the propose use such. It is considered that they proposed alterations and use would result in adverse changes to the character and fabric of a structure

of high architectural heritage value. There was a failure to address the issues raised by the Council's conservation officer.

- The proposal would be contrary Development Policy under Section 11.2.1 due to loss of a cultural use/structure of cultural significance.
- The refusal of permission for a hostel and rear extension at no. 14 Henrietta Street is a comparable and relevant case PL29N.121679, with such now a museum.

6.1.3 A third party appeal has been lodged by John McCourt & Colm Toibin, 12 Upper Pembroke Street, Dublin 2. The grounds of appeal are as follows...

- The grant of permission contravenes the Architectural Conservation Objectives set out under the City Development Plan.
- The Council have been negligent in their obligations to enforce previous grants of permission and associated conditions ensuring proper conservation and restoration were carried out in timely manner, its function as the competent authority in relation to protected structures and such has led to the current state of disrepair and degradation.
- The proposal would have an adverse impact on the cultural significance of the existing structure and is contrary policy CHC6 and CHC27 of the City Development Plan.
- The decision conflicts with the views of the Conservation Officer, with such requiring additional information, which has not been provided. The proposal would be contrary policy CHC2 of the City Development Plan. The failure to seek an answer to the additional information and leave such to a compliance stage is inappropriate and the appellants cite case law in this regard.
- The nature, type and intensity of use is an inappropriate use for a structure of such architectural heritage value and cultural significance and the grant of permission is contrary to the Architectural Heritage Protection Guidelines for Planning Authorities. The intensity of use and additional activities such as café use would be detrimental to the fabric of the structure.

- The additional information contained changes that would have justified re-advertisement/new public notices.

6.1.4 A third party appeal has been lodged by Dermot Kelly, 10 Sidmonton Court, Bray, Co. Wicklow. The grounds of appeal are as follows...

- The appeal submission highlights the architectural and cultural significance of the existing structure and the submission by third parties, by prescribed bodies and internal reports raising concerns about the nature and type of use and its impact on the existing structure.
- The appellant highlights development plan policy in relation to architectural and cultural heritage and that the proposed change of use from a visitor centre would have an adverse impact on a structure of such importance and would be contrary to Development plan policy. The proposal should be refused.

6.2. Applicant Response

6.2.1 Response by Brock McClure Planning and development Consultants on behalf of the applicants, Fergus McCabe & Brian Stynes.

- The proposal is seeking to rehabilitate the existing protected structure with adequate regard to the features and historic fabric of the building, the interiors of the structure will not be adversely impacted as suggest by the third party appeal submissions.
- It is stated that the application includes drawings, report and assessed based on best practice conservation methods. The Council approved the development despite the issues raised by the Conservation Officer and there was no separate report from such. It is considered that any outstanding issues can be dealt with at a compliance stage and subject to appropriate supervision by a conservation architect. It is pointed out that a recent decision to grant permission at no. 14 Ushers Island was issued despite reservation by the Conservation Officer.

- The applicants indicate that the level of wear and tear associated with the proposal, which would be hostel of full occupancy of 50 persons would not be more than that of a visitor centre. The use proposal is a viable commercial use that will secure the long term future of the building.
- The scheme was amended at further information stage to reduce the intensification and the appeal submission does not reflect or acknowledge the alterations made.
- The proposal for the basement are satisfactory with proposals to deal with existing damp issue and ensure no damage to the structure in the basement and reinstatement of blocked up windows.
- In relation to loss of the visitor centre use it is stated that such was never viable or fully implemented and has been in operation for 10 years at east. The proposal will rejuvenate a dilapidated building and entail restoration in an appropriate architectural manner.
- The description of the proposed development in the public notices is appropriate.

6.3. Planning Authority Response

6.3.1 No response.

6.4. Further Responses

6.4.1 Response by the Friends of Joyce Tower Society.

- The public notices are unclear in nature of development proposed and such was not addressed by further information. This relates to the status of the existing extension to the rear.
- The appellants raise concerns regarding the impact on the fabric of the protected structure and the manner in which refurbishment will take place. The appellants state that the budget nature of the development will lead to non-conservation techniques being used in its refurbishment.

- The nature of the proposal and number of bed spaces is questionable in the context of Covid 19 and the possibility exists that such will end up being used for homeless accommodation in the future.
- It is suggested that a reduced level of bed spaces be permitted if granted with some level of visitation rights provided for cultural purposes.

6.4.2 Response by An Taisce.

- An Taisce support concerns regarding the inappropriate nature of the proposal and have submitted supporting material regarding the building as the setting for 'The Dead'.

6.4.3 Response by An Taisce.

- The proposal fails to address the cultural significance of the building as defined under section 51(1) of the Planning development Act. The Council's Conservation Officer failed to address the cultural significance of the building. There are alternative uses that would have a lesser impact in terms of wear and tear on a building of cultural significance. The reduction in bed spaces proposed is a token amount. The proposal is a speculative and insensitive use of a structure of cultural significance and is not a sympathetic proposal.

6.4.5 Response by Dermot Kelly

- The response reiterates the points raised in the appeal submission including highlighting the architectural and cultural significance of the existing structure and the submission by third parties, by prescribed bodies and internal reports raising concerns about the nature and type of use and its impact on the existing structure.
- The response highlights development plan policy in relation to architectural and cultural heritage and that proposed change of use from visitor centre would have an adverse impact on a structure of such importance and would be contrary to Development Plan policy. The proposal should be refused.

7.0 Assessment

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

Principle of the proposed development, cultural and architectural significance

Architectural heritage/level of intervention/intensification of use

Other Issues

- 7.2. Principle of the proposed development, cultural and architectural significance:

7.2.1 The proposal is for a change of use from a visitor centre to a tourist hostel. The approved development is for hostel providing 54 bed spaces with provision of a canteen area at basement level, new external stair access from the street level to the basement and a platform lift to provide access to the basement. The main thrust of the appeal submission is that the structure is of both of architectural and cultural significance and its change of use to that proposed is inappropriate. The existing structure is on the record of protected structure, is a structure of national importance on the Inventory of Architectural Heritage. As well as architectural heritage value the structure is of cultural significance due to its setting for James Joyce's short story 'The Dead' as well as serving as the location for filming of the feature film (1987) adaptation of said story.

7.2.2 The last permitted use based on planning history is for a visitor centre to restore the existing structure in such a manner as to create a public cultural facility celebrating James Joyce granted in 1996. At the time of the site visit the structure is in use as house of multiple occupancy. The structure is in a neglected condition, in particular the basement level. It is my understanding that the attempt to convert the structure to a visitor centre was not fully implemented or realised to the desired extent and the building ended up for sale and was subsequently acquired by the current applicants. The appeal submissions state that the structure should remain as a cultural use and be acquired by the Council or State for such a purpose.

7.2.3 I would acknowledge that the existing structure is of both architectural heritage and cultural significance, this fact is not in question. The proposal is for change of use such needs to be assessed on its merits. The desirability for a certain use over another use is not a justifiable reason for refusal of the proposed development. In this case a cultural use may well be the most desirable use in an ideal world however the applicants have sought a change use and such must be assessed on its merits and with an obligation to do so under Section 34 of the Planning and Development Act, 2000 (as amended). Permission was granted for a visitor centre use and for some reason such was not fully realised in this case. It is not a matter for me to assess why this use was not fully realised or supported to make it viable. It is also not a justifiable case to assess the proposed use on the basis that the building should have been acquired by the state or another relevant body for the purposes of retaining it in a cultural use, this did not happen and such is not a planning consideration.

7.2.4 The proposed use is a permitted use under the zoning objective for the Z5 (City Centre). Tourist uses would be highly compatible within such a city centre location and based on information on file and inspection of the area there would not be an over proliferation of such uses at this location. There is suggestion in one of the appeal submissions/responses that the proposed use is inappropriate in the context of Covid 19. This would not be reason to refuse permission as it is too early to determine how Covid 19 will impact tourist related development in the medium to long term.

7.2.5 I would refer to section 7.3 of the Architectural Heritage Protection: Guidelines for Planning Authorities, which states that “it is generally recognised that the best method of conserving a historic building is to keep it in active use. Where a structure is of great rarity or quality, every effort should be made to find a solution which will allow it to be adapted to a new use without unacceptable damage to its character and special interest. Usually the original use for which a structure was built will be the most appropriate, and to maintain that use will involve the least disruption to its character. While a degree of compromise will be required in adapting a protected

structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised". The proposed change of use is to a commercial use that is neither the original use of structure, which would have been a dwelling or the last permitted use, which is as a visitor centre. Notwithstanding such, the proposed use would guarantee the provision of an active use that would include ongoing occupation and maintenance of the structure. It could be argued that the last permitted use, which was cultural in nature failed to guarantee to ongoing active use and maintenance of the structure.

7.2.6 I am of the view that the principle of the proposed use is acceptable and would ensure the ongoing active use of protected structure of special interest in accordance with Development Plan Policy and the recommendations of the Architectural Heritage Protection: Guidelines for Planning Authorities.

7.3 Architectural heritage/level of intervention/intensification of use:

7.3.1 The appeal submission raise concerns regarding the intensity of use as being inappropriate and question its quality in the context of the cultural significance of the existing structure. In relation to intensity of use, the provision of tourist hostel would be no less intense than the use associated with a visitor centre. Some of the appeal appeal submissions/response speculate that the development will be low quality in nature, suggest that the best practice conservation methods outlined in application documents will not be implemented as well as stating that the development will be used for homeless accommodation. These are all speculative judgements and not statements of fact and have no bearing on the assessment of the proposal. I would again refer to the fact that the best way to preserve a structure of architectural heritage value is to provide it with an ongoing use in which it is occupied and maintained. I have no reason to doubt that the structure will not be maintained and run in an appropriate manner and the nature of use proposed is a permitted use within the zoning objective. In granting permission condition no. 3 confines the use

for tourist purposes on a short term basis. I would consider that this is an appropriate condition and would recommend a similar condition be applied in the event of a grant of permission.

7.3.2 The appeal submission raise concerns regarding the fact that information requested by the Council's Conservation Officer by way of further information was not supplied. The Conservation Officer requested revisions including omission of the four-storey rear return and construction of a two-storey extension instead, full structural appraisal and detailed conservation, methodology and drawings for upgrading of the primary fabric to ensure minimal impact on historical fabric, details drawings of all new doors and architraves, details drawings of new kitchens and sanitary facilities, drawings of the platform lift and external staircase, details of services , proposed damp proofing works to the basement, details of proposal to comply with Part B of the Building regulations and consideration of alternative use of the building for high quality apartments.

7.3.3 The original proposal was accompanied by a number of reports. These are a Conservation methodology & outline Specification, and Outline Decoration Schedule, and Architectural Heritage Impact Assessment. In response to further information an updated Architectural Heritage Impact Assessment was submitted, a report outlining measures to comply with Part B of the Building regulations relating to fire safety, an addendum to the Conservation Methodology and an Appraisal of loadbearing structural elements.

7.3.4 The Architectural Heritage Impact Assessment outlines the history of the building and analysis of the existing structure. The assessment indicates that the existing structure has been subject to a number of interventions/restoration in the 20th century including extension to the rear and a reconstruction of the entire top storey as well as interventions/works within the main body of the structure. The assessment identifies features of special interest in the structure and does refer to the setting of building for 'The Dead'. The assessment also details the existing condition of the building and includes a full photographic survey. In response to further information

the Architectural Heritage Impact Assessment was updated. The Impact Assessment identifies features and fabric of architectural heritage value and provides details of the nature impact and potential mitigation measures. The documents submitted are sufficient regarding the level of intervention and alteration proposed, but also provide sufficient details regarding existing historic features and fabric to be retained and details of methodology for repair of such.

7.3.5 The most significant alterations to the existing structure are at basement level with renewal of stairway access, provision of the platform lift and reinstating window openings. There are interventions in terms of fire safety measures such as provision of a sprinkler system to avoid the necessity of new fire lobbies and subsequent alteration to the layout, provision of fire compartmentation. These are alterations that would be required in event of the provision of alternative uses be the structure divided into separate apartments as suggested by the conservation officer or a cultural use as desired by the appellants'. I am satisfied that level of detail provided regarding works to the basement including measures to eradicate damp and provide better ventilation are satisfactory. The refurbishment, improved accessibility and active use of the basement area is desirable and this is currently the area that is in the poorest structural condition. In relation to the cultural significance of the building the architectural impact assessment outlines the features and rooms/settings that are specifically referred to in the 'The Dead'. The approved proposal does not alter the historical layout of the structure or remove any of the features specifically mentioned in the story.

7.3.6 I am satisfied that the level of intervention proposed/approved is reasonable and has adequate regard to the status of the protected structure both in relation to Architectural Heritage value and cultural significance. The proposal provides for retention and repair of existing features of significance and special interest, reinstatement and repairs of such features in an appropriate manner and no alteration to the historic layout of the property. The proposals at basement level will provide for a sustainable use and upgrade of an area that has become particularly dilapidated and neglected. Speculation that the applicants/developers may not carry

out works in a manner that is in accordance with best practice measures is as stated speculation and not planning consideration. I would consider that appropriate conditions specifying that works be carried in accordance with the details specified and under the supervision of a Conservation Architect should be applied. I would also recommend that conditions requiring agreement with the Council regarding repair works and intervention as per Condition no. 5 attached to the grant of permission. Such would allow for appropriate oversight of works.

7.4 Other Issues:

7.4.1 The initial proposal was revised in response to further information with the main change being the omission of a new extension to the rear to replace a previously constructed extension. Revisions also included omission of the café level at basement level in favour of a canteen serving the hostel itself and change of the rear room at ground floor level from a canteen to a bedroom. At first floor level two rooms previously dedicated to bedrooms are now an office space and a bathroom. At second floor level a room previously labelled as bedroom is now an office space. The number of bed spaces originally proposed was 56 and that has been reduced to 54. It is argued that the information submitted was significant further information and should have been subject to new public notices. There is a case to be argued that the changes made are significant merited revised public notices. On this matter I consider that the plans and particulars as submitted enable assessment of the proposal on its merits and would state that the appellants have not been restricted in their ability to challenge the decision by Dublin City Council to . Having considered the details of the application and appeal, the planning history and having visited the site I propose to deliberate on the planning merits of this appeal, which are outlined in the previous sections of this report.

7.4.2 One of the appeal submission raises concerns regarding the planning status of one of the extension to the rear of the existing structure. The existing structure appears to have been extended to rear with a two-storey extension and four-storey extension. Based on the information on file the top level of the existing structure has also been replaced at some point. The recorded planning history of the building is short with

only record one application (1342/96 for change of use to a visitor centre). There does appear to have been any issue regarding the planning status of the two later extensions to the rear of the structure when permission was granted for the visitor. The approved proposal entails refurbishment of the existing structure with no extension of floor area.

7.4.3 There is some suggestion by one of the appellants and in the submission by prescribed bodies that some level for access or visitation arrangement be provided due to the cultural status of the building. I would consider that this is an arrangement that would need to be agreed with the owners of the building and is not an aspect of the proposal that can be dealt with by way of a planning condition. It requires some level of mediation between the relevant parties. I would not recommend a condition in this regard.

7.4.4 In regard to concerns relating to amalgamation with no. 14, such has not been sought and planning permission would be required allowing full scrutiny of any proposal.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the design, scale and configuration of the proposed development and the existing pattern of development in this city centre location, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with current Dublin City development plan policy, would not detract from the visual amenities of the area or the character and setting of the protected structure on site, its cultural significance, the adjoining protected structures, and would be acceptable in the context of the amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of January, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed hostel use shall be for tourist use on a short term basis only and shall be not be used for any other purpose without a prior grant of planning permission.

Reason In the interests of clarity.

3. The applicant shall submit the following for written agreement of the Dublin City Council's Conservation Officer prior to works commencing:

(a) Detailed drawings indicating all proposed repairs to wall and ceiling plaster and cornices, historic timber floor boards, historic joinery including skirtings, dado rails,

windows, shutters and linings, chimney breast and any surviving fittings, front entrance door and fanlight, and all making good where services are removed or installed through historic fabric. Refurbish and reinstate stored historic fabric within the repair works where possible.

(b) Detailed drawings and door schedule for historic and new doors to all door openings within the building, including architraves.

(c) Structural details indicating the proposed method for the repair of joists as illustrated that will ensure avoidance of any damage to surviving lath and plaster ceilings. Further refinement of details submitted would be required for the proposed strengthening of the front entrance steps from below to reduce the visual impact of the concrete lintols.

(d) Detailed drawings of the proposed interventions to the principal staircase, and to the staircases to the basement and third floor level.

(e) Detailed drawings of the proposed chair lift.

(f) Detailed drawings of privacy screens and associated structural details avoiding any damage of historic floor boards or lath and plaster ceilings.

(g) Details and methodology for sire upgrading works, ensuring avoidance of damage to historic ceilings and historic timber floorboards, details of upgrading to historic partitions.

(h) Details of new window which will act as an AOV on the rear elevation 3rd floor.

(i) mechanical and Electrical Services – provide details of all new socket outlets, light switches, light fittings (including emergency fittings and escape lighting) and their locations, electrical heaters and associated wiring, misting system, smoke detection units.

(j) Revised drawing omitting bicycle storage in the rear yard.

(k) Detailed methodology for reslating the roof in Bangor Blue slates (include suppliers details), omitting reference to Spanish Slate.

(l) Detailed drawings of the platform lift and all associated alteration and repair works to the historic railings.

(m) Detailed drawings and methodology for the realignment, structural report and pointing of front entrance steps.

Reason: To ensure the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best practice conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

4. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011.

Reason: To ensure that the integrity of the adjacent protected structure is maintained and that all works are carried out in accordance with best conservation practice.

5. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the amenities of property in the vicinity.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission. Reason: In the interest of visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall – (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and the amenities of the area.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Reason: In the interest of sustainable waste management.

Colin McBride
Planning Inspector

08th April 2020