



An  
Bord  
Pleanála

## Inspector's Report ABP-309935-21

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<b>Development</b>	Change of use of a protected structure to guest house with retention and carrying out of ancillary works
<b>Location</b>	1b Lower Ormond Quay, Dublin 1
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	3240/20
<b>Applicants</b>	Linrath Holdings Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Split decision
<b>Type of Appeal</b>	First party vs. split decision
<b>Appellants</b>	Linrath Holdings Ltd.
<b>Observers</b>	Transport Infrastructure Ireland
<b>Date of Site Inspection</b>	3 <sup>rd</sup> December 2021
<b>Inspector</b>	Stephen J. O'Sullivan

## 1.0 Site Location and Description

- 1.1. The site is in Dublin's city centre on the North Quays near their junction with Capel Street. Its stated area is 60m<sup>2</sup>. The site consists of the curtilage of a two-bay terraced Georgian building that has four storeys of accommodation over a basement. The stated floor area of the building is 225m<sup>2</sup>. The building is comprised of a front element that extends across the site frontage and has a depth of c7.5m, and a rear return on the eastern side of the site c3m wide and c4.5m deep. The front of the building abuts the footpath along Ormond Quay. The adjoining buildings in the terrace are of a similar scale and historic character.
- 1.2. There is a small piece of open space on the site immediately behind the rear return. Otherwise the rear boundary of the site runs along the side of the rear return and the back of the main part of the house, so that the space immediately outside several windows at the back of the house is part of the curtilage of a building on Capel Street.
- 1.3. The established use of the building is as offices, although works have been carried out to convert 8 rooms from the ground to the third floor to bedrooms with ensuite toilets and showers.

## 2.0 Proposed Development

- 2.1. It is proposed to change the use of the building to a guest house with 7 bedrooms. Four of the bedrooms would be in the rear return from the ground to the third floor. The other three bedrooms would occupy the principal rooms at the front of the house from the first to the third floor. All the rooms would be served by en-suite toilets. The toilets and showers have already been installed and so the application seeks permission to retain them. The principal room on the ground floor would be used as a reception area and lounge for the guesthouse. The basement would be used to accommodate the dining room, kitchen and plant room for the guest house, as well as another toilet.
- 2.2. The published description of the development specified certain proposed works to the protected structure including the installation of sash windows in two openings on its front and in another one at the back; the removal of a grille from the ground floor

window at the front; the replacement of broken plastic rainwater goods with cast iron ones; the removal of a partition and unauthorised toilet from the ground floor; the removal of an unauthorised toilet from the basement and the installation of a toilet and a bin store there.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority issued a split decision. It decided to grant permission for the change of use from offices to guesthouse and for the overall upgrade and refurbishment works subject to 9 conditions.

**Condition no. 2** required two bathrooms to be provided in line with the permission granted under Reg. Ref 3573/18 which would be on the second and third floor, and for all the ensuite bathrooms to be removed. The reason said that this was to protect the character and integrity of the protected structure.

**Condition no. 3** set out detailed requirements from the Conservation Section including the supervision of the project by a conservation expert and the submission of revised plans that would provide for the repair of original floorboards and cornices that had been affected by the installation of ensuite bathrooms; the removal of suspended ceilings and the repair of original flat and decorative plaster including plaster cornices that may have been affected by the installation of the suspended ceilings; the repainting the front façade; the removal of the services riser from the staircase; the relocation of the bin store to the rear yard; new castiron rainwater goods; the removed of WC from the basement to that the historic balustrade remains legible. The reason from the condition referred to the integrity of the protected structure and best conservation practice.

**Condition no. 9** required the works to comply with TII's code of practice for works near the Luas line.

The planning authority decided to refuse permission for the retention of the 7 ensuite toilets in the building for one reason which stated that they would cause injury to the to the historic fabric, special architectural character and legibility of the historic

floor plan of the protected structure, and so would be contrary to section 11.1.5.1 and policy CHC2 of the development plan.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planner's reports noted that the proposed use was acceptable under the Z5 city centre zoning that applies to the site. Otherwise they generally relayed the contents of the reports from the council's conservation section and similarly recommended a split decision.

#### **3.2.2. Conservation Section**

The first report from the Conservation Section refers to the previous grant of permission to change to protected structure to a single dwelling. It expresses concern about the impact of an intensification of use on the protection of the historic fabric of the structure. It also expressed concern about the impact of unauthorised works including the installation of the ensuite bathrooms on the legibility of the historic floorplan, as well as in relation to the loading of the building's structure, the additional openings required to accommodate services and the potential damage from leaks. Drawings of the services are required. The other buildings in the area have lighter coloured facades so the application of darker paint rendered this building inconsistent with the established character of those buildings and so was not exempt development. It was recommended that further information be sought.

The report from the Conservation Section subsequent to the submission of the further information stated that bathrooms were only acceptable in the principal rooms to enable the house to be restored to a single family house which would be welcomed from a conservation point of view. The introduction of en-suite toilets to every bedroom would injure the historic floorplan and would result in a loss of fabric due to the service connections that they require. Planning permission has been granted for bathrooms on the 2<sup>nd</sup> and 3<sup>rd</sup> floor. The other bathrooms should be removed. The report recommended a split decision.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland stated that the site was within the area covered by the supplementary contribution scheme adopted under section 49 of the Planning Act in relation to the Luas cross city connection and so development there should be subject to the appropriate contribution.

### 3.4. Third Party Observations

None

## 4.0 Planning History

Reg. Ref. 3573/18 – the council granted permission on 24<sup>th</sup> October 2018 to change the use of the building on the site from a protected structure to a single family home

## 5.0 Policy Context

### 5.1. Development Plan

The Dublin City Development Plan 2016-2022 applies. The site is zoned as part of the city centre under objective Z5. Guesthouses are permissible in this zone. Policy CEE 13 (iii) is to promote and support the development of additional tourism accommodation at appropriate locations throughout the City

The site is part of a non-statutory conservation area along the Liffey Quays. The building on the site is a protected structure. Policy CHC2 of the plan is to

*Ensure that the special interest of protected structures is protected and that 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.*

## **5.2. Guidelines for Planning Authorities on Architectural Heritage Protection, 2011**

Section 7.3 states that the best method of preserving an historic building is to keep it in active use. Usually the original use for which the structure will be the most appropriate and the one that will involve the least disruption to its character. Section 11.5 states that the introduction of services into protected structure requires extremely careful consideration. Alterations connected with service installations should be reversible and should not involve the loss or damage of features such as floor finishes, skirting, dados, panelling or doors.

## **5.3. Natural Heritage Designations**

None

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The grounds of appeal can be summarised as follows-

- The appeal is against the requirement to omit toilets in the refusal and condition no. 3 of the council's decision.
- Condition 3 of the council's decision refers to a permission under 3573/18 to convert the building to a single family house. The applicant does not propose or intend to implement that permission.
- The proposed change of use has been accepted by the council. It would enhance the character of the quays and contribute to the regeneration of the area and would be in keeping with policy CEE 13 (iii) of the development plan. The omission of the en-suite toilets would render that guesthouse substandard and unviable.
- The ensuites are pods with lower ceilings to mitigate their impact on the historic dimensions of the rooms in the protected structure.
- The WC in the basement does not interfere with the historic form of the protected structure and is a necessary facility for the staff and visitors to the proposed guesthouse.
- Detailed surveys were submitted to the council to document the retention of the historic fabric of the protected structure and the extent to which it is proposed to reverse the unauthorised works and interventions to it. A further report from the applicant's conservation architect is submitted with the appeal. The cornice on the ground floor indicates that a separate hallway was not an original feature of the house. Opinions regarding the colour of the building are rather subjective. The proper conservation of historic buildings requires an economic basis.

## 6.2. Planning Authority Response

None received

## 6.3. Observations

TII repeated their observation to the council that the site was within the area covered by the supplementary contribution scheme for the Luas Cross City project.

## 7.0 Assessment

### 7.1. Use

- 7.1.1. The established use of the building on the site is for offices. The conservation architect's report submitted with the application quotes historical records that indicate that the building has been in some type of commercial use since the 19<sup>th</sup> century. The proposed use is as a guesthouse. The change of use from one to the other would be in keeping with the zoning of the site and would be supported by policy CEE 13 (iii) of the development plan. This part of the city centre is not in particular need of regeneration, but the underutilization of its historic built fabric through the vacancy of upper floors is a concern. The proposed guesthouse would use all the building and so would contribute to its conservation in accordance with the advice in section 7.3 of the guidelines on architectural heritage protection. The proposed use does not involve any processes or activities other than people coming to sleep, eat and wash in the house. The nature and intensity of this use would not unduly threaten the structure or fabric of the house. It would dispel the greater threat to the preservation of that fabric which would arise from a failure to provide a viable and sustainable use for the structure as a whole. The proposed use would not detract from the vibrancy and vitality of the city centre and would be compatible with the more intense commercial uses in the immediate vicinity of the site. The proposed change of use would therefore make a positive contribution to the conservation of the protected structure and to the character of the area. As such it is acceptable.
- 7.1.2. There is an extant permission to convert the protected structure into a single "family" dwelling. However there is no obligation on the owner to implement that permission. The current proposal is to be considered on its own merits without reliance on a putative development that has been permitted but not carried out. There is no evidence to support a conclusion that the protected structure was ever used as a "family" dwelling in the modern sense, occupied solely by members of a nuclear family who make their living somewhere else. Notwithstanding the grant of permission made under 3573/18, various characteristics of the protected structure make it unlikely that occupation as a single "family" dwelling would provide it with a viable and sustainable use over the long term. It lacks any useable open space. It faces directly onto a major throughfare in the city centre with high levels of



pedestrian and vehicular traffic. There are businesses in the immediate vicinity that operate in the evening. The total floor area of the building is not much larger than many detached modern houses, but that area is distributed over 5 floors connected only by stairs. None of these circumstances would prohibit the residential use of the protected structure. But they would render it quixotic to consider the current proposal on the basis that a preferable or feasible outcome would be its occupation as a single “family” dwelling.

## **7.2. Works**

- 7.2.1. The proposed development would retain the historic form of the protected structure and, to a great extent, its historic layout. The architect’s report submitted with the appeal provides convincing evidence, based on an original cornice, that the ground floor room at the front of the house was not divided to provide a separate hallway behind the front door. This would indicate that the protected structure was designed to accommodate some commercial use or a shop at street level. The proposed development would restore this layout. The en-suite toilets in the 7 bedrooms disrupt their proportions. Their presence is not desirable from a conservation perspective. However it is accepted that such facilities would be necessary for a guesthouse to attract custom and provide a viable and sustainable use that would allow the conservation of the protected structure over the long term. The proposed en-suite toilets would differ from those that had been installed without permission, because the suspended ceilings above them would be removed. This in itself would help restore the historic proportions of the affected rooms. This would indicate that the en-suite toilets were subservient in form to the original rooms and that their installation could be reversed if another suitable and sustainable use was found for the protected structure. The applicant has submitted a persuasive analysis based on the applicable BS standards to demonstrate that ensuite guest rooms would not place a greater loading on the structure of the buildings than the established office use. It is therefore concluded that the en-suite toilets are justified in conservation terms, and their retention in the manner proposed would be in keeping with the proper planning and sustainable development of the area.
- 7.2.2. The details submitted with the application and with the appeal provide a detailed account of how the proposed works would be carried out, including the provision of services, and what their impact would be on historic elements of the built fabric of the

protected structure. This account is comprehensive and well documented. It is accepted as a reasonable basis on which to carry out the proposed works. The submitted details support a conclusion that the proposed works would not cause undue injury to the historic or architectural interest of the protected structure and would be in keeping with policy CHC 2 of the development plan.

- 7.2.3. The historic balustrade along the stairs does not descend below the ground floor, so the proposed installation of another toilet at basement level would not injure the historic fabric of the house. There is no rear yard serving the house to which the proposed bin store could be relocated. It is proposed to remove the services riser in the main stairwell.
- 7.2.4. The current dark colour of the front of the house emphasizes its scale and proportions and makes a positive contribution to the appearance of the Liffey Quays. It is not out of keeping with the character of other structures in the vicinity. It is not necessary to impose any condition to change that colour.

### **7.3. Financial Contributions**

- 7.3.1. The supplementary contribution scheme adopted under section 49 of the planning act with regard to the Luas cross city link exempts works or changes in the use of protected structures from the financial contribution that would otherwise apply in this part of town. The planning authority did not decide to impose such a condition and TII did not appeal that decision. Nor did the planning authority require a financial contribution under the general section 48 scheme.
- 7.3.2. The proposed development would not be directly adjacent to the Luas. A condition requiring consultation with the TII would not be necessary.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the conditions below.

## **9.0 Reasons and Considerations**

Having regard to

- the historic character of the protected structure at 1B Ormond Quay and its contribution to the architectural character of the Liffey Quays,
- the provisions of the Dublin City Development Plan 2016 to 2022 including the zoning of the site as part of the city centre under objective Z5, policy CHC 2 to protect the special interest of protected structures and policy CEE 13 (iii) to promote tourist accommodation,
- and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011
- the information submitted in the course of the application and appeal regarding the historic fabric of the protected structure and the manner in which the proposed development would be carried out,

it is considered that, subject to compliance with the conditions below, the proposed development would provide an appropriate and sustainable use for the protected structure that would support its conservation. It would make a positive contribution to the character of the area without giving rise to excessive intervention or serious injury to the historic fabric of the protected structure. It would therefore be in keeping with the proper planning and sustainable development of the area.

## 10.0 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 16<sup>th</sup> day of February 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 guesthouse herein permitted shall be used for short-term occupation by tourists only.

**Reason:** To clarify the permitted use and to protect the character and amenities of the area

3. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

(b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

. **Reason:** In the interest of public health

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. Stephen J. O'Sullivan  
Planning Inspector

6<sup>th</sup> December 2021