



An
Bord
Pleanála

Inspector's Report ABP 310755-21

Development

Demolition of 73-74 Francis Street and 72 Francis Street with the exception of the façade, which is to be refurbished. Construction of a replacement facade of 74 and 73. Seven storey over basement level mixed-use building comprising 24 apartments.

Location

72 - 74 Francis Street, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2587/21.

Applicant(s)

Richard Smyth.

Type of Application

Normal Planning Appeal.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Richard Smyth.

Observer(s)

An Tasice
Cllr. Máire Devine
Peter Keenahan

James Madigan

Date of Site Inspection

27th May 2022.

Inspector

Brendan Coyne.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 653m² and comprises 3 no. mid-terrace buildings Nos. 72-74 on the eastern side of Francis Street in Dublin 2, near its southern end. The most northern of the buildings, No. 72, comprises a three-bay 4-storey over basement building with accommodation at attic level. Its roof profile is hipped, incorporating roof windows on its front and rear roof slopes. At ground floor level, the building contains a retail unit and a gated passageway providing access to a 2-storey premises to the rear. These premises are used as a warehouse / garage at ground floor level and a photography studio and printing / storage space at the first-floor level. The upper floors of No. 72 are in residential use. The front elevation finishes of No. 72 comprise red brick with string coursing, and window openings contain timber-framed windows. Both Nos. 73 and 74 Francis Street consist of two-bay 3-storey buildings with flat roofs. Both buildings have been amalgamated at ground floor level and are in use as a coffee shop known as 'Two Pups Coffee'. The first floor of No. 73 is unfurnished, and the second floor is used as an artist's studio. The first floor of No. 74 is used as a flower shop and kitchen/storage room, and the second floor is used as office space. The ground floor elevations of both Nos. 73 and 74 are rendered, and upper floor elevations comprise brick finish. Timber framed sash windows are provided to the upper floor front elevation of No. 73, and rectangular PVC type windows are provided to the upper floor front elevation of No. 74.
- 1.1.1. Adjoining lands to the rear/east of the site contains the 5-6 storey development known as Dean Court and its ancillary car parking area. A mixed-use five-storey development known as Owendale House adjoins the southern boundary. Adjoining lands to the north contain a four-storey development known as Craike House.
- 1.1.2. Francis Street slopes in a roughly north-south direction from Thomas Street to Dean Street / The Coombe. The surrounding area's character comprises a wide mix of uses, including residential, retail, office, café and bars. St. Patrick's Cathedral, a Protected Structure, is located c. 60m to the east. No. 77 Francis Street, directly opposite the site, is also a Protected Structure. Both of these Protected Structures are recorded on the National Inventory of Architectural Heritage

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 14/04/2021

2.1.1. The proposed development provides for the following, as described in public notices;

- Demolition of Nos. 73 and 74 Francis Street.
- The demolition of No. 72 Francis Street, except for this building's original front western façade. This façade will be refurbished.
- The construction of a replacement facade to the front of No.74. This façade will match the height of No. 72.
- The construction of a replacement facade to the front of No.73, from first to third-floor level, to match the height of Nos. 72 and 74.
- The redevelopment of Nos. 72-74 from basement to third-floor level.
- No. 74 will be of similar height to Nos. 72-73 whilst containing three storeys over basement only.
- The amalgamation of the redeveloped Nos. 72-74 and the construction of a three-storey contemporary extension above.
- All ancillary works necessary to facilitate the proposed development.

2.1.2. The proposed development will provide a seven-storey over basement level, mixed-use building comprising the following;

- 24 no. Apartments consisting of
 - 6 no. studios,
 - 6 no. one-bedroom apartments,
 - 9 no. two-bedroom apartments and
 - 3 no. three-bedroom apartments
 - Each studio/apartment has its own private amenity space balcony and access to a community garden on the first floor and cycle parking at ground and basement floor level;
- 505 sq.m of commercial space comprising the following;

- cafe (156sq.m)
- 3 no. retail units (184sq.m)
- co-working space (73sq.m)
- a multi-purpose space for education exercise and community uses (92sq.m),
- All served by cycle parking at ground floor level;
- A storage/plant room at basement level.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council refused permission for the proposed development. The reasons for refusal were as follows;

1. Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022 provides that "the planning authority will actively seek the retention and reuse of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city." No's 73 and 74 Francis St which it is proposed to be demolished have been identified by the NIAH as being of Architectural interest and have been afforded a Regional Rating. They make a positive contribution to the historic area and our understanding of the architectural, historic and cultural development of the city. The demolition of the early buildings is considered wholly inappropriate and would contravene Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022.
2. The proposed development, by way of its design, scale, bulk, massing, height, proportions, articulation of the façade, materials and by the proposed amalgamation of the historic building plots, represents overdevelopment of the site, would not complement the fine grain of the established streetscape, would appear visually incongruous and would cause serious injury to the setting and amenity of Francis Street (south) which is situated within the designated area

of the Thomas Street and Environs Architectural Conservation Area (2009) and would therefore contravene Policy 11.1.5.4 CHC4 of the Dublin City Council Development Plan 2016-2022.

3.2. Planning Authority Reports

3.2.1. *Planning Report*

3.2.2. The planner's report is consistent with the decision of the planning authority and can be summarised as follows:

- The proposal provides for the demolition of the existing building with the exception of the retention of the façade of No. 72.
- Brick façades are proposed for the front elevations of No's 73 and 74 and will match the height of No. 72 from first to third-floor level.
- The proposed development provides for the redevelopment and amalgamation of Nos. 72-74 from basement to third-floor level, with a three-storey vertical extension above, providing a seven-storey over basement level mixed-use development which comprises 24 no. apartments, 505 sq.m. of commercial development including a café, 3 no. retail units, co-working space and a multi-purpose education and community space.
- The vertical extension is partly curved, and a large vertical break in the brick façade fronting Francis Street provides balconies for the apartments.
- Commercial uses are located at ground floor level with two units fronting Francis Street.
- The remainder of the commercial units are accessed by a 4 metre wide opening in the building façade on Francis Street to an internal mall.
- All of the six no. commercial units open onto the internal mall in the form of a cafe (156sq.m), 3 no. retail units (184sq.m), co-working space (73sq.m) and a multi-purpose space for education exercise and community uses (92sq.m), with cycle parking and a dining area provided at ground floor level in the circulation space of the mall.
- The proposed apartments are located on floor nos. 1-6.

- Communal open space is provided at first-floor level to the rear of the development above the commercial units.

Zoning:

- The site is zoned Objective Z4 'To provide for and improve mixed services facilities'. Residential, retail – shop local and district, educational, office (max. 600sqm), community, and recreational uses are permissible under the land use zoning for the site.

Plot Ratio and Site Coverage

- Development plan plot ratio standard for Z4 zoned land is 2.0, and site coverage standard for Z4 zoned land is 80%.
- The stated plot ratio is 4.5, and site coverage is 100%.
- The plot ratio and site coverage standards substantially exceed the indicative plot ratio and site coverage standards as outlined in the Plan.
- The Planning Authority has serious concerns that the development constitutes overdevelopment of the site and would have a negative impact on adjoining residential amenities.

Height

- The proposed development is seven storeys with a maximum stated height of 22.4 metres. This is below the general height limit of 24 metres for residential developments in the 'inner city' as defined in the Development Plan.
- Notwithstanding this, the Planning Authority has serious concerns regarding the scale of the proposed development in relation to the prevailing local height.

Demolition

- The Report from the Conservation Officer notes that unlike other commercial streets in the Architectural Conservation Area, the historic building stock on Francis Street has been extensively replaced over the past thirty years, with a relatively small portion now remaining. For that reason, in order to protect and enhance the special architectural and historic character of the unique Thomas Street and Environs Architectural Conservation Area, it is crucial that all surviving historic

buildings (including fragments of historic buildings) be retained and protected as far as possible.

- The Report from the Conservation Officer states that both No. 's 73 and 74 Francis Street are included in Dublin Civic Trust's 'Survey of Gable-Fronted and Other Early Buildings of Dublin City,' (2012)
- Both No. 's 73 and 74 Francis Street are recorded on the NIAH where they have a Regional rating.
- In November 2019 the Planning & Property Development S.P.C. of Dublin City Council agreed a methodology to expedite the proposed additions/deletions to the Record of Protected Structures in a systematic manner, based on the Architectural Heritage Protection Guidelines 2011 and NIAH/Ministerial Recommendations under Section 53(1) of the Planning and Development Act, 2000 (as amended). It was agreed that structures that have been afforded a Regional Rating or higher by the NIAH would be assessed with a view to including them on the Record of Protected Structures of Dublin City Council. The methodology agreed to prioritise underrepresented and significant structures from the early 1700s. On foot of this, the Conservation Section carried out a screening process for Early Buildings under the Stage 1 Ministerial Recommendations as per the agreed methodology, which includes No. 's 73 and 74 Francis Street.
- The Report from the Conservation Officer refers to the recently granted planning application at Nos. 73 and 74 Francis Street. (Reg. Ref. 4386/18) for the retention permission for a change of use of the ground floors of No. 73 and no. 74 Francis Street, from retail to cafe use and for the provision of branding graphics to the front glazing. The submitted ground floor plans for the previously granted proposal clearly show the presence of corner chimney breasts at ground floor level. Corner chimney breasts are principal identifiers of an early building and would likely have extended to the upper floors of the buildings. The submitted floor plans for the current planning application do not indicate corner chimney breasts throughout the building.
- The Conservation Officer report notes that since the granting of permission under Reg. Ref. 4386/18 and the submission of the current planning proposal, the corner chimney breasts, one of the principal identifiers of this building as an

architecturally, historically and culturally significant early building, have been demolished.

- The demolition of the chimney breasts is the subject of an enforcement case.
- Policy 16.10.17 of the Dublin City Council Development Plan stated, which refers to the demolition of older buildings which are not protected.
- The Conservation Officer considers that No. 's 73 and 74 Francis Street are of such significance to our understanding of Dublin's architectural, historical and cultural development that their demolition would be considered wholly inappropriate from an architectural conservation standpoint.
- It is considered that the buildings are reparable and a high-quality conservation and restoration project should be considered.
- The Planning Authority does not support the demolition of the existing buildings.
- Policy CHC4 of the Development Plan stated, which refers to protecting the special interest and character of all of Dublin's Conservation Areas.
- Development should seek to retain, protect and reuse the existing historic buildings on-site to enhance the special architectural character of the area in the first instance.
- Where new development would be considered appropriate, any new development should not harm buildings or other features that contribute positively to the Conservation Area.
- Regarding the policies set out in the Thomas Street and Environs Architectural Conservation Area Plan, new development within the Conservation Area should respect the prevailing roof heights, building line, historic building plots, and special architectural character of the historic streetscape. The proposed development does not take into account these factors.
- There are serious concerns regarding the proposal regarding form, scale, height, bulk and mass, façade articulation and materials.
- The Applicant has submitted photomontages supporting the scheme, which indicates that the proposal is over-bearing, excessive, out of scale and out of character compared with the prevailing architectural context, particularly the

special architectural character of the historic streetscape and the architectural conservation area.

- It is considered that the proposal contravenes Policy CHC4 of the Dublin City Council Development Plan 2016-2022 and should be refused permission on this basis.

Archaeology

- A desktop archaeological assessment, entitled Preliminary Archaeological Impact Assessment at 72-74 Francis Street, Dublin 8, was submitted with the application. This assessment provides an in-depth archaeological baseline of the subject site and outlines the impacts of the proposed development. This includes a basement level (formation level 3.6m below present ground level) that will cover the subject site and a piling design comprising 72 mini piles of 300mm in diameter (design yet to be finalised).
- A lift pit (formation-level 3.85m below present ground level) and attenuation tank is proposed.
- The connection to the main drain on Francis Street will require excavation of the pavement/road area.
- The archaeological assessment submitted recommends the site be subject to post-demolition archaeological testing.
- The City Archaeologist considers that enabling works and building design will negatively impact possible archaeological levels within the subject site.
- The proposed development is dependent on the demolition of both No. 73 and 74 Francis Street.
- Before archaeological mitigation is recommended, it is necessary to ascertain the extent of early fabric extant within the buildings.
- The City Archaeologist recommends that a measured historic building survey, to Historic England Level 4 standard, be submitted to the Planning Authority as additional information for the Planning Authority to formulate an informed archaeological recommendation before a planning decision is made.

Impact on Residential Amenity

- The Applicant has submitted a Daylight Assessment in conjunction with the application.
- The report assesses the impact of the development on neighbouring windows and recreational areas of the adjacent residential development. It concludes that the proposal would have a negligible impact on adjoining property.
- The Report does not assess the daylight/sunlight levels of the development itself.
- A shadow analysis is provided, indicating that the communal open space area would receive sunlight. However, this is not quantified.
- The internal daylight levels of the apartments and the sunlight levels of private amenity spaces have not been assessed.
- Regarding site coverage, plot ratio, and the height of the proposal, there are concerns that the proposed development constitutes overdevelopment of the site and would negatively impact residential amenities for future occupants.

Apartment Floor Areas and Development Standards

- A total of 24 no. units are proposed with the following mix of units, each served by private amenity space and provided with access to a first-floor level communal garden and cycle parking at ground and basement floor level;
 - 6 no. studio (25%) floor areas ranging from 42sqm to 47sqm
 - 6 no. 1 bedroom units (25%) floor areas ranging from 45sqm to 50sqm
 - 9 no. 2 bedroom units (38%) floor areas ranging from 73sqm to 78sqm
 - 3 no. 3 bedroom units (12%) floor area 94sqm
- The mix and floor areas of the proposal accord with SPPR 1 of Sustainable Urban Housing: Revised Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020.

Dual Aspect

- 50% of the apartments are dual aspect, and there are no north-facing single aspect apartments. This complies with the Sustainable Urban Housing: Revised Design Standards for New Apartments Guidelines.

Floor to Ceiling Height

- The floor to ceiling heights of the apartments are a minimum of 2.45 metres, which complies with Design Standards for New Apartments Guidelines, which requires a minimum floor to ceiling height of 2.7m for ground floor apartments and 2.4m at all other levels.

Lift and Stair Cores

- The proposal provides a maximum of 6 no. apartments per stair/lift core, which complies with the Design Standards for New Apartments Guidelines, which requires a maximum of 12 apartments per floor per individual stair/lift core.

Storage

- All apartments are provided with individual internal store rooms.
- The store rooms vary in size between 3 sq.m. and 9 sq.m.
- The Sustainable Urban Housing: Revised Design Standards for New Apartments – Guidelines for Planning Authorities, DoHLGH, December 2020, states that no individual storage within an apartment should exceed 3.5sqm.

Private Amenity Space

- The private amenity space for all apartments meets the minimum requirements of the Design Standards for New Apartments Guidelines.
- The minimum private open requirement for a studio is 4 sqm; 5 sqm for a 1-bed and 7 sqm for a 2-bed apartment.

Communal Open Space

- The DoECLG guidelines set out communal open space requirements for apartment developments.
- The minimum requirement for communal open space for the development is 144 sqm.
- The communal amenity area, located on the first floor, provides a total stated area of 203 sqm, which is considered acceptable in terms of quantity.

Transportation

- The Report from the Transportation Planning Division notes numerous bus services available within 100 – 200m of the proposed development.

- Proposed improvements in public transport infrastructure and frequency are noted, including Bus Connects' proposed Core Bus Corridor No. 9 located on Cork Street and Patrick Street.
- There is the availability of car-share facility nearby.
- The station-less bike-share operator Bleeper Bike serves the area.
- A Dublin Bikes bike stand is approximately a 3min walk from the proposed development.
- Pedestrian access to the residential element of the proposed development is via a large shared entrance on Francis Street which provides access to ground level retail units as well as bike parking for visitors and residents alike.

Public Realm

- Improvements to the public realm, including footpath width on Frances Street, are planned by Dublin City Council under the Francis Street Environmental Improvement Scheme, Ref 2792/17.
- The proposed works include footpath widening, including widening the footpath located directly in front of the proposed site, changes to the carriageway width, consolidation of car parking spaces, and provision of additional cycle parking along a 500-metre length of Francis Street.
- The Francis Street Environmental Improvement Scheme includes a 10 year moratorium over the footpath and carriageway, so full bay reinstatements of the footpath and/or carriageway will be required to facilitate any service connections or site entrances proposed as part of any permitted development.
- The permitted Francis Street Environmental Improvement Scheme is scheduled to start in Spring/Summer 2021.
- The Applicant has indicated outdoor seating on the public footpath, which is outside the red line boundary. The Transportation Planning Division requires this element be omitted in the event of a grant of permission as the provision of outdoor seating is subject to a separate statutory planning process where a Street Furniture Licence would be required.

- The Applicant proposes an accessible parking space on Francis Street to replace the existing vehicular entrance.
- The Transportation Planning Division states that the planned changes to the street layout as per the Francis Street Environmental Improvement Scheme will include footpath widening, the provision of a loading bay adjacent to the proposed site and the provision of an accessible parking space located directly opposite the site on the western side of the street.
- Changes or alterations to the permitted Francis Street Environmental Improvement Scheme shall not be permitted, and the omission of any such proposals should be conditioned in the event of a grant of permission.

Servicing

- The 'Notes on Infrastructure Report' submitted with the application indicates that the existing loading bays will be utilised to service the proposed development.
- The Report notes that the nearest existing loading bay is located 20 metres north of the proposed development.
- The Francis Street Environmental Improvement Scheme aims to retain the existing number of loading bays.
- Servicing of the existing café and apartments located at No. 73-74 Francis Street takes place from Francis Street.
- The Transportation Planning Division considers the service proposals acceptable in this instance in light of the provision of a loading bay in close proximity to the site as part of the Francis Street Environmental Improvement Scheme as well as similar existing service arrangements in place to what are proposed for the proposed development.
- A number of bin stores are located at basement level for the residential and commercial users of the proposed development.
- No details are provided in terms of the refuse collection arrangements. However, it is noted that Francis Street has numerous commercial and residential buildings, and it is anticipated that similar refuse collection arrangements will be implemented.

- There is an extensive area of private landing space to the front of the proposed development, and waste bins should be stored within the private landing area to the front of the building prior to collection.

Cycle Parking

- The Applicant has proposed 40 no. secure cycle parking spaces for residents with 8 no. spaces providing electric charging points located at basement level in a dedicated bike store.
- The report from the Transportation Planning Division states that it is not clearly shown or outlined from the submitted documents how residents access the basement level and that this should be clarified.
- In addition to the resident cycle parking, the proposal provides 12 no. visitor cycle spaces and an additional 6 no. commercial use spaces with 3 no. of the commercial spaces accommodating electric bike charging points. These comply with the Apartment Guidelines.
- In general, the proposed cycle parking provision is considered acceptable to Transportation Planning Division in terms of quantity and design. However, the Division requests that the Applicant review the possibility of incorporating non-standard cycle parking spaces for residents and visitors, e.g. accessible and cargo bikes spaces.

Car Parking

- The proposal does not provide any car parking for the proposed development.
- The site is located on Francis Street in the Liberties, which is in Parking Standards Area 1 of Map J 'Strategic Transport and Parking Areas' under the Dublin City Development Plan 2016-2022.
- Table 16.1 outlines the maximum car parking standards for residential use as 1 space per dwelling, which would result in a maximum requirement of 24 spaces.
- The Transportation Planning Division in considering the city centre location and the active travel, public transport and shared mobility options available, as well as the infill nature of the site, scale and surrounding car parking control measures, that no car parking is acceptable in this instance.

- The Transportation Planning Division requires that a Residential Travel Plan and Mobility Management Plan, which supports the lack of car parking on-site, be provided. This plan should address the mobility requirements of residents and detail how it intends to discourage car ownership and promote the use of public transport, cycling and walking. The plan should also provide details of all public transport options and identify car club spaces, bike share and any other transport schemes outside of the development and in the vicinity of the site.

Construction Management Plan

- A Construction Management Plan (C.M.P.) was not included in the application.
- The limited availability of construction access points are noted due to the confined nature of the site.
- In the event of a grant of permission, a condition should be attached requiring that a detailed Construction Management Plan be submitted to the planning authority for written agreement.

Flood Risk Assessment

- The subject site is located in Flood Zone C.
- The Drainage Division seeks additional information regarding the provision of a revised site-specific flood risk assessment.

Appropriate Assessment

- The development has been screened for Appropriate Assessment.
- The Planning Authority finds that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of the project is therefore not required.

3.2.3. Other Technical Reports

Drainage Division: No objection subject to Conditions.

Roads & Traffic Planning Division: Further Information is requested requiring the following:

1. The Applicant is requested to clarify how residents access the cycle parking at basement level. Universal access to the proposed cycle parking area should be provided by way of a dedicated cycle ramp or suitably sized bike lift to facilitate people of all abilities and standard bike types.
2. The Applicant should be requested to update the ground floor plan to incorporate a minimum 2 no. non-standard cycle parking spaces for residents and visitors, e.g. accessible and cargo bike spaces. The Applicant should also be requested to consider implementing a resident cargo bike sharing scheme.

Conservation Report: Refusal Recommended for the following reasons:

Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022 provides that "the planning authority will actively seek the retention and reuse of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city." The early buildings have been identified by the NIAH as being of Architectural interest and have been afforded a Regional Rating. They make a positive contribution to the historic area and our understanding of the architectural, historic and cultural development of the city. The demolition of the early buildings would therefore contravene Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022.

By way of its design, height, massing, proportions, façade treatment, materials and by the proposed amalgamation of the historic building plots, the new proposal would not complement the fine grain of the established streetscape and would cause serious injury to the setting and amenity of Francis Street (south) which is situated within the designated area of the Thomas Street and Environs Architectural Conservation Area (2009) and would therefore contravene Policy 11.1.5.4 CHC4 of the Dublin City Council Development Plan 2016-2022.

City Archaeologist: Further Information is requested requiring the following:

- A. The project shall have a measured historic building survey, to Historic England Level 4 standard, of those buildings and environs that will be directly impacted upon by the proposed development. The assessment shall be

prepared by a suitably qualified archaeologist and/or conservation architect and shall address the following issues:

- (i) The archaeological and historical background of the development site, to include industrial heritage.
- (ii) A written record of any historic buildings and boundary treatments, etc. to include an account of the buildings' history as given in published and primary documentary sources, and a critical evaluation of previous records of the building and an account of the building's form, function, date and sequence of development. The names of architects, builders, patrons and owners should be given if known.
- (iii) Details of leases of houses within the subject site as identified in the Registry of Deeds and other primary sources, including that of Ald. Bennett and Ald. Rainsford in the late 17th century and the housing of the Queen's Head inn within 72 Francis Street in the early 18th century.
- (iv) A drawn record of any historic buildings and boundary treatments, etc. to include, where appropriate, measured plans (to scale or fully dimensioned) as existing to extend to all appropriate areas, and particularly those that are proposed to be impacted upon, showing the form and location of any structural features of historic significance, measured drawings recording the form or location of other significant structural detail, measured cross-sections or long-sections to illustrate the vertical relationships within a building, measured drawings to show the form of any architectural decoration (or small-scale functional detail not easily captured by photography) and measured elevations.
- (v) A photographic record of the proposed affected areas to include, where appropriate, a general view or views of the building, the buildings' external appearances, further views to reflect the original design intentions (where these can be inferred), the overall appearance of the principal rooms (where appropriate), any detail (structural or decorative) that is relevant to the building's design, development and use, and any dates or inscriptions; any signage, maker's plates or graffiti which contribute to an understanding of the building.

3.2.4. Prescribed Bodies

An Taisce: Refusal Recommended. Points made in the Report include the following:

- The site is located within the designated Thomas Street and Environs Architectural Conservation Area (A.C.A.)
- The existing buildings are historic or part-historic structures, located on an early street, recorded on the 1600s Speed map and earlier.
- Nos. 73 & 74 house 'Two Pups', a popular neighbourhood cafe which has contributed significantly to the vitality and interest of the southern end of Francis Street over the past number of years.
- Part of the success and attractiveness of Two Pups cafe is the historic character, plot, size and age of the subject buildings.
- Corner chimney breasts were recently removed from No. 74, which is subject to enforcement proceedings by the Planning Authority.
- Reference to the Built Heritage Strategy, Chapter 6 of the Liberties Local Area Plan (2009), which places a strong emphasis on the area's surviving historic fabric as a key asset and an integral element in its regeneration. Relevant sections of the Plan stated.
- Reference to Section 16.10.17 and Policy CHC1 of the Dublin City Development Plan 2016-22 regarding the demolition of older buildings and the preservation of the built heritage of the city, respectively.
- Further consideration is needed regarding the existing historic buildings on site, their early date of origin, the historic street context, the A.C.A., and the pre-disposition towards retaining such historic fabric.
- The proposed 7-storey building does not conform to the A.C.A. streetscape.
- The incongruous design of the proposed building, together with its 7-storey height, would adversely impact the coherence and setting of this part of the Thomas Street & Environs A.C.A., and the historic setting of nearby St. Patrick's Cathedral (protected structure), which is a major skyline landmark of Dublin and the Liberties and a building of national importance.

- The A.C.A. Statement requires that "the views of spires and domes in particular within the A.C.A. should be protected from insensitive development, maintaining the primacy of landmark buildings and the area's distinctive urban form".
- The proposal would not integrate into the location or protect the A.C.A. and so would conflict with the City Development Plan A.C.A. policy CHC4 which requires that all development within such areas "will contribute positively to the character and distinctiveness; and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible".
- The proposal would adversely impact the amenities of adjacent property by way of overlooking, overshadowing and loss of or reduction in outlook.
- The commercial buildings along Francis Street are generally 3 or 4 storeys in height.
- Across the street from the application site is Protected Structure No. 1 The Coombe / No. 77 Francis Street, a late-Georgian type shop and dwelling which carefully expresses the acute corner of Francis Street and The Coombe.
- In view of its design, scale and form, and having regard to its close proximity, the proposed new building at 72-74 Francis Street would be contrary to Policy CHC2 of the Development Plan which requires "To ensure that the special interest of Protected Structures is protected. Development will conserve and enhance Protected Structures and their curtilage" and that "Development will ... 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".

Transport Infrastructure Ireland:

- The proposed development falls within an area set out in a Section 49 Supplementary Development Contribution Levy scheme for Light Rail.
- No objection to the proposed development.
- In the event of a grant of permission, a Condition should be imposed requiring a Section 49 Contribution Scheme Levy.

Irish Water: No Objections.

4.0 Planning History

P.A. Ref. 4386/18 RETENTION Permission GRANTED in Feb. 2019 for a change of use of the ground floors only of no. 73 and no. 74 Francis Street, from retail to cafe use of a total area of 131 sqm, and for branding graphic to front glazing.

P.A. Ref. 6487/06x1 Permission GRANTED in July 2013 for extension of duration of permission of P.A. Ref. 6487/06. Expired on the 29th May, 2018,

P.A. Ref. 6487/06 Permission GRANTED in April 2008 for the construction of new-build space and the renovation/demolition of existing spaces in two, four and five storey buildings yielding 7 no. new apartments, 1 no. new live/work unit over storage , 1 no. new workshop/artist's studio and 2 no. new retail units. This application will also involve the retention of 3 no. existing apartments and 1 no. existing commercial unit. These works will specifically comprise the following:

(a) Demolition of the two-storey warehouse building at the rear of 73 & 74 Francis Street with the retention of the boundary/warehouse walls.

(b) The part demolition of the rear facade of no. 73 Francis Street and the full demolition of the front facade of no. 74 Francis Street.

(c) The removal of a roof structure over a space between the rear warehouse and the building at the front of no. 72 and the provision of an open-air, pedestrian entrance court in its place.

(d) The existing 5-storey building at the front of 72 Francis Street comprising 3 no. apartments and 1no. commercial unit to be retained. Existing pedestrian gated access in archway to be provided with new gates and to afford access to new entrance court.

(e) Conversion and renovation of the two existing 3-storey buildings at the front of 73 & 74 Francis Street, involving alterations to existing front elevation to no. 73 and a new facade to no. 74, from existing commercial units into 2 no. one bed apartments over one ground floor retail unit in no. 73 and 1 no. one bed duplex studio over one ground floor retail unit in no. 74. Private balconies to be provided to the rear of no. 73 facing east on 1st, 2nd, 3rd & 4th floors.

(f) Conversion and renovation of the existing warehouse structure at the rear of no. 72 into a first floor, open plan, live/work unit with a private balcony contained behind existing warehouse/boundary walls over a ground floor storage space.

(g) Construction of two additional storeys over the front 3-storey buildings on 73 & 74 Francis Street comprising 2 no. two bed duplex apartments with 4th floor recessed private balconies facing west to Francis Street.

(h) Construction of a four storey structure at the rear and connected to the proposed new upper storeys of nos. 73 & 74 comprising 2 no. one bed apartments over a 1st floor workshop/ artist's studio and ground floor storage area connected to the 72 Francis Street warehouse ground floor storage area. This structure is to be topped by a communal roof garden and has private balconies facing east at 2nd & 3rd floors.

P.A. Ref. 3244/05 Permission GRANTED in August 2005 for the following;

(a) Demolition of the two-storey warehouse building at the rear of 73 & 74 Francis Street with the retention of the boundary / warehouse walls.

(b) The part demolition of the rear facade of no. 73 Francis Street.

(c) The removal of a roof structure over a space between the rear warehouse and the building at the front of no. 72 and the provision of an open-air, pedestrian entrance court in its place.

(d) the existing 5-storey building at the front of 72 Francis Street comprising 3no. apartments and 1no. commercial unit to be retained. Existing pedestrian gated access in archway to be provided with new gates and to afford access to new entrance court.

(e) Conversion and renovation of the two existing 3-storey buildings at the front of 73 & 74 Francis Street, involving alterations to existing front elevations, from existing commercial units into 2no. one bedroom apartments over one ground floor retail unit in no. 73 and 1 no. one bed duplex studio over one ground floor retail unit in no. 74 Private balconies to be provided to the rear of no. 73 facing east on 1st, 2nd, 3rd & 4th floors.

(f) Conversion and renovation of the existing warehouse structure at the rear of no. 72 into a first floor, open plan, live/work unit with a private balcony contained behind existing warehouse/boundary walls over a ground floor storage space.

(g) Construction of two additional storeys over the front 3-storey buildings on 73 & 74 Francis Street comprising 2 no. two bed duplex apartments with 3rd & 4th floor recessed private balconies facing west to Francis Street.

(h) construction of a five storey structure at the rear and connected to the proposed new upper storeys of nos 73 & 74 comprising 3 no. one bedroom apartments over a two storey ground floor office unit. This structure is to be topped by a communal roof garden and has private balconies facing east at 2nd, 3rd & 4th floors.

P.A. Ref. 1034/03 Permission REFUSED in 2003 for (a) Demolition of all of the two 3-storey commercial buildings at 73 & 74 Francis St. (b) The existing 5-storey building at the front of 72 Francis St comprising 3 no. apartments and 1 no. commercial unit to be retained, (c) Demolition of the 2-storey warehouse at the rear of 72 Francis St with partial retention of the boundary / warehouse walls, (d) Construction of an apartment building comprising two interconnected blocks and ancillary siteworks with pedestrian access via the existing archway at 72 Francis St. The first five storey block located at the front of 73 & 74 Francis St to comprise 2 no. 2 bedroom apartments, 2 no. 1 bedroom apartments one of which to be independently accessed off the 74 Francis St frontage and a ground floor commercial unit accessed from the 73 Francis St frontage. The second six storey block to be located at the rear of 72 Francis St comprises 9 no. 1 bedroom apartments and a ground floor covered carparking are with vehicular access to be provided, at the 74 Francis St frontage.

The reasons for refusal were as follows;

1. The proposed development consisting of the demolition Nos. 73 and 74 Francis Street and the partial demolition of a significant warehouse to the rear, would be contrary to Policy CA7 and Appendix 1D of the 1999 Dublin City Development Plan which seek to encourage rehabilitation, renovation and reuse of older buildings which, though not listed, may have architectural merit and to promote the regeneration of radial market streets by protecting and preserving buildings. The proposed development would therefore result in the further erosion of the historic fabric of Francis Street, would seriously injure the streetscape character and visual amenity of the area and would be contrary to the proper planning and development of the area.

2. The proposed development, by reason of its site coverage in excess of 90%, plot ratio of 2.3 and development on 5-6 levels, would constitute over-development of the site with consequent adverse overlooking and overbearing impacts on adjoining residential development, which would be seriously injurious to the amenities of property in the vicinity and would be contrary to the proper planning and development of the area.

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2016-2022 is the statutory plan for the area.

Zoning: The site is located in an area zoned objective 'Z4: District Centres', which seeks 'To provide for and improve mixed-services facilities.'

Architectural Conservation Area: The site is located within Thomas Street and Environs Architectural Conservation Area, as indicated on the Development Plan Zoning Map E.

SDRA: The site is located in Strategic Development and Regeneration Areas (SDRA) 16 - Liberties including Newmarket and Digital Hub.

- 5.1.1. The following policies are considered relevant:

Policy SC26: To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change.

Policy QH5: To promote residential development addressing any shortfall in housing provision through active land management and a coordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

Policy QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Policy QH24: To resist the loss of residential use on upper floors and actively support proposals that retain or bring upper floors above ground floor premises into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative, and allowing scope for the residential development standards to be relaxed for refurbishment projects subject to the provision of good quality accommodation as outlined in the development standards. To proactively promote and market the Living City Initiative in Dublin city in order to attract and encourage investment in the city's valuable building fabric within the designated Living City Initiative area.

Policy QH25: To encourage the re-introduction of residential use into the historic areas of the city, where much of the historic fabric remains intact (e.g. the Georgian and Victorian areas), provided development is consistent with the architectural integrity and character of such areas.

Policy CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting all conservation areas will contribute positively to the 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 pubfronts of architectural interest

Development will not:

- 1) Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area.

- 2) Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail.
- 3) Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors.
- 4) Harm the setting of a conservation area.
- 5) Constitute a visually obtrusive or dominant form.

Policy RD15: To require a high quality of design and finish for new and replacement shopfronts, signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines.

Section 16.10.17 Retention and Reuse of Older Buildings of Significance which are not Protected

The reuse of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and reuse of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes.

NIAH Designation: The National Inventory of Architectural Heritage records Nos. 73 and 74 were built c. 1730 and categorise them of Architectural Special Interest with a rating of regional importance.

5.2. Natural Heritage Designations

None

5.3. E.I.A. Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 first-party appeal was received from Hughes Planning and Development Consultants representing the applicant Richard Smyth, against the decision made by the Planning Authority to refuse permission for the proposed development. The following is a summary of the grounds of appeal, relating to the reasons for refusal accordingly.

6.1.2. Retention and Reuse of Older Buildings of Significance which are not Protected

- The subject buildings are not Protected Structures.
- Extracts from the Architectural Heritage Impact Assessment submitted with text highlighted in bold, including the following;

No. 72 The window openings on the first floor are rectangular of classical proportion with brick and a half flat arches and concrete and granite sills. The windows are modern softwood. There are two decorative special brick string courses, and the façade terminates in a granite coping. **The shopfront is modern. The building as stated appears to have been rebuilt. The only surviving feature is the brick façade and the building retains no internal features of note.**

No. 73 The third floor has been removed and is covered with a flat roof. The brickwork to the front façade is yellow/brown handmade clay brickwork in Flemish bond. The window openings are rectangular of classical proportion with brick and a half flat arches and granite sills. The windows on the first floor are six-over-six paned sash 18th C windows in very poor condition, the one second floor window is modern softwood. The third floor has been removed. **The shopfront is modern. The building as stated appears to have been reworked a number of times and it retains only two door surrounds internally and an elliptical fanlight**

on the ground floor, which may have been taken from somewhere else. The building is in very poor condition and only retains fragments of earlier construction.

No. 74 The building has a modern flat roof. The brickwork to the front façade is modern yellow concrete brickwork with uPVC windows. The shopfront is modern. The building has been reworked with the front façade rebuilt and it retains no internal features of note.

- On the basis of the above assessment, together with the wider commentary contained within the Architectural Heritage Impact Assessment and the associated Photographic Record, it is contended that the 3 no. existing buildings are largely devoid of the original built fabric, which would be considered necessary to designate them as buildings of significance.
- Whilst the individual plots may be of historic value, the reuse of the buildings is not warranted on the basis of both the substantial financial cost of retrofitting the buildings for modern use and the lack of original built fabric to justify their retention.
- The lack of original built fabric forms the primary justification for the demolition of the buildings, with the subject proposal allowing for the comprehensive redevelopment of the subject site.
- Where substantial built fabric remains, it is being incorporated into the new scheme through the retention and refurbishment of the front façade of No. 72 Francis Street and the reuse of original sound brickwork from No. 73 Francis Street to mark the memory of the original plot width.
- Given the entirely limited quantum of original internal fabric, the refurbishment and reuse of surviving external fabric represents an appropriate design methodology which supports the guidance provided within Section 16.10.17 'Retention and Reuse of Older Buildings of Significance which are not Protected' of the Dublin City Development Plan 2016-2022.
- Appellant requests the Board to have due regard to the Architects' Report prepared by Edmondson Architects, which according to the Appellant, presents a comprehensive discussion with regards to the historical development of the subject site and which directly confutes the arguments raised by third-party observers and

the Conservation Section of Dublin City Council in relation to the perceived status of Nos. 73-74 Francis Street as the remnants of pair of 18th century Dutch Billy style houses. The disproof of this claim together with the review of the architectural quality of the wider Thomas Street & Environs Architectural Conservation Area, as presented in this Report, forms the basis of the Applicant's justification for the extent of demolition proposed under the subject appeal.

6.1.3. **Architectural Conservation Areas and Conservation Areas**

- Policy, 11.1.5.4 of the Dublin City Development Plan 2016- 2022 stated.
- Of relevance to the appeal site is the Z4 land-use zoning objective and its siting within the boundary of the Thomas Street and Environs Architectural Conservation Area, which covers the entirety of Francis Street.
- The A.C.A. has been identified as being attributable to the special interest of the locality. The Architectural Conservation Area report prepared by Dublin City Council in respect of this A.C.A. notes that the historic building stock along Francis Street has been '*extensively replaced over the past twenty years, with a relatively small portion now remaining.*'
- Further review of the Architectural Conservation Area report suggests that Francis Street's inclusion within this A.C.A. is largely based on its historic function as one of the three commercial thoroughfares, along with Thomas Street and Meath Street, within the Liberties with most commentary provided in respect of individual plots rather than the wider streetscape of Francis Street.
- Figures submitted showing images of the streetscape along Francis Street upon approach to the appeal site.
- There is no semblance of architectural uniformity along the street, on approach to the site.
- There is a mix of apartment developments with none of any architectural merit.
- The subject site is both adjoined and opposed by entirely ordinary buildings, the majority of which could be demolished and replaced with no impact on the architectural quality of the A.C.A.

- In addressing the rhythm and historical plot widths of Francis Street, the proposal provides a tri-partite composition presenting the street in such a manner that the grain and character of Francis Street are respected and reinforced, whilst the central element offers a hint of the additional accommodation above/behind.
- Further to refurbishment works, which are encouraged by Dublin City Council's A.C.A. report for Thomas Street and Environs, the Appellant notes the following commentary regarding new development within this A.C.A. as per Section 6.2.8 'New Build' of the Council's A.C.A. report: *'Development that affects the setting of the A.C.A. will only be permitted where it will preserve or enhance its character or appearance. The retention and adaptation of existing historic structures should be favoured over new build development. In considering the design and impact of all new development within the A.C.A., Dublin City Council will have regard to the following:*
 - The proposal, which ensures the retention and refurbishment of the façade of No. 72 Francis Street, will substantially maintain the character and appearance of Francis Street and set a positive precedent for further similar development within the A.C.A.
 - The works proposed to No. 72 (demolition of internal accommodation and retention of front façade) are identical to those permitted by Dublin City Council at Nos. 141-144 Francis Street under D.C.C. Reg. Ref. No.4447/16.
 - Relevant sections of the A.C.A. report for Thomas Street and Environs quoted and responded below.
 - The proposal does not comprise works to protected structures, proposed protected structures or the curtilage of such buildings.
 - Of the subject buildings, Nos. 72-74 Francis Street, the original façade of No. 72 and the general organisation of the front façade of No.74 are the only aspects of the existing buildings which warrant retention.
 - The comprehensive redevelopment of the subject site to provide residential and commercial accommodation supports the rationale related to the overall enhancement of the urban structure, thus making the subject proposal not

dissimilar to the demolition of the Tivoli Theatre, demolished in 2021 under Reg. Ref. 4447/16.

- No. 73 is to be removed in its entirety to allow for the provision of a gap which references the many pedestrian laneways in Dublin 8 such as Vicar Street, and the markets and food courts of Meath Street.
- The open ground floor offers direct access to passing pedestrians, with the unique bazaar providing both visual interest and appropriate active use at this prominent location.
- The proposed development has observed due regard for the grain and character of the immediate streetscape and, as such, is organised to reflect original plot widths.
- The new building reads as three distinct plots from ground to second/third-floor levels.
- The additional upper floor element is set back from the parapet line with the solar panel / balcony elements tapering such that this contemporary expression cannot be seen from the street pavement and does not relate to Francis Street's ethos or public realm.
- The redevelopment and refurbishment of the existing building will limit impacts on the existing streetscape.
- The additional accommodation at roof level has been designed to give an honest and contemporaneous expression whilst conforming to recently introduced national policy supporting the increased densification of central urban areas.
- Architectural integrity is forged when the expression is an intrinsic response to the brief, such that the solution is moulded into an aesthetically pleasing form, transcending mere function.
- The proposal has synthesised the solar panels with the balconies, which gives these elements their folded form, while the radial arrangement into arcs tracks the sun's path around the sky.
- Pastiche design, which is defined as a replica of previous styles, has not been incorporated into the proposed scheme.

- The preservation of the façade of No. 72 is based on the restoration of the authentic and original façade.
- The contemporary expression of the new building at No. 74 respects the height, massing, proportions and plot width of buildings along Francis Street.
- The negative in-between these two offers a pedestrian breathing space while the p.v. panel and glass balconies over hint at the addition above and behind.
- The entire development forms a balanced composition that avoids any pastiche. This contrasts starkly with the failed pastiche of the block on Francis Street immediately to the left or north of the proposal at Nos. 68 – 70 and an adjoining unit which is situated on the corner of Francis Street and Dean Street, continuing along both Dean Street and Patrick Street, such that the immediate area is largely devoid of the form of architecture which would be considered sufficient so as to be representative of an A.C.A.
- Proposed materials include red sandstone on the new façade at No. 74, the existing brickwork at No. 72, charcoal grey render on the new upper floors and frameless glass in the lower half of the folded balconies on the new upper floors and the balconies above the 'gap' at No. 73.
- It is acknowledged that the proposed residential development would result in the provision of a seven-storey above basement-level building, which would rise above adjacent heights in the immediate streetscape. However, this additional height is set back and tapers in a remote, new, contemporary design removed from the streetscape.
- The seven storeys are mitigated by the steep slope of Francis Street, which rises in level from Dean Street to Thomas Street.
- The tower appears from the sky to balance the existing, curved, seven-storey, counterweight at the corner of Dean Street and Patrick Street.
- The Applicant requests the Board to have due regard for the sensitive design of the subject proposal, the refurbishment of existing building grain and the recent and continuing transformation of the immediate area.

- The subject proposal is appropriate in the context of the emerging new residential community within the immediate area, which results in new issues and opportunities arising for the street.
- The A.C.A. report indicates that 'excellence in contemporary architecture including excellence and innovation in shopfront design shall be encouraged'. The replacement shopfronts proposed adheres to this statement.
- The application site is not located within a designated "Conservation Area". The Applicant refers to development plan policy which notes that Dublin City Council will seek to ensure that development proposals within such areas complement the character of the area, including the setting of protected structures, and comply with development standards.
- Policy CHC4 of the Dublin City Council Development Plan stated.
- The design approach behind the proposed residential development was based on the desire to provide a high-standard of quality accommodation in a city centre location while at the same time seeking to respect and enhance the appearance of the streetscape and structures on the site.
- The proposed development includes a suite of works which will allow the development to function properly but will also enhance the appearance of the building in the context of its prominent location within close proximity to the junction with Dean Street.
- The design of the apartment building has been appropriately composed to ensure that it does not detract from the special interest of the Architectural Conservation Area.
- The Applicant requests the Board to have due regard to the Architectural Heritage Impact Assessment submitted with the application, which includes a photographic record and schedule of significant architectural features, confirms the lack of remaining original built form and supports the stated rationale for the refurbishment of original features and the proposed contemporary extension.
- The Applicant requests the Board to have regard to the Architects' Report submitted, which presents discussion regarding recent development along Francis Street and the nondescript architectural nature of the majority of existing built form,

which makes Francis Street's inclusion within the boundaries of an Architectural Conservation Area questionable.

6.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. 4 no. third-party observations were received from the following parties;

- An Taisce
- James Madigan, 75 Sundrive Road, Dublin 12.
- Cllr Máire Devine.
- Peter Keenahan, Architect, 3 High Road, Kilmainham, Dublin 8.

6.3.2. Issues raised are summarised as follows;

- The subject buildings are listed on the National Inventory of Architectural Heritage and are amongst the most coherent Dutch Billy's in the Liberties.
- The subject buildings are located within an Architectural Conservation Area and are recorded on the 1600s Speed map.
- The internal chimney breasts have been removed and are the subject of enforcement proceedings with Dublin City Council. The removal of these corner chimney breasts is a deliberate attempt to degrade the historic value of the structures and weaken the case for their retention and incorporation into any redevelopment. The chimney breasts were over 300 years old.
- Photograph submitted showing the location and remains of the corner chimney breasts.
- Sections of Chapter 6 of the Liberties Local Area Plan (2009) and Section 16.10.17 of the Dublin City Council Development Plan 2016-2022 quoted with regards the historic built heritage of the Liberties and the retention and reuse of older buildings.
- The repair and reuse of the existing buildings is preferable to redevelopment.

- The height of the proposed development at seven storeys would be out of character with the height of the surrounding streetscape.
- The proposal's height would significantly impact the Architectural Conservation Area streetscape and skyline of neighbouring Protected Structure St. Patrick's Cathedral.
- The streetscape buildings along Francis Street are generally 3 or 4 storeys in height.
- Across the street from the application site is a Protected Structure, No. 1 The Coombe / No. 77 Francis St., a late Georgian type shop and dwelling which carefully expresses the acute corner of Francis St. and The Coombe
- The Report submitted with the application dilutes the proposal's important location within an Architectural Conservation Area.
- The provisions of the Architectural Conservation Area require that the views of spires and domes within the A.C.A. be protected from insensitive development and maintain the primacy of landmark buildings.
- The buildings are listed in the National Inventory of Architectural Heritage.
- Further investigation into the history of the buildings is needed, as detailed in the archaeology report.
- There are ongoing investigations regarding the removal of "Dutch Billy" corner chimney breasts, which are rare and of significant value. The planning application should be held in abeyance while this investigation proceeds.
- The proposal will excavate 4 meters below ground level. This will uncover historical artifacts which will need sensitive management.
- Concerns expressed that the 4-meter excavations will disturb the River Poddle and give rise to flooding risks, as has occurred in a neighbouring building.
- Details provided of "Dutch Billy" type housing, to which Nos.73 and 74 Francis St. belong.
- Details provided of the urban morphology and architectural evolution of Francis St. and other city streets from medieval times.

- Details provided of the Dutch Billy tradition and how it is speculated that the subject properties Nos. 73 and 74 Francis Street were brought into conformity with Georgian taste.
- Rocques map of 1756 shows the subject houses were built at this time.
- Reference to Deeds which confirm that two of the subject properties were purchased in 1730.
- House No's 73 and 74 Francis Street are deserving of National Monument protection.
- As almost the last examples of the gabled tradition still standing on Francis Street, these houses are a far too valuable part of the city's building record to be demolished without much greater justification than that given.
- Illustrations provided of Dutch Billy buildings on Mary Street in Limerick and No. 5 St. Francis St c. 1712.
- The proposal would possibly impact the amenities of adjacent properties by way of overlooking, overshadowing and loss of or reduction in outlook and light levels.

6.4. **Further Responses**

None

7.0 **Assessment**

- 7.1.1. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal as cited by the Planning Authority. These can be addressed under the headings 'Architectural Heritage' and 'Scale, Design and Visual Impact'. I am satisfied that the Planning Authority fully addressed all other issues and that no other substantive issues arise. The issues for consideration are addressed below.

7.2. Architectural Heritage

- 7.2.1. The proposed development provides for the demolition of Nos. 73 and 74 Francis Street and the demolition of No. 72 Francis Street, except for the building's original front/western façade, which will be refurbished. New facades will be provided to the front of Nos. 73 and 74. The proposal will redevelop and amalgamate the three buildings from the basement to third-floor level and construct a three-storey roof extension on top. The Applicant refers to this three-storey roof extension as 'the Tower', and shall be referred to as this hereunder.
- 7.2.2. Overall, the proposed development will comprise a seven-storey over basement level, mixed-use building. At ground floor level, the proposal will provide 505 sq.m. of commercial space consisting of a cafe (156 sq.m), 3 no. retail units (184 sq.m), co-working space (73 sq.m) and a multi-purpose room for education exercise and community uses (92 sq.m). At upper floor levels, the proposal will provide 24 no. apartments consisting of 6 no. studios, 6 no. one-bedroom apartments, 9 no. two-bedroom apartments and 3 no. three-bedroom apartments. Each studio and apartment has a private amenity space balcony, access to a community garden on the first floor and cycle parking at ground and basement floor levels. A storage/plant room is provided at the basement level.
- 7.2.3. The site is zoned objective' Z4: District Centres', which seeks 'To provide for and improve mixed-services facilities', as indicated on the Development Plan Zoning Map E. Uses classes residential, retail, restaurant, education, and office uses are permitted on Z4 zoned lands, as detailed under Section 14.8.4 of the Development Plan. On this basis, the proposed development is acceptable in principle, subject to planning consideration and compliance with relevant policies and objectives in the Dublin City Council Development Plan 2016-2022 and relevant planning guidelines.
- 7.2.4. The site is located within the Thomas Street and Environs Architectural Conservation Area (A.C.A.). Section 4.3 of the A.C.A. study refers to Francis Street and describes how "unlike other commercial streets in the A.C.A., its historic building stock has been extensively replaced over the past twenty years, with a relatively small portion now remaining" and further notes that "shopfronts on Francis Street are mostly modern".
- 7.2.5. The buildings on the appeal site are not recorded as Protected Structures on the Dublin City Council's Record of Protected Structures. The closest Protected Structure

is located directly opposite the site, No. 77 Francis Street (R.P.S. Ref No. 2942) and St. Patrick's Cathedral (R.P.S. Ref. No. 6443), located c. 60m to the east of the appeal site. These Protected Structures are recorded on the National Inventory of Architectural Heritage (NIAH). St. Patrick's Cathedral has a 'National Importance' rating and is categorised as 'archaeological, architectural, artistic, historical, social, technical' special interest'. No. 77 Francis Street has a 'Regional Importance' rating categorised as 'architectural, historical' interest.

- 7.2.6. On the appeal site, Nos. 73 and 74 Francis Street are recorded on the National Inventory of Architectural Heritage (NIAH). Both buildings are rated "Regional Importance" and categorised as "Architectural Special Interest". Regarding No. 73 Francis Street, the NIAH describes the building as follows;

Attached two-bay three-storey house, built c. 1730, with shopfront inserted to ground floor. Now in use as gallery and studio. Flat roof with timber parapet coping. Brown brick walls laid in Flemish bond, having concrete block courses topping facade. Rendered walls to ground floor. Square-headed openings with six-over-six timber sash windows, brick voussoirs and granite sills to first floor. Replacement fittings and lintels to top floor. Enlarged window openings flanked shop entrance to ground floor, with additional door providing access to upper floors, all with recent fittings. Recent timber fascia over ground floor openings, with late nineteenth-century console bracket remaining to south end.

- 7.2.7. The NIAH appraises No. 73 as follows;

Dublin Civic Trust's 'Survey of Gable-Fronted and Other Early Buildings of Dublin City,' 2012, states 'The external appearance of this building with its refined facade wiggling and delicate sash windows would suggest a date of c. 1830, however these conceal an earlier structure that hosts large angled chimney breasts. Although the roof has been removed, thus obscuring the legibility of the building, the diminutive scale further suggests a former townhouse of the early to mid eighteenth-century, as do the tall and narrow window opens to the rear – characteristic of this early period.'

- 7.2.8. No. 74 Francis Street is described on the NIAH as follows;

Attached two-bay three-storey former house, built c. 1730, refaced c. 1960, now in use as shop to ground floor. Flat roof with brick parapet having concrete coping. Yellow brick laid in English garden wall bond to upper floors. Rendered walls to ground floor. Square-headed openings with recent windows. Display windows flanking shop entrance to ground floor, with second entrance, leading to upper floors, to north end

7.2.9. The NIAH appraises building No. 74 Francis Street as follows;

Dublin Civic Trust's 'Survey of Gable-Fronted and Other Early Buildings of Dublin City,' 2012, states 'The mid twentieth-century nondescript façade of this building disguises a much earlier structure that retains subtle clues as to its early origins, including corner chimney breasts to the interior. While the roof has been removed, making the reading of the building more difficult, the small proportions of the floors and the shopfront would suggest a refacing of a former early eighteenth-century townhouse.'

7.2.10. The Planning Authority in its assessment took into consideration the Conservation Officer's Report, which states the following:

In November 2019 the Planning & Property Development S.P.C. of Dublin City Council agreed a methodology to expedite the proposed additions/deletions to the R.P.S. in a systematic manner, based on the Architectural Heritage Protection Guidelines 2011 and NIAH/Ministerial Recommendations under Section 53(1) of the Planning and Development Act, 2000 (as amended). It was agreed that structures that have been afforded a Regional Rating or higher by the NIAH would be assessed with a view to including them on the Record of Protected Structures of Dublin City Council. The methodology agreed to prioritise underrepresented and significant structures from the early 1700's. On foot of this, the Conservation Section carried out a screening process for Early Buildings under the Stage 1 Ministerial Recommendations as per the agreed methodology.

No. 's 73 and 74 Francis Street fall into this category.

7.2.11. Having reviewed the Draft Dublin City Council Development Plan 2022-2028 Record of Protected Structures, I note the buildings on the appeal site are not recorded as Protected Structures.

7.2.12. The Conservation Officer's assessment of the proposal refers to 'The Dutch Billy House' and evidence of their prevailing presence in the Thomas Street and Environs Architectural Conservation Area. The Conservation Officer states how according to the Dublin Civic Trust's study, Nos. 73 and 74 Francis Street have been determined as being a variation on Type 3A or Type 1A of the early building Dutch Billy type houses.

7.2.13. Regarding the retention and reuse of older buildings that are not protected, the Conservation Officer refers to Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022 and states that;

"the early buildings at No. 's 73 and 74 are of such significance to our understanding of the architectural, historical and cultural development of Dublin, that their demolition would be considered wholly inappropriate from an architectural conservation standpoint".

7.2.14. Furthermore, the Conservation Officer states that;

The significance of No. 73 and 74 Francis Street is understood by the Conservation Officer, the Planning Authority, the Dublin Civic Trust, An Taisce, the Department of Housing, Local Government and Heritage and the Minister for Heritage as well as heritage experts. The submitted AHIA refers to the buildings as being of record only interest. However the buildings have been determined by the Department of Housing, Local Government and Heritage as being of Regional significance and the AHIA notes the significance of the buildings as early buildings. The design team have stated that the main failings of the buildings is that they require structural intervention, that little historic fabric remains and that the buildings are not "washing their face". For these reasons the existing buildings have been identified for removal and demolition and this has become the starting point for redevelopment. This strategy is not supported by the Conservation Officer and is contrary to best conservation practice as established by international charters, our statutory guidelines and legislation which focuses on reuse and intervention without the removal of historic character or significance.

7.2.15. The Conservation Officer report states that the historic fabric of significance remains within the buildings, including the primary structural fabric and the historic floor plan,

which are still largely intact, and several historic doors and plasterwork. In addition, the Conservation Officer report identifies that corner chimney breasts remained in these buildings until relatively recently. According to the Conservation Officer's report, all historic buildings require maintenance, and if a program of planned conservation work had been implemented over the previous 25 years when the Applicant purchased the buildings, the buildings would have remained in good structural condition. The Conservation Officer considers the three buildings reparable, and a high-quality conservation and restoration project should be considered.

- 7.2.16. Regarding the Architectural Conservation Area in which the buildings are located, the Conservation Officer refers to Policy CHC4 of the Development Plan and states that development should seek to retain, protect and reuse the existing historic buildings on the site, in order to enhance the special architectural character of the area in the first instance. In addition, the Conservation Officer states that where new development would be considered appropriate, any new development should not harm buildings or other features that contribute positively to the Conservation Area.
- 7.2.17. Regarding 'New Build', the Conservation Officer states that "for all development that involves a historic streetscape setting and development within an Architectural Conservation Area, it would be expected that new development would respect the prevailing roof heights, building line, historic building plots and special architectural character of the historic streetscape. The proposal does not take account of these factors". Furthermore, the Conservation Officer states that the new proposal "is overbearing, excessive, out of scale and out of character in comparison with the prevailing architectural context, particularly the special architectural character of the historic streetscape and the architectural conservation area. Therefore the proposal would contravene policy 11.1.5.4 CHC4 of the Dublin City Council Development Plan 2016-2022". The Planning Authority's reasons for refusal for the proposed development are based on the same reasons for refusal as recommended by the Conservation Officer.
- 7.2.18. The Appellant contests the Planning Authority's reasons for refusal, as detailed in Section 6.1 above. The Architect Report submitted with the appeal contests points raised in the Conservation Officer's Report. With regards to the Conservation Officer's assertion that Nos. 73 and 74 Francis Street were a variation on Type 3A, Type 1 or Type 1A of a 'Dutch Billy House', the Architect's Report provides illustrations of these

typologies and states that it is "inconceivable that the proportions of No.73 could ever have been any of these types given their elegant and typically nineteenth floor to ceiling heights". The Architect's Report states that John Roque's Map of 1756 and the O.S. Map of 1846 show whatever buildings were present at Nos. 72, 73 and 74 Francis Street in 1756 were replaced with another type by 1846. The Report states that the grounding lease document submitted, dated 18th February 1780, shows that there was only one house present on the site of Nos. 73 and 74 in 1756. The Report states that the grounding lease refers to "the house" in the singular and thus concludes that only one house was present on the combined site of Nos. 73 and 74. The Architects report provides detail as to why Nos. 73 and 74 could not have been Dutch Billy type houses. The Report details how Dutch Billy's were typically built in pairs, with floor plans mirroring each other. The Report states that Nos. 73 and 74 were combined by 1780, and their floor plans are not mirrored, and thereby could not be a pair of Dutch Billys. The Architect further puts forward that the shopfront facade of No. 73 reflects nineteenth-century shopfronts of other buildings along Francis Street, e.g. No. 98 Francis Street, characterised by centred shopfront doors and small window display openings (photograph submitted detailing same).

7.2.19. The Architect's Report refers to recent developments along Francis Street. It highlights the architectural audit submitted with the application, which found that 88% of the street frontage along Francis Street comprises late twentieth structures of exceptionally poor quality, with only seven Protected Structures remaining. The Report refers to the demolition of Nos. 92 and 93 Francis Street, which were demolished on foot of a dangerous buildings notice, which the Report contends is contrary to the policy of the Architectural Conservation Area. Regarding Francis Street today, the Report states that "Francis Street is "dead....killed by poor quality development permitted by Dublin City Council".

7.2.20. Having regard to the above, it is my view that the critical question before the Board is whether or not the subject buildings make a positive contribution to this historic area and our understanding of the architectural, historic and cultural development of the city and that their demolition would be contrary to Policy 16.10.17 of the Dublin City Council Development Plan 2016-2022, as cited by the Planning Authority in its reason for refusal.

7.2.21. Section 16.10.17 of the Development Plan refers to 'Retention and Reuse of Older Buildings of Significance which are not Protected' and states the following:

The reuse of older buildings of significance is a central element in the conservation of the built heritage of the city and important to the achievement of sustainability. In assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and reuse of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes.

7.2.22. Having regard to Dublin historic maps, the footprint of the building Nos. 72, 72 and 74 Francis Street are clearly illustrated on John Speed's 1610 'Map of Dubline' and Rocques 1756 map of Dublin City, available to view online at www.dublinhistoricmaps.ie. In my view, these maps establish the historical origins of the subject buildings and their contribution to our understanding of the historic streetscape and urban morphology of medieval Dublin. However, it is unclear from the evidence on file whether the fabric and layout of the subject buildings remain from this period. The National Inventory of Architectural Heritage (NIAH) details that Nos. 73 and 74 Francis Street were built c. 1730. This infers that the medieval properties on the site were rebuilt at this time. With reference to the Architect's Report, which states that there was only one house present on the site of Nos. 73 and 74 in 1756, this appears to be at variance with the Rocques 1756 map of Dublin City, which delineates two distinct plots for Nos. 73 and 74, respectively. The grounding lease for Nos. 73 and 74 Francis Street, dated 18th February 1780, and the Site Plan thereon delineates two distinct plots for Nos. 73 and 74 and refers to 'house', 'houses', 'holding' and 'backhouses', all of which add uncertainty to the claim in the Architects report.

7.2.23. The O.S. Maps 1845-1846, submitted by the Applicant, shows the footprint of the existing buildings, albeit with differences in the footprint of the buildings to their rear. As stated in the Architects Report, the plot for No. 72 clearly shows the covered passageway, which remains today and the same rear building lines of No. 73 and 74 and stepped southern boundary of No. 74. As detailed above, the NIAH rates these buildings of "Regional Importance" and categorises them of "Architectural Special

Interest". Further to this, as described in the Conservation Officer report, the historic fabric of significance remains largely intact within the buildings, including the primary structural fabric and the historic floor plan, and a number of historic doors and historic plasterwork.

7.2.24. During site inspection, I observed traces of the historic fabric of the buildings and the changes undertaken to the interior of the buildings. The architectural heritage impact statement provides a photographic survey of the interior of the three buildings, noting features of interest, e.g. masonry walls proposed to be retained and notable features. The Conservation Officer reports that corner chimney breasts remained in these buildings until relatively recently. The architectural heritage impact statement provides no details on the whereabouts of these chimney breasts, their original location within the buildings and the rationale for their removal. I note that Dublin City Council initiated enforcement proceedings regarding the removal of these corner chimney breasts, which formed a historic feature of the buildings. I contacted the Enforcement Section of Dublin City Council for an update on the enforcement proceedings regarding this matter and was informed that the case is now closed. No further details were provided.

7.2.25. Having regard to the above, the evidence on file demonstrates that the buildings on site, specifically Nos. 73 and 74 date back to 1756, if not before. On this basis, I concur with the Planning Authority that the subject buildings make a positive contribution to the character and identity of this historic area and our understanding of the city's architectural, historic and cultural development. As described in both the Architect's Report submitted with the appeal and the Thomas Street and Environs ACA Study, much of the character of the streetscape along Francis Street within this Architectural Conservation Area has been eroded over the previous decades. It is my view this reinforces the need to retain and protect the remaining older buildings of significance along Francis Street wherever possible and viable. As recorded in the National Inventory of Architectural Heritage, building Nos. 73 and 74 Francis Street are rated of regional importance. I found during site inspection that the three properties are fully occupied and provide for a variety of uses including residential, retail, café, office, commercial. In the absence of evidence demonstrating the non-viability of retaining, protecting and reusing the existing historic buildings on the site (e.g. due to dereliction etc.), it is my view that the demolition of the subject buildings would be contrary to Section 16.10.17 of the Dublin City Council Development Plan 2016-2022, which

seeks to retain and reuse older buildings of significance which are not Protected. Furthermore the demolition of the subject buildings would be contrary Policy CHC5 of the Development Plan which seeks to protect the setting of Architectural Conservation Areas and resist the total or substantial loss of non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area.

7.2.26. On this basis, I concur with the Planning Authority's first reason for refusal and recommend that the proposed development be refused permission.

7.3. Scale, Design and Visual Impact

7.3.1. The Planning Authority refused permission for the proposed development on the grounds that its design, scale, bulk, massing, height, proportions, articulation of the façade, materials and amalgamation of the historic building plots would represent overdevelopment of the site, would not complement the fine grain of the established streetscape, would appear visually incongruous and would cause serious injury to the setting and amenity of Francis Street (south) which is situated within the designated area of the Thomas Street and Environs Architectural Conservation Area and would therefore contravene Policy CHC4 of the Dublin City Council Development Plan 2016-2022.

7.3.2. As detailed above, the appeal site comprises three mid-terrace buildings, Nos. 72-74 on the eastern side of Francis Street in Dublin 2, near its southern end. The most northern of the buildings, No. 72, comprises a three-bay 4-storey over basement building with accommodation at attic level. Its roof profile is hipped. At ground floor level, the building contains a retail unit and a gated passageway providing access to two-storey premises to the rear. This building is currently used as a garage at ground floor level and two separate photography and printing studios at first-floor level. The upper floors of No. 72 are in residential use. The front elevation finishes of No. 72 comprise red brick with string coursing and six-over-six pane and four-over-four pane timber-framed windows.

7.3.3. Both Nos. 73 and 74 comprise two-bay 3-storey buildings with flat roofs. Both buildings have been amalgamated at ground floor level and are in use as a coffee shop known as 'Two Pups Coffee'. The café has an outdoor dining area on the street to the front

and an outdoor dining courtyard to the rear. The first floor of No. 73 is unfurnished, and the second floor is used as an artist's studio. The first floor of No. 74 is used as a flower shop and kitchen/storage room, and the second floor is used as office space. The ground floor front elevations of both Nos. 73 and 74 are rendered, and upper floor elevations consist of brick finish. Timber framed sash windows are provided to the upper floor front elevation of No. 73, and rectangular PVC type windows are provided to the upper floor front elevation of No. 74.

- 7.3.4. Francis Street slopes in a roughly north-south direction from Thomas Street to Dean Street / The Coombe. A protected structure No. 77 Francis Street (R.P.S. Ref No. 2942) is located directly opposite the appeal site. St. Patrick's Cathedral (Protected Structure) is located c. 60m to the east.
- 7.3.5. The proposed development comprises the redevelopment and amalgamation of the three buildings from basement to third-floor level and the construction of a three-storey extension above. The Applicant refers to this roof extension as “the tower” . The proposed development will comprise a seven-storey over basement, mixed-use building. At ground floor level, the proposal will provide 505 sq.m. of commercial space consisting of a cafe (156 sq.m), 3 no. retail units (184 sq.m), co-working space (73 sq.m) and a multi-purpose room for education exercise and community uses (92 sq.m). At upper floor levels, the proposal will provide 24 no. apartments consisting of 6 no. studios, 6 no. one-bedroom apartments, 9 no. two-bedroom apartments and 3 no. three-bedroom apartments. Each studio/apartment has its own private amenity space balcony and access to a community garden on the first floor, and cycle parking at ground and basement levels. In addition, a storage/plant room is provided at the basement level.
- 7.3.6. Proposed demolition works will comprise the demolition of the three properties except for the front facade of No. 72. The Applicant states that the front (western) facade of No. 72 will be restored to its original aesthetic design. The Applicant describes how this will provide a planning gain for the Thomas Street and Environs A.C.A.
- 7.3.7. All three properties will be amalgamated internally whilst retaining three separate distinctive facades. No. 72 Francis Street will be reconstructed from the basement to third-floor level. The front façade of No. 73 will be demolished, and the building will be rebuilt from basement to third-floor level. A pedestrian passageway will be provided to

the front elevation at ground floor level. The Applicant states that this passageway will serve as a reference to the many laneways within the city centre and provide an attractive interface between the street and the ground floor level of the redeveloped site. The front façade at first, second and third floor levels will consist of glass balustrades serving balconies at each floor level and a brick finish. No. 74 Francis Street will be reconstructed from basement to second-floor level. This building will have a parapet ridgeline aligning with that of Nos. 72 and 73.

- 7.3.8. The existing roof ridge height of No. 72 Francis Street is 15.04m above ground level, and its front façade parapet height is c.12.7m. No. 73 Francis St. has a front façade parapet height of 8.9 meters, and No. 74 has a front façade parapet height of 10.4 meters. The ridge height of the warehouse to the rear of No. 72 is 10m above ground level, as measured from the adjoining Dean Court Car Park.
- 7.3.9. The height of the proposed seven storeys over basement development is 22.6m above ground level along Francis Street, as measured to the front of No. 74. The proposed three-storey roof tower would rise c. 9.2 metres above the parapet height of No. 72, c. 5.4m above the roof ridge height of adjoining Craike House to the north and 9.8m above the parapet height of adjoining Ovenden House, or c. 6.7m above its recessed hipped roof.
- 7.3.10. The form and design of the proposed three-storey roof tower incorporate four distinctive arced / radial bands, which wrap in a circular layout around its front /western and southern side elevations. These radial bands incorporate p.v. solar panels and provide a distinctive folded form. The Applicant describes how their radial arrangement is arced to track the sun's path. In addition, their design and layout incorporate balconies serving apartments to the front of the proposal from the fourth to sixth-floor level. These radial bands taper from 17.2m wide at fifth-floor level to 15.9m at parapet roof level and taper slightly inwards (eastwards) at each floor level, as detailed on the site section drawings.
- 7.3.11. The northern wing of the 3-storey roof tower has a flat roof and flat elevations to the front, side and rear. The rear eastern elevation of the proposal provides projecting balconies from second floor to the sixth-floor level and a communal garden to the rear at the first-floor level. In addition, a sedum roof is provided on the roof of the 3-storey roof tower. In total, the proposed three-storey roof extension has an overall width of

21.3m and depth of 20.3m, extending almost the width of the three properties, which have an overall width of c. 22m.

7.3.12. Elevation materials and finishes for the proposed development are detailed as follows:

No. 72:

- The provision of replacement hardwood, traditional up and down sash windows with original six over six proportions.
- Existing brickwork to be retained and cleaned.

No. 73:

- Opaque blue toughened glass underside.
- Opaque blue toughened glass cranked balconies.
- Buff Dolphins Barn to be salvaged from No. 73, cleaned and reused across the original plot width.
- Toughened glass downstream to 2.4m above finished floor level to create a smoked extract hood.

No. 74:

- Selected imperial second-hand brick from salvage to the façade of No. 74.

‘The Tower’ roof extension and rear (eastern) elevation.

- Stainless steel frame to secure p.v. panels at roof level.
- Cranked and folded p.v. panels and stainless steel balcony balusters.
- Cranked p.v. panels at parapet level.
- Blue coloured opaque glass panels mirroring the appearance of p.v. panels.
- Selected colour render over insulation.
- Precast insulated panels to match the render to the southern side elevation.
- Frameless toughened glass balcony guarding fixed to reinforced concrete cantilevers, to the rear elevation.

Roof Tower– northern component.

- Selected colour self finish render.

- Precast parapet coping, the same colour as rendered finish.
- Triple glazed charcoal grey aluminium windows.
- Opaque glazed insulation panels between floors.
- Precast insulated panels to match the render to the northern elevation.

7.3.13. The applicant details in the Planning report submitted a design rationale for the proposal in the context of the surrounding area. The Applicant states that the proposed roof tower would provide a unique architectural design which would add significant visual interest to this prominent site. Regarding height, the Applicant states that the tower, which gradually steps inwards as it progresses in height, will offer an appropriate counterweight to the existing building on the corner of Dean Street and Patrick Street to the immediate east. The Applicant states that the preservation of the facade of No. 72 is based on the restoration of its authentic and original facade. The Applicant describes how the refurbishment of the front façade of No. 72 will allow for a healthy contrast between the proposed and existing architectural styles and will clearly distinguish the 21st-century elements which will accommodate the upper floor levels.

7.3.14. Regarding No. 74, the Applicant states that its contemporary design respects the height, massing, proportions and plot width of Francis Street and how “the negative in between these two offers a pedestrian breathing space, while the p.v. panel and glass balconies over hint at the addition above and behind”. The Applicant details how ‘this break in the fabric will ease the rigid continuity of the north-south axis and provide a pause for refreshment and browsing”.

7.3.15. The Applicant states that the design of the proposal is ‘articulate and elegant’ and provides ‘a balanced composition that avoids any pastiche, which contrasts starkly with the failed pastiche of the block on Francis Street immediately to the north of the proposal at Nos. 68 - 70 and an adjoining unit which is situated on the corner of Francis Street and Dean Street’. The Applicant contends that ‘the immediate area is largely devoid of the form of architecture which would be considered sufficient so as to be representative of an ACA’.

7.3.16. Regarding building height, the Applicant states that ‘the total of seven storeys is mitigated by the steep slope of Francis Street which rises in level from Dean Street to

Thomas Street' and that 'the tower appears from the sky to balance the existing, curved, seven-storey, counter-weight at the corner of Dean Street and Patrick Street'.

The Applicant describes how the proposed development will add to the visual interest of the site whilst protecting the architectural quality of the immediate streetscape. The Applicant contends that the proposal will not create any undue visual impacts on the character of the area, but instead will create an interesting and representative illustration of the evolution of residential development overtime.

7.3.17. The Applicant refers to precedent development permitted by Dublin City Council, which the Applicant considers relevant in the context of the proposed development. It is my view that the referred to precedent developments are substantially different from the proposed development under the subject appeal by reason of their site context, scale and design and, therefore, should not be considered precedent for the proposed development under the subject appeal.

7.3.18. Given the foregoing, I consider the critical question before the Board is whether the proposed development, in terms of design, scale, bulk, massing, height, proportions, articulation of the façade, materials, and the proposed amalgamation of the historic building plots, would constitute overdevelopment of the site, would not complement the fine grain of the established streetscape, would appear visually incongruous, and would cause serious injury to the setting and amenity of Francis Street and the Thomas Street and Environs Architectural Conservation Area, as cited by the Planning Authority in its reason for refusal.

7.3.19. Relevant policies regarding Architectural Conservation Areas are set out in Chapter 11 of the Dublin City Council Development Plan 2016-2022 and referred to in Section 5.1 above. Notable policies include Policy CHC4, which refers to Dublin's Conservation Areas and Policy CHC5, which refers to the demolition of buildings in Architectural Conservation Areas. Chapter 16 of the Development Plan sets out development standards.

7.3.20. Sections 16.5 and 16.6 of the Development Plan refer to plot ratio and site coverage. They require an indicative plot ratio of 2.0 and indicative site coverage of 80% for development on lands zoned Z4 District Centers, which apply to the appeal site. As detailed in the Development Plan, plot ratio is a tool to help control the bulk and mass of buildings. It expresses the amount of floor space in relation (proportionally) to the

site area and is determined by the gross floor area of the building(s) divided by the site area. Site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. Site coverage is the percentage of the site covered by building structures, excluding public roads and footpaths.

- 7.3.21. The appeal site has a stated site area of 0.0653 HA (653 m²) and a stated total floor area of 2.947 ha (2,947 m²). This yields a plot ratio of 4.51, which is c. 225% in excess of the Development Plan plot ratio standard of 2.0. Furthermore, the site coverage of the proposed development at 100% exceeds the Development Plan site coverage standard of 80% for Z4 zoned lands. The Applicant states in the planning report submitted with the application that the plot ratio for the proposed development at 4.5 is appropriate in the context of the efficient redevelopment of this city centre site, having regard to the density of development approved in other sites in the city centre.
- 7.3.22. Section 16.5 of the Development Plan makes allowance for higher plot ratios in certain circumstances. Having reviewed these and given the context of the site within an Architectural Conservation Area, it is my view that the plot ratio and site coverage of the proposed development is excessive and a significant infringement of Development Plan standards. The highest indicative plot ratio for Z5' zoned City Centre locations is 3.0. and the highest indicative site coverage for Z5 zoned lands is 90%. The plot ratio and site coverage of the proposed development are significantly in excess of these. On this basis, I consider the proposed development's plot ratio and site coverage contrary to Development Plan standards.
- 7.3.23. Regarding building height, the overall height of the proposal at 22.6 metres above ground level is below the general height limit of 24 metres that applies for residential developments in the 'inner city' as defined in Section 16.7.2 of the Dublin City Council Development Plan 2016-2022. Notwithstanding this, having regard to (i) the building height and stepped parapet line of adjoining buildings along the eastern side of Francis Street, (ii) the stepped parapet height of the existing buildings Nos. 72, 73 and 74 Francis Street, (iii) the Protected Structure located directly opposite the site, No. 77 Francis Street (R.P.S. Ref No. 2942), (iv) the gradient of Francis Street at its southern end and (v) the context and visibility of the site within the Thomas Street and Environs Architectural Conservation Area, it is my view that the scale, height, massing and design of the proposed 3-storey tower element would be visually obtrusive and have

an overbearing impact on the surrounding streetscape. Such development would detract significantly from the character and visual amenity of Francis Street at this location within the Thomas Street and Environs Architectural Conservation Area.

7.3.24. Regarding elevation materials and finishes, it is my view that the existing front elevation of No. 73 Francis Street makes a significant contribution to the character, setting and visual amenity of the southern end of Francis Street within the Architectural Conservation Area. As detailed in the NIAH, the external appearance of this two-bay three-storey house, presents an elevation dating back to c. 1830 which is characterised with brown brick laid in Flemish bond, six-over-six timber sash windows, timber parapet coping, refined facade wiggling, brick voussoirs and granite sills. It is my view that the demolition of this building would be contrary Policy CHC5 of the Development Plan which seeks to protect the setting of Architectural Conservation Areas and resist the total or substantial loss of non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area.

7.3.25. The Applicant has not sufficiently demonstrated how the public benefits of the demolition of the proposal outweigh the case for the retention of Nos. 72 and 73. What the records on the file do not convey, and what I discovered during site inspection, is the vitality and variety of the mixed-uses within the existing premises that contribute to the neighbourhood's social character and amenities. It is my view that the historic structural fabric and floor plans of the existing buildings are integral to this.

7.3.26. Regarding the materials and finishes of the proposed three-storey tower/roof extension and the front façade of No. 73 Francis Street, it is my view that those proposed, while modern and contemporary, would diminish the historic character and visual amenity of the streetscape. Furthermore, I consider the size and proportions of the window/balcony openings on the front façade of No. 74 at first and second-floor levels are excessively large, and thereby would diminish the character of the Architectural Conservation Area at this location and detract from the character and setting of the Protected Structure, No. 77 Francis Street, located directly opposite.

7.3.27. In consideration of the foregoing, I concur with the Planning Authority that the proposed development by reason of its design, scale, bulk, massing, height, proportions, articulation of façades, materials, and the proposed amalgamation of the

historic building plots, would constitute overdevelopment of the site, would not complement the fine grain of the established streetscape, would appear visually incongruous, and would cause serious injury to the setting and amenity of Francis Street within the Thomas Street and Environs Architectural Conservation Area. Such development would be contrary to Policy CHC4 of the Development Plan which seeks to protect the special interest and character of all Dublin's Conservation Areas and requires that development within or affecting a conservation area must contribute positively to its character and distinctiveness.

7.3.28. On this basis, I recommend that the proposed development be refused permission for the same reason as that given by the Planning Authority.

7.4. Screening for Appropriate Assessment

7.5. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that 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.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. The existing buildings on the site, Nos. 72,73 and 74 Francis Street, make a significant contribution to the character and identity of this historic area and our understanding of the city's architectural, historic and cultural development. The demolition of these buildings would be contrary to Section 16.10.17 of the Dublin City Council Development Plan 2016-2022, which seeks the retention and reuse of buildings/structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes. Furthermore the demolition of the subject buildings would be contrary Policy CHC5 of the Development Plan which seeks to protect the setting of Architectural Conservation Areas and resist the total or substantial loss of non-protected structures which are considered to make a positive contribution to the character and appearance of an Architectural Conservation Area.
2. The proposed development by reason of its design, scale, bulk, massing, height, proportions, articulation of façades, materials, and the proposed amalgamation of the historic building plots, would constitute overdevelopment of the site, would not complement the fine grain of the established streetscape, would appear visually incongruous, and would cause serious injury to the setting and amenity of Francis Street, which is located within the Thomas Street and Environs Architectural Conservation Area. Such development would be contrary to Policy CHC4 of the Development Plan which seeks to protect the special interest and character of all Dublin's Conservation Areas and requires that development within or affecting a conservation area must contribute positively to its character and distinctiveness.

Brendan Coyne
Planning Inspector

07th June 2022