



An
Bord
Pleanála

Inspector's Report ABO 309550-21

Development	Repair and refurbish single and two storey structure (protected structure) and construct part 5 storey, part 6 storey hostel.
Location	34 Island Street, Dublin 8.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3821/20
Applicant	Pathway Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. refusal
Appellant	Pathway Homes Ltd.
Observer(s)	None
Date of Site Inspection	23/03/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.061 hectares, is located between Usher's Island to the north and Island Street to the south on the south quays. It is roughly rectangular in shape. Its principal frontage is onto Island Street with the buildings forming the boundary onto same. The boundary to Usher's Island is delineated by a stone wall topped with railings and a pedestrian gate. The site is occupied by two vacant stone warehouse buildings. One is single storey the other is two storey. The latter is a protected structure. Part of its pitched roof has collapsed. The northern part of the site is overgrown.

The site is bounded to the west by the HSE Mental Health Service Clinic and Mendicity Institution. There is a three storey building and associated low rise buildings served by surface car parking accessed from Usher's Island with a part single/part two storey building fronting onto Island Street. To the east of the appeal site is the Pier 19 apartment scheme which comprises of 3 no. blocks, 4 -5 storeys in height. The vicinity is characterised by a mix of uses including residential with active commercial uses at ground floor levels fronting onto Usher's Island. A 8-9 storey apartment scheme on Bonham Street to the south-west is currently under construction of foot of the special emergency powers under the Housing Act, with student accommodation of comparable height further south again. The land immediately to the south of the appeal site on Island Street is laid out as open space.

2.0 Proposed Development

The proposal entails the repair and refurbishment of existing warehouse units and provision of a four storey extension to be used as a hostel. This will result in a 5 and 6 storey development.

The hostel will provide for 49 ensuite rooms. The ground floor will provide for a reception, administration area, meeting room, kitchen facilities, communal seating area and ancillary services with a TV lounge and study/lounge also proposed. A further communal residents room is to be provided at 5th floor level.

The application is accompanied by:

- Planning Report

- Architectural Heritage Impact Assessment
- Photomontage Report

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development for two reasons which can be summarised as follows:

1. The form, scale, mass and location of the development would have a negative impact on the future development potential of adjoining sites, does not provide an appropriate transition in scale and would appear overbearing and visually incongruous. It would be visually obtrusive and dominant and would seriously injure the character, function and appearance of the Conservation Area and would be contrary to policy objective CHC4.
2. It would seriously injure the special architectural character and legibility of protected structures by way of its height, scale and form and would be contrary to CHC2 of the Plan. The proposal is not compatible with the future long term conservation of the historic building and would create an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report notes:

- The applicant has not indicated if the proposal is for tourist accommodation or to provide emergency accommodation. There are concerns regarding the proposed hostel use which is short term and transient given its location adjacent to the Mendicity Institution and Day Centre.
- The plot ratio exceeds the indicative plot ratio standards. There are concerns that the proposal may constitute overdevelopment of the site.

- There are concerns regarding the length, width and lack of natural light to the corridor and daylight available to the bedrooms from the small area of glazing which is not obscured. The applicant has not submitted a Daylight /Sunlight Report and there are concerns that the development will not achieve the recommended average daylight factor.
- There are concerns that the windows on the western boundary would have a negative impact on the future development potential of the adjoining site.
- The proposed removal of all historic fabric inside the protected structure including the historic king roof trusses and remaining interior fabric and features is contrary to the built heritage and conservation policies of the development plan.
- There are serious concerns regarding the scale, form and mass of the development. It does not provide an appropriate transition in scale between the adjacent Mendicity Institution and the Pier 19 apartment development. Given the surrounding urban context which ranges from 2 to 5 storeys it is considered that the development would result in a disjointed streetscape, would appear overbearing and would be visually incongruous on the streetscape.
- It would have a detrimental visual impact on the Liffey Quays and would appear visually incongruous.

A refusal of permission for 2 reasons recommended.

3.2.2. Other Technical Reports

3.2.3. Architectural Conservation Officer notes:

- The principle of facadism is generally not supported nor is the hollowing out of the interior of protected structures. The proposed removal of all historic fabric, including the historic king roof trusses and remaining interior fabric and features, is contrary to the built heritage and conservation policies of the Dublin City Development Plan.
- The nature, scale and extent of the vertical extension over the protected structure is wholly out of context with its surrounding area, would dwarf the protected structure and would cause serious injury to its historic fabric,

legibility and setting. It would permanently compromise its special architectural character and heritage value to the Liffey Quays Conservation Area and the historic Mendicity site which is its original historic curtilage.

- The existing building stock should be considered in terms of its sustainable reuse, particularly in light of the significance of the protected structure and the remaining historic fragments that exist therein.
- The development plan policies for ACAs are relevant.
- The proposal by way of its height, bulk and massing will constitute a visually obtrusive and dominant form, will involve the loss of the historic and important building form and features of the protected structure, including its historic roofscape, and will cause harm to the buildings and spaces which contribute positively to the special interest of the Conservation Area. It is therefore contrary to policy CHC4.
- The proposed hostel use is short term and transient and, as such, does little for the long term sustainability of the protected structure and conservation area.
- The return of the protected structure back into its historic curtilage would be welcome from an architectural conservation and cultural heritage perspective, and would more appropriately reinforce, strengthen and protect the civic design character and dignity of the Z5 zoning.

A refusal of permission for two reasons recommended.

Engineering Department – Drainage Division recommends further information seeking a comprehensive engineering services report, compliance with SuDS, location of proposed/existing surface water outfall and flood risk assessment.

City Archaeologist recommends further information seeking a full archaeological assessment.

Transportation Planning Division has no objection subject to conditions.

3.3. Prescribed Bodies

An Taisce considers that the proposal does not demonstrate sufficient sensitivity to the protected structure or impact on Liffey quays. Concern as to the proposed hostel use also raised.

3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised relate to appropriateness of and need for use, impact on adjoining properties and their development potential, response to conservation status, design, excessive height and scale, amenities of prospective residents and adequacy of detail supporting the application.

4.0 Planning History

Details of the planning history on the site are set out in the grounds of appeal and the planner's report on file. The latest application dates back to 2008 under ref. 5366/07.

Adjoining Sites:

ABP-310132-21 (2215/21) - permission refused for mixed use development comprising of apartments and commercial units at 10 Usher's Island, and 32 Island Street.

ABP-308568-20 (4300/19) – permission granted at 15 Ushers Island for refurbishment of a protected structure with works to facade onto Usher's Island and change of use of former visitor centre to hostel accommodation comprising 56 bedroom spaces.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2015

The site is within an area zoned Z5 - City Centre, the objective for which is to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity.

The two storey structure is a protected structure ref. RPS 8194.

The northern most part of the site is within the Liffey Quays Conservation Area.

Relevant policies and standards of the Dublin City Development Plan include:

- Policy CHC2 - To ensure that the special interest of protected structures is protected.
- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas.
- Policy CHC5 – To protect protected structures and preserve the character and setting of architectural conservation areas.
- Section 11.1.5.3 – policy application for protected structures.
- Appendix 24: Protected Structures and Buildings in Conservation Areas.
- Section 16.2.1 Design Principles
- Section 16.2.2.2 Infill Development
- Section 16.7 addresses building height – in the Low-Rise Inner City Area commercial development can be up to 28m in height.

The site is within Special Development Rejuvenation Area (SDRA) 16 - Liberties and Newmarket Square.

Note: The Liberties LAP 2009, as extended to 2020, has expired.

5.2. Natural Heritage Designations

None in the vicinity

6.0 The Appeal

6.1. Grounds of Appeal

The submission from Hughes Planning and Development Consultants on behalf of the applicant refers and the Board is requested to consider the development as submitted to the planning authority. The appeal is accompanied by an alternative design option for consideration by the Board. It reduces the overall development height by 3.15 metres. This is done by removing the 3rd floor level.

The grounds of appeal can be summarised as follows:

6.2. Impact on Adjoining Properties

- Due to the location and design of the development, overlooking will not arise. The eastern elevation is bounded by Pier 19 apartments. No windows are proposed in the eastern elevation. There is no private amenity spaces or areas at risk of overlooking to the west.
- It would not have an overbearing impact on the surrounding area. The 6 storey height is similar to developments in the vicinity. Pier 19 apartments to the east are 5 storeys while The Atrium apartments to the west are 4 storeys.
- It will not result in further loss of sunlight or daylight within adjacent properties. There are no structures located to the south of the site.

6.3. Amenities of Future Hostel Users

- The proposal does not include car parking provision. However, the location of the hostel would ensure connectivity with the city centre and surrounding areas due to the proximity of public transport routes.
- Adequate amenity space is provided for the short stay residents.

6.4. Conservation and Design

- An Architectural Heritage Impact Assessment was prepared.
- A long period of vacancy, combined with fire damage, has left the building in a poor state with little more than the shell remaining intact. There has been significant damage to the structures which has largely impacted the internal

features. The protected structure has effectively been stripped of its original layout and features.

- The floor on the upper level is a later replacement and is not in good condition.
- The main building has an open floor plan undivided by masonry walls or partitions, therefore there are few original features remaining within the building.
- The proposal will reveal the original materials and masonry. The existing render is to be removed to expose the calp limestone rubble wall which is to be refurbished and repaired in line with conservation techniques. The proposed materials for the vertical extension seek to enhance the character on site and create a structure of visual interest in the area.
- The stone building would be repaired and refurbished in line with best conservation practices.
- The proposed extension is of exceptional design quality and seeks to create a structure of visual interest within the area.
- The proposal would contribute positively to the special interest of the Conservation Area.
- The height and scale of the proposal is appropriate and is supported by a number of precedents immediately surrounding the site and within the wider Dublin City Centre area (details given).

6.5. Planning Authority Response

None

6.6. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Principle of Development
- Architectural Heritage and Visual Impact
- Impact on Amenities of Adjoining Properties
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. The site is within an area zoned Z5 the objective for which is to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity.
- 7.1.2. Whilst the nature of the hostel is not explicitly stated, the planning report accompanying the application cites Policy CEE12 (i) of the City Development Plan with respect to tourism in which the provision of hostels is referenced. The hostel use is permissible under the Z5 zoning objective. In principle the proposal will assist in the overarching objective of this land use zoning objective to provide a dynamic mix of uses which will sustain the vitality of the inner city. The development will also provide important infrastructure which will allow the tourist economy to develop and grow within the city centre which is also in accordance with above stated development plan policy. In addition, there is the potential of giving renewed life to a protected structure which will positively impact on the revitalisation, regeneration and footfall in and around this area of the South Quays. I consider that a condition clarifying the nature of the hostel use for tourism purposes, only, can be addressed by way of condition should the Board be disposed to a favourable decision.
- 7.1.3. The concentration of hostels in the vicinity should not, of itself, constitute grounds for refusal. The proposed land use is compatible with the land use zoning objective for the area with no limits or caveats attached limiting the number or extent of such a use. The acceptability of the proposal is contingent on the overall quality of the development, its overall physical impact in the context of visual amenity and architectural heritage designations and its impact on adjoining

amenities/development potential of adjoining sites. These aspects of the proposal are to be examined in the following sections of this report.

7.2. Architectural Heritage and Visual Impact

- 7.2.1. The two buildings located on the southern extent of the site are vacant and in a deteriorating condition. The two storey stone building is a protected structure. The appeal site is located within Strategic Development Regeneration Area 16 (SDRA 16) in which it is a key aim to promote the principles of good urban design, high quality buildings and protection of the distinctive heritage. In addition, the northern most section of the site is within the Liffey Quays Conservation Area.
- 7.2.2. The 2nd reason for refusal states that the proposal would seriously injure the special architectural character and legibility of the protected structure by way of its height, scale and form and would be contrary to policy CHC2 of the Plan. It is also considered that the proposal is not compatible with the future long term conservation of the historic building and would create an undesirable precedent.
- 7.2.3. As such one of the key questions before the Board in determining the appeal is whether or not the impact of the proposed development on the historic integrity of the protected structure is appropriate and proportionate and represents a reasonable balance between bringing the building back into re-use whilst maintaining its historic and architectural integrity.
- 7.2.4. The application is accompanied by an Architectural Heritage Impact Assessment which outlines the history of the building and gives an analysis of the existing structures. The assessment indicates that the structures have been subject to a number of interventions. The upper floor of the protected structure is noted to be a later replacement with further interventions in the 20th century including steelwork supports. It has an open floor plan. The assessment also details the existing condition of the building and includes a photographic survey. The smaller building has been subdivided internally. It is stated that the long period of vacancy combined with fire damage has left the buildings in a poor state with little more than the shells remaining intact with little, if any, salvageable interiors. In the appeal submission it is considered that the importance of the main building (protected structure) is predominantly in the external envelope, namely the stone walls and opes.

- 7.2.5. The proposed works entail the retention and refurbishment of the buildings and vertically extending them by the addition of floors. It makes good the existing walls and window openings. The roof is to be removed with a new steel frame building to be 'dropped' into the centre of the stone building effectively making the existing building the pedestal for the new building. The change in materials will differentiate between the old and new. It is proposed to subdivide the two floors of the main building with partitioning to provide for smaller rooms. The dividing wall between the two buildings is to be taken down to allow for connectivity. A new staircase to be inserted near the southern end of the protected structure. All windows are to be reused, where currently open, and internal rooms designed around these openings.
- 7.2.6. The City Council's Conservation Officer objects to the development on the grounds that the proposal is akin to facadism with the hollowing out of the interior of the protected structure leaving only primary structural walls. The proposed removal of all historic fabric including the king roof trusses and remaining interior fabric and features is contrary to the built heritage and conservation policies of the city development plan and that the nature, scale and extent of the vertical extension over the protected structure is wholly out of context with its surrounding area, dwarfing the protected structure and permanently compromising its special architectural character and heritage value as well as its position along the Liffey Quays Conservation Area.
- 7.2.7. Whilst I fully concur and support the applicant's objective of reintroducing active uses which will ensure the survival of the building this must be balanced against the key aim as espoused in Section 11.1.5.1 of the City Development Plan to ensure that any building added to the record of protected structures retains its significant historic character in the event where works are being carried out. Policy CHC2 of the development plan requires the special interest of the protected structure to be protected and that developments should 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, fittings and materials. The development plan highlights that interventions to protected structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure.
- 7.2.8. Although the external fabric of the building which is an integral element of historic importance will be retained, improved and refurbished using best practice

conservation methods, the extent and scale of the proposed vertical extension completely overwhelms and alters the protected structure whereby its architectural detail is subservient and subsumed by the new build. This, in my opinion, is accentuated by the extensive external interventions to the western elevation to address the potential for overlooking by the use of angled windows and louvres. The building would no longer retain its own historic identity and the proposed development, including the partitioning of the existing floorspace, would completely alter the layout so that it would bear no resemblance to the original footprint and internal layout of the protected structure. This, in my view, is material, and constitutes appropriate grounds for refusal.

- 7.2.9. The proposal encompasses a 5 and 6 storey building with an overall parapet height of 26.250 metres. Section 16.72 of the City Development Plan sets out the policy for building heights and identifies areas in which low-rise, mid-rise and high-rise structures are permissible. In the case of the inner city low rise designation a height of up to 28 metres for commercial development is permissible.
- 7.2.10. The general area is undergoing material change with increased heights in existing and permitted developments noted. Pier 19 apartments immediately to the west comprises of 3 no. blocks, 4 -5 storeys in height, with an 8-9 storey apartment scheme currently under construction on Bonham Street to the south-west. However, the appeal site happens to be at a point where the streetscape is more fragmented with the adjoining structures being two and three-storeys in height as well as set back from the footpath as in the case of the HSE centre to the west.
- 7.2.11. The main (front) elevation is to be onto Island Street and I would concur with the planning authority that the scheme is not successful in terms of transition in height and scale as evidenced from the contextual elevation drawings provided. To address this the applicant has submitted amended plans with the appeal removing a floor and reducing the height by 3.15 metres to a parapet level of 23.1 metres. In my opinion this is more successful in terms of transition in scale between the adjacent Mendicity Institution and HSE sites and the Pier 19 apartment development.
- 7.2.12. However of substantive concern is its visual impact from the north and along the Quays, notably when viewed from the west. This visibility is accentuated by the low rise buildings and relative openness of the Mendicity Institution/HSE lands

immediately adjoining. Due to the site constraints in terms of its narrowness the building is setback from the quayside frontage. This, of itself, is not fatal. However the building design with the stair/lift core within the extension on the northern elevation which is somewhat functional in execution, when coupled with both the absence of any active frontage and the western elevational treatment with the above mentioned extensive use of angled windows and louvres is not satisfactory. I submit that this is reflected in the photomontages accompanying the application. As noted above whilst the reduction in the height as proposed in the appeal submission may assist in a more appropriate transition when viewed along Island Street it does not have a beneficial impact when viewed from the Quays.

7.2.13. I submit that the overall design and scale of the proposed development due to its location along the Quays, the narrow frontage of the site and height and scale of the proposed structure, would have an adverse visual impact that would be detrimental to the visual amenities of the area and the status and setting of the Liffey Quays conservation area.

7.2.14. In conclusion whilst I would fully agree with the appellant that it is imperative that the continuing decay of the building is arrested, this cannot be at the expense of the dramatic transformation of the building as proposed. I consider that the design approach fails to have regard to its location in a prominent quayside location, partially in a designated conservation area and provides for an inappropriate design approach. The proposal would also be contrary the key aims of the SDRA 16 as set out under the City Development Plan seeking to promote the principles of good urban design, high quality buildings and the protection of the distinctive heritage.

7.3. Impact on Amenities of Adjoining Properties

7.3.1. The issue of impact on the development potential of adjoining sites is referenced in the 1st reason for refusal. The proposed development is to have a blank wall along its eastern elevation that fronts onto the Pier 19 apartment complex.

7.3.2. Of particular relevance is the site immediately to the west on which there the Mendicity Institution and HSE Clinic with the buildings being low rise with windows facing onto the appeal site. The existing warehouse is tight to/on the western boundary with existing opes in the said elevation. Angled windows with louvred panels to the upper windows serving bedrooms are proposed to prevent overlooking.

7.3.3. Whilst the BRE Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice is intended for residential developments I note that section 2.2 states that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. I consider that the adjoining community facilities uses can be seen to accord with same. No analysis accompanies the application as to the impact on existing uses or the impact on the potential future redevelopment of the lands to justify the appeal statement that no impact arises.

7.4. Appropriate Assessment Screening

Having regard to the location of the site, the nature and scale of the proposed development and separation distance to the nearest European Site it is concluded no appropriate assessment issues arise as 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

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is the policy of Dublin City Council as set out in Policy CHC2 of the Dublin City Development Plan 2016-2022 to ensure that the special interests of protected structures are protected and that any proposals for redevelopment be highly sensitive to the historic fabric and special interest of the interior including its plan form and hierarchy of spaces. It is considered that the proposed works to be undertaken including the removal of the roof structure, original roof profile and remaining interior fabric would give rise to an unacceptable loss of historic fabric and legibility and would therefore contravene Policy CHC2(c) of the County Development Plan. The proposed development would have an irreversible detrimental and seriously injurious impact on historic fabric, plan, form and integrity and architectural character of

the protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the established built form and character of the surrounding area and the Z5 zoning provisions for the site, the objective for which is to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity, it is considered that the proposed development, by reason of its restricted width, the elongated nature of the site, the building design and height relative to surrounding buildings, would be visually incongruous in terms of its design, which would be out of character with the streetscape and, by reason of its prominence, would be contrary to the protection of the visual amenity of the Liffey Quays Conservation Area and would be contrary to policy CHC4 of the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

March, 2022