



An
Bord
Pleanála

Inspector's Report ABP 313195-22

Development

Extension to The Abbey Hotel consisting of additional floors to the existing hotel to increase accommodation from 21 bedrooms to 45 bedrooms and all associated site and development works.

Location

The Abbey Hotel, 52 Middle Abbey Street, North City, Dublin 1 D01 W9H6.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2395/21

Applicant(s)

Abbey Lane Hotel Trading Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

First Party

Appellant(s)

Abbey Lane Hotel Trading Ltd.

Observer(s)

None

Date of Site Inspection

June 08th 2023

Inspector

Brendan Coyne

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1.0 Site Location and Description

- 1.1. The appeal site is located at No. 52 Middle Abbey Street, Dublin 1, D01W9H6, encompassing an area of 347.30m². The site is currently developed with an existing five-storey over basement hotel structure known as The Abbey Hotel, which has been operational since March 2015. The building has a 'mansard style' roof with 2 no. dormer windows at the setback top floor to the front and rear.
- 1.2. The hotel premises comprise a basement housing services, storage, laundry room, and toilets. The ground floor is occupied by a front and rear bar with a stage area at the rear. There are four upper floors accommodating a total of 21 hotel bedrooms, served by a central stairwell and lift shaft. The stage area terminates at the first-floor level and features a pitched roof.
- 1.3. The hotel benefits from dual access, one from the north at Middle Abbey Street and a secondary entrance from the south at North Lott Lane. A restaurant and bar named 'W. Plunket' operates from the ground floor of the hotel, contributing to the vibrancy of Middle Abbey Street.
- 1.4. The site is flanked to the east by a six-storey commercial building (No. 53) and to the west by a four-storey building (No. 51). The rear of The Abbey Hotel, facing onto North Lott's Lane, is adjacent to an older building of stone/brickwork construction that has previously undergone remediation works to stabilise the stonework.
- 1.5. The site is in close proximity to five Protected Structures at Nos. 46, 47, 48, 50, and 51 Middle Abbey Street. Although there are many Protected Structures along Middle Abbey Street, the site does not fall within either the River Liffey Conservation Area or the O'Connell Street Architectural Conservation Area (ACA).
- 1.6. The site's location is strategic, being in the heart of Dublin City. Its proximity to cultural attractions, shopping districts, public transport links, and iconic landmarks such as the General Post Office, the Spire, Trinity College, and the Olympia Theatre enhances its attractiveness for visitors. The Red Line Luas runs along Middle Abbey Street, directly in front of the premises, offering excellent public transportation links.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 15/03/2021

Permission sought for an extension to The Abbey Hotel consisting of additional floors to the existing hotel to increase accommodation from 21 bedrooms to 45 bedrooms. The proposed development is described in the public notice as comprising the following:

- Demolition of internal walls and floor structure at ground, first, second and third-floor levels,
- Demolition of the pitched roof to the rear at second-floor level and the flat roof at the front at fourth-floor level,
- Proposed infill floor extension at first-floor level to the rear,
- Proposed floor extensions at the second, third and fourth floors to the rear,
- Proposed new fifth and sixth-floor extensions,
- Revisions and alterations to the upper floor facade to Abbey Street elevation
- Proposed new shopfront/entrance & facade to the North Lotts elevation with alterations to all elevations,
- Internal floor layout modifications at all levels
- Provision of lightwells and rooflights to the first floor and sixth-floor level
- Proposed surface water attenuation at basement level
- All associated site and development works.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council GRANTED permission for the proposed development subject to 14 no. Conditions. Noted Conditions are summarised as follows;

Condition 2: A development contribution of €50,698.03 shall be paid to the Planning Authority for public infrastructure and facilities benefitting development.

Condition 3: An additional development contribution of €18,513.60 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme, as provided for under the Supplementary Development Contribution Scheme.

Condition 4: Prior to the commencement of development, the developer shall provide a cash deposit or a bond to the Planning Authority. This security will ensure the completion, maintenance, and reinstatement of services/infrastructure currently under Dublin City Council, or the completion of services until they are taken over by a Management Company or Local Authority.

Condition 5: The sixth floor shall be omitted, and revised plans shall be submitted to and agreed upon by the Planning Authority prior to the commencement of development, in the interest of orderly development and visual amenity.

Condition 6: Noise levels from construction and operations shall comply with British Standards and not cause disturbance or annoyance in the neighbourhood.

Condition 7: No additional development shall occur above roof level unless authorised by a grant of planning permission, to safeguard surrounding occupiers' amenities and the visual amenities of the area.

Condition 8: Prior to the commencement of development, the developer shall submit a comprehensive Demolition and Construction Management Plan for approval to the Planning Authority, with Transport Infrastructure Ireland's (TII) approval. The plan should detail the construction process, including management of traffic, noise and dust, disposal of waste, and working hours. There should be no negative impact on the nearby LUAS line, and the development should follow the 'Code of Engineering Practice' for works around the LUAS. The developer shall bear any costs related to repairs to public road/services due to the development and shall comply with the Code of Engineering Practice for works on or adjacent the LUAS light rail system.

Condition 10: The developer shall comply with the multiple requirements of Transport Infrastructure Ireland (TII) and the Luas Operator, including providing 24hr access to Luas infrastructure, limiting interference with Luas operations, bearing responsibility for loss of Luas revenue or costs associated with the development, and ensuring no adverse impact on Luas operations and safety. A Construction Traffic Management

Plan and a Demolition/Construction Method Statement must be submitted and agreed upon prior to the commencement of development.

Condition 12: Prior to the commencement of development, materials, colours and textures of all external finishes shall be submitted to and agreed in writing by the Planning Authority, in the interests of orderly development and the visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. First Report (07/05/2021)

Re. Plot Ratio and Site Coverage

- The site has an area of c. 347.3 sqm.
- The indicative site coverage and plot ratio standards from the Dublin City Development Plan 2016-2022 are applied; for Z5 zoned lands, these are 90% site coverage and a plot ratio of 2.5-3.0.
- The proposed development maintains the current 100% site coverage and a stated plot ratio of 5.74, higher than the mentioned standard.
- As per Dublin City Development Plan 2016-2022 (Chp16.5), plot ratios are used along with other measures, including site coverage, building height, public and private open space, standards applied to residential roads and parking provision, to ensure balanced development control.
- The Development Plan sets no upper unit density limit for any zoned lands, including Z5 zoned lands, with each proposal assessed on its own merits.
- The subject site is conveniently located close to O'Connell Street and Abbey Street Luas Stops, and Abbey Street is classified as a category 1 and 2 retail street.
- The proposed development would potentially introduce active uses in the city centre, due to its central location and availability of several public transport facilities nearby.
- Given the aforementioned context, the planning authority deems the higher plot ratio acceptable in this particular case.

Re. Proposed Extension

- The application proposes alterations to the existing fourth-floor level with a setback two-storey addition at the Abbey Street frontage and a part two-storey, part six-storey extension at the rear North Lotts frontage.
- The proposed development significantly increases the building height on both front and rear elevations, reaching a maximum height of approx. 21.8 meters, noticeably taller than nearby structures, including Protected Structures and residential buildings.
- Despite other taller hotel developments approved nearby, including Nos. 35 & 36 Abbey Street Upper (P.A. Ref. 3804/19) and Nos. 31-34 Abbey Street Upper (PA. Ref. 4179/19 ABP Ref 30749), the application site is sensitive due to its adjacency to several Protected Structures.
- Limited information has been provided for a detailed assessment of the proposed modifications.
- The North Elevation drawing references an element set back from the front building line by approx. 7 meters. This element is not visible from surrounding streets, and therefore is not considered a suitable justification for the proposed extension.
- The Planning Authority expresses serious concerns about potential short and medium-range views from Abbey Street, North Lotts, and wider views from the quays due to the limited information provided.
- No assessment regarding the potential loss of daylight and sunlight for nearby residential properties has been conducted.
- The current application's large flank elevations, unarticulated with large expanses of render, are considered unacceptable.
- The applicant is requested to provide a detailed impact assessment, including photomontages, a daylight and sunlight assessment, and to reconsider the design and finishes for the side and rear elevations.

Proposed Upper Floor and Shopfront Alterations for Abbey Street and North Lotts Elevations

- The applicant's proposal aligns with the non-statutory 'Reimagining Dublin 1' document, focusing on the activation of North Lotts through ground-level access and upper-floor surveillance.
- This alignment is considered a planning gain and is supported by the Planning Authority.
- No objections are raised regarding proposed elevation changes, facade treatments, and window portions.
- However, concerns exist regarding the use of render.

Internal Accommodation

- The proposal plans to increase the number of rooms from 21 to 45, ranging in size from 14sqm to 21.9sqm.
- All rooms would include ensembles and have daylight access via windows facing the nearby streets or the proposed internal courtyard.
- These arrangements are deemed acceptable.

Impact on Adjoining Areas

- The application lacks sufficient information for a comprehensive evaluation of the proposed development's visual and microclimatic impacts on the adjoining area.

Appropriate Assessment

- No Appropriate Assessment (AA) Screening Assessment is provided.
- The application site is not within or adjacent to any Natura 2000 sites (SAC or SPC). Thus no potential impacts on the North Bull Island SPA or North Dublin Bay SPC.
- Considering the nature and scale of the proposed development and its distance from the nearest European site, no Appropriate Assessment issues arise.
- The proposed development is unlikely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

3.2.2. Further information was requested requiring the following:

1. The applicant is requested to submit an amended daylight and sunlight analysis, prepared in accordance with BRE Guide, 'Site Planning for Daylight and Sunlight, A Good Practice Guide' (2011) that demonstrates the associated impact upon the surrounding residential properties.
2. The applicant is requested to provide a Landscape and Visual Impact Assessment incorporating verified views and photomontages illustrating the potential visibility of the proposed development, including a range of short and longer-range views from the areas surrounding the application site. It is recommended that the applicant agrees on the number and location of the photomontages with the planning authority prior to the submission of a response.
3. The planning authority would raise significant concerns in relation to the proposed elevational finishes, in particular the proposed flank elevations, which are unarticulated and incorporate large expanses of render, which is not considered acceptable. The applicant is requested to consider revised designs in this regard.

3.2.3. Second Report (08/03/2022)

Re. Item No. 1 of the Further Information requested/response.

- A Sunlight, Daylight & Shadow Assessment was submitted.
- 46 windows on the northern elevation of Bachelor's Walk apartments located opposite the site are assessed for skylight effect.
- The proposed development would result in 6 of these windows receiving marginally less than 0.8 times the current skylight, with one first-floor window failing to meet the BRE standards.
- 13 of the rear windows on No.51 and 52 Middle Abbey Street were assessed for skylight and sunlight.
- The Sunlight, Daylight & Shadow Assessment states that all windows of No.51 and 52 Middle Abbey Street will comply with the BRE guidelines after the development is built.

- In summary, 100% of the windows meet the BRE sunlight requirements for living spaces, and 88% meet the skylight requirements for habitable rooms. Considering marginal fails, compliance rises to 98%.
- Given the site's inner-city location, the proposed development will not significantly harm the residential amenities of the neighbouring properties.

Re. Item No. 2 of the Further Information requested/response.

- A Townscape and Visual Impact Assessment, Verified Views, and Photomontages have been submitted.
- The report's Section 2.8.1 notes that the proposed development's likely effect on the Middle Abbey Street townscape character is major and beneficial. The major impact is agreed upon, but it is thought that the impact of the top two floors would be negative, disrupting the predominant height and character of the street.
- The Planning Authority agrees that the proposed development would have a minor effect on the character of the O'Connell Street Area.
- The Planning Authority considers the proposed development will have no effect on the townscape character of the River Liffey and the Quays.
- The report assesses the impact of the proposed development from eight perspectives:
 - View 1 (from Middle Abbey Street near its intersection with Liffey Street): The report posits a moderate neutral effect, but it's considered by the Planning Authority to have a negative effect on the visual amenity of the area. The Planning Authority suggests omitting the sixth floor would significantly reduce this impact.
 - View 2 (from Middle Abbey Street): While the report suggests a moderate neutral effect, it is considered by the Planning Authority that the proposal would negatively affect the visual amenity of the area. The omission of the sixth floor would significantly reduce this impact.
 - View 3 (from O'Connell Street): The proposed development would have a negative impact on the visual amenity of the area. The omission of the sixth floor would significantly reduce this impact.

- View 4 (from Aston Quay): The report's assertion of no effect is agreed upon by the Planning Authority.
- View 5 (from North Lotts): The proposed development is reported to have a moderate to major neutral effect, but it's considered by the Planning Authority it would have a negative impact, appearing overbearing from North Lotts. The omission of the upper floor would significantly reduce the visual impact from this view.
- View 6 (from Ha'Penny Bridge): The report's assertion of no effect is agreed upon by the Planning Authority.
- View 7 (from Millennium Bridge): The report's assertion of no effect is agreed upon.
- View 8 (from North Lotts near Litton Lane): Despite the report's claim of a moderate to major neutral effect, the Planning Authority consider the proposed development would have a negative impact when viewed from North Lotts, appearing overbearing. Omitting the sixth floor would significantly reduce this impact from this viewpoint.
- The Planning Authority have concerns about the proposed development's impact on potential short and medium-range views from Abbey Street and North Lotts. However, it is considered that removing the sixth floor would address these concerns, leading to a development not seriously detrimental to the townscape quality of Middle Abbey Street and North Lotts.

Re. Item No. 3 of the Further Information requested/response.

- Revised drawings and verified montages have been submitted showing changes to proposed finishes.
- On the North Lotts elevation, the initially proposed render finish on the first to fourth floors is replaced with a selected brick finish.
- Cladding is to be used on the proposed upper two floors and part of the east elevation, while brick will be used on sections of both the east and west elevation, along with burglar brick panels for articulation.
- Selected sections of the elevations will retain the existing render.

- Subject to a compliance condition on detailing, the proposed finishes are now deemed appropriate for the site and streetscape.
- Subject to compliance with conditions, the proposed development accords with the Z5 zoning objective for the site and would contribute positively to the townscape of Middle Abbey Street and North Lotts and activation onto the North Lotts.

3.3. Other Technical Reports

3.3.1. Transportation Planning Division

3.3.2. No objection subject to Conditions.

3.3.3. Drainage Division

3.3.4. No objection subject to Conditions.

3.4. Prescribed Bodies

3.4.1. An Taisce:

3.4.2. An Taisce wishes to comment on the proposed development due its the proximity of Protected Structures in the vicinity, e.g., Nos. 50 & 51 next to the application site.

3.4.3. The south side of Middle Abbey Street has a fairly uniform four/five-storey parapet height, which the applicant proposes to change by converting the existing dormer roof floor into a vertical wall and adding two additional storeys, set back slightly from the parapet.

3.4.4. The proposed two extra storeys would unbalance the scale of the street and form an obtrusive element within the historic streetscape due to their scale, form, and location.

3.4.5. An Taisce refer to a precedent decision regarding Nos. 60 & 61 Middle Abbey Street, where a 2015 application to construct two additional floors was partially approved by both the Planning Authority and An Bord Pleanála, allowing only one additional floor (PA Ref. 2755/15 / ABP Ref. PL29N.245869).

3.4.6. An Taisce recommends modifying the proposal by limiting additional accommodation above the new parapet of 52 Middle Abbey Street to one floor.

3.4.7. It is also recommended that the dimensions and spacing of the windows to the new fifth storey in the front elevation be consistent with those in the floors below.

3.4.8. **Transport Infrastructure Ireland**

Transport Infrastructure Ireland (TII) recommends the following conditions for the planning application:

- The developer shall enter into an access and maintenance agreement with TII prior to the commencement of the development to ensure 24hr access to Luas infrastructure for the Luas operator/TII.
- Deliveries to the development site, including during construction, shall be managed in such a way that they do not disrupt Luas operations.
- Any costs or loss of revenue from Luas resulting from the project's design, construction or operation will be the responsibility of the developer. Appropriate agreements shall be established between TII, Luas Operator and the developer prior to commencement of development.
- As the development is near a Luas Line, the developer shall ensure there is no adverse impact on Luas operation and safety, adhering to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system".
- Any work near Luas infrastructure will require a works permit from the Luas Operator, in accordance with TII's engineering code. The developer will cover all TII's costs associated with the removal and reinstatement of Luas-related building fixings and infrastructure.
- Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted for approval by the Planning Authority subject to the written agreement of TII, which should include mitigation measures to protect operational Luas infrastructure.
- A Demolition and/or Construction Method Statement addressing all Luas interface issues shall be submitted for approval by the Planning Authority subject to the written agreement of TII, prior to the commencement of development. It shall adhere to TII's "Code of engineering practice for works on, near, or adjacent to the Luas light rail system."

- Prior to commencement of development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (a) Overhead Conductor System (OCS) pole protection and safety distances, and/or (b) Existing, temporary and subsequent permanent fixings. The developer will be liable for all costs related to the removal and reinstatement of the Luas-related infrastructure.
- The development shall ensure no risk of intrusion into the OCS danger zone, defined by a 2.75m offset from the nearest OCS infrastructure.
- The development is within the zone of a Section 49 Supplementary Development Contribution Scheme - Luas Cross City Line. If approved and not exempt, a condition to apply the Section 49 Luas Line Levy should be included.

4.0 Planning History

4.1.1. Subject Site

P.A. Ref. 3730/19

Proposed development: RETENTION: Retention Planning Permission for: (A) as built shopfront, signage, 2 no. flag poles and projecting signage to Abbey Street Middle (Front entrance) elevation and (B) as built shopfront and proposed fascia signage to the North Lotts (Rear entrance) elevation.

Decision: GRANT RETENTION PERMISSION

Final grant date: February 14th 202

P.A. Ref. 2222/01

Proposed development: Relocation of front entrance forward of existing, provision of new doors and screen with stone faced surround and new canopy and signage.

Decision: SPLIT DECISION (PERMISSION & REFUSAL)

Final grant date: October 22nd, 2001

P.A. Ref. 0782/98 - Rear of 53 Middle Abbey Street, Dublin 1.

Proposed development: Change of use from store/car park to an extension to existing Hotel Abbey at No. 52 Middle Abbey Street to incorporate residence dining and toilet facilities on the first floor and provision of 2 business suites with toilet facilities on the ground floor with entrance from Lotts Lane.

Decision: GRANT PERMISSION

Final grant date: July 01st 1998

P.A. Ref. 2589/95 & ABP Ref. PL 29N.098426

Proposed development: Amendments to approved plans Reg. Ref. 2350/94 (21 bedroom hotel, bar, restaurant, and ancillary accommodation) for minor elevational amendments and to replace existing basement for use for storage ancillary to hotel use.

Appeal Decision: GRANT PERMISSION

Appeal decision date: May 31st 1996

P.A. Ref. 2350/94

Proposed development: Change of use and to extend the Cameo Cinema for use as a 21 bedroom hotel/restaurant and ancillary accommodation consisting of five floors on to Middle Abbey Street, and 2 floors on to The Lotts, accessed from both streets.

Decision: GRANT PERMISSION

Final grant date: April 12th 1995

4.1.2. Surrounding Area

P.A. Ref. 3040/22 & ABP Ref. PL29N.315716 - 97 Middle Abbey St & 16/17 Prince's Street North, D1, 19/25 Prince's Street North, D1 & 98-101 Middle Abbey Street, D1 & 102-107 Middle Abbey Street, D1, & 2-3, 4 & 4A Proby's Lane, D1 & 7/7A and Liffey Street Upper, Dublin 1

Proposed development: Build-To-Rent residential development consisting of 155 apartments with all associated site works and the temporary extension of the opening hours of the existing multi-storey 'Arnotts' Car Park.

Planning Authority decision: Refuse permission

Appeal Decision: Not Decided at time of writing

The Planning Authority's reasons for refusal can be summarised as follows;

1. The proposed Build to Rent residential development, consisting mostly of one-bedroom and studio apartments, would be contrary to Dublin City Development Plan's policies to promote diverse housing options and discourage large-scale Build to Rent developments.
2. The proposed development's excessive scale and height would appear visually incongruous with the skyline when seen from D'Olier Street and disrupt the streetscape when viewed from the western end of Middle Abbey Street. As such, the proposed development would seriously injure the historic character of the city and would thereby be contrary to Policy SC22 of the Dublin City Development Plan.
3. The proposed development's excessive height and massing would result in an inadequate standard of daylight and sunlight within individual apartments and the primary communal open space, which would be contrary to Policy QHSN36 of the Development Plan and would negatively impact the amenities of the area.
4. Extending the opening hours of the existing multi-storey car park without decommissioning the 145 no. car parking spaces associated with the proposed Build to Rent development would promote unsustainable travel patterns to and from the city. Such development would be contrary to Policy SMT26 of the Dublin City Development Plan, which aims to discourage commuter parking and provide appropriate parking for short-term activities.

P.A. Ref. 0391/17 - 48 & 51, Abbey Street Middle, Dublin 1

Proposed development: Protected Structure: Whether the use of The Ana Liffey Drug Project at 48 and/or 51 Middle Abbey Street, Dublin 1, as a supervised injecting facility is or is not development and if it is development, whether it is exempted development.

Decision: Refuse Exemption Certificate

Decision date: November 06th 2017

P.A. Ref. 2238/97 - 51 Middle Abbey Street, Dublin 1.

Proposed development: Refurbishment of 4 storey over basement Georgian List 2 house involving change of use from retail at basement and ground floors, offices at first, second and third floors into tourist hostel accommodation throughout all existing building.

Decision: GRANT PERMISSION

Final grant date: December 01st 1997

P.A. Ref. 1011/97 - Rear of 53 Middle Abbey Street, Dublin 1.

Proposed development: Change of use, from store/car park to extension to hotel, to incorporate dining and toilet facilities on first floor and provision of function room with bar on ground floor, to existing hotel bar at 52 Middle Abbey Street.

Decision: REFUSE PERMISSION

Decision date: July 23rd 1997

P.A. Ref. 0978/95 - 50 Middle Abbey Street, Dublin 1.

Proposed development: Conversion of existing house into three 2 bed. and three 1 bed. apartments.

Decision: GRANT PERMISSION

Final grant date: August 24th 1995

P.A. Ref. 3804/19 and ABP 305853-19 - 35-36, Abbey Street Upper and Abbey Cottages, Dublin 1

Proposed development: The proposed development involves modifications to a previously permitted development (DCC Reg. Ref. 2971/17/ABP Ref. PL29N.249037, DCC Reg. Ref. 2954/18). The main changes include the omission of the previously permitted basement level -3, reconfiguration of the remaining basement levels, installation of double height glazing on the northern and eastern elevations, removal of the mezzanine on the first floor level, replacement of first floor guest bedrooms with dining spaces, food preparation area, circulation, and toilets, amendments to fenestration including the addition of opaque windows on the western elevation and

clear glazing on the eastern elevation, repositioning of the facade at seventh and eighth floor levels, construction of two additional floors measuring 380 sq.m each, relocation of condensers to the roof level, replacement of solar panels with a domestic hot water heat pump at the roof level, and associated elevational changes and site development works. The proposed development will result in an increase in the total number of rooms from 127 to 151 and an increase in the gross floor area from 4,927 sq.m to 5,355 sq.m. Notably, the addition of the two new floors is a key aspect of the proposal.

Appeal Decision: Grant Permission on appeal

Appeal decision date: March 24th 2020.

P.A. Ref. 2755/15 & ABP Ref. PL29N.245869 - 60-61 Middle Abbey Street, Dublin 1 and North Lotts Dublin 1.

Proposed development: Development of 4-6 storey in height comprising retail use at basement and ground floor, retail or office at 1st floor, office accommodation over 4 storeys above. Amalgamation of No.60 and 61..

Appeal Decision: Grant Permission on appeal

Appeal decision date: April 27th 2016

Condition No. 2: The proposed fifth floor shall be omitted from the proposed development. Revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works on site

5.0 Policy and Context

5.1. Development Plan

Dublin City Council Development Plan 2022-2028 is the statutory plan for the area. The following provisions are considered relevant:

Zoning: The site is zoned 'Z5 – City Centre' where the objective is "To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity". (Section 14.7.5, Ch. 14)

Relevant Policies include the following:

Chapter 6: City Economy and Enterprise

CEE28 Visitor Accommodation

To consider applications for additional hotel, tourist hostel and aparthotel development having regard to:

- the existing character of the area in which the development is proposed including local amenities and facilities;
- the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development;
- the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development;
- the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;
- the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas;
- the opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities – see also Chapter 12, Objective CUO38.

Chapter 11: Built Heritage and Archaeology

BHA1 Record of Protected Structures

(a) To include those structures that are considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures and to remove those structures where protection is no longer warranted.

(b) To maintain and review the RPS whilst having regard to recommendations for additions to the RPS made by the Minister under Section 53 of the Planning and Development Act, 2000 (as amended)

Chapter 15: Development Standards

Section 15.14.1 Hotels and Aparthotels

Section 15.14.1.1 Hotel Development

Volume 4 – Record of Protected Structures

Appendix 3: Height Strategy

Section 4.1 Identification of Areas for Increased Height and Density

Table 3: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

Reimagining Dublin One Laneways 2018 – as referred to in Appendix 2, Section 8.4

Dublin City Council appointed Sean Harrington Architects to develop the Dublin One Lanes' Strategy. The strategy looked at lane ways in the Dublin 1 eircode, categorised them and identified actions for their improvement. The main outcome is the detailing of works for five selected laneways within the Dublin 1 region as pilot/demonstration projects for the improvements of lanes generally in Dublin 1 and of course more widely within the city centre. The actions for each lane are broken into short, medium and long term. Actions include art installations, public realm improvements, better lighting, increased security, safety, planning and development advice etc.

5.2. Other Relevant Government Policy / Guidelines

National Planning Framework – Project Ireland 2040

Urban Development and Building Heights; Guidelines for Planning Authorities (2018).

Architectural Heritage Protection; Guidelines for Planning Authorities (2004 & 2011).

Development Management, Guidelines for Planning Authorities (2007)

5.3. Natural Heritage Designations

5.3.1. The nearest Natura 2000 European Sites to the appeal site are as follows:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approx. 2.6km to the north-east and south-east of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 2.6km to the north-east and south-east of the site.

5.4. EIA Screening

Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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 OCFPM/RDF Architects & Planning Consultants representing the applicant Abbey Lane Hotel Trading Limited, against Condition No. 5 of the Planning Authority's decision to grant permission for the proposed development. The following is a summary of the grounds of appeal.

- The DCC planning report dated March 11th, 2022 raised concerns regarding the height of the proposed development and the subsequent visual impact of the top two floors on the Middle Abbey Street townscape and the North Lotts streetscape.
- A Townscape and Visual Impact Assessment (TVIA) and verified montages were submitted as part of a further information request.
- On assessment, the Planning Authority requested the removal of the top/sixth floor to alleviate their concerns regarding the negative visual impact on the streetscape of Middle Abbey Street and North Lotts.
- The TVIA, as completed by Turley Consultants, analysed all eight views as agreed with Dublin City Council.
- Views V02 and V08 were highlighted in Planning Authority report as examples of how the proposed development could negatively impact the visual amenity of the area. The Planning Authority considered that removing the sixth floor would significantly reduce this impact.

- The Applicant disagrees with Condition 5 imposed by the Planning Authority, which requires the omission of the 6th floor.
- It is submitted that the setback nature of the top floors, along with the proposed facade treatment in the location of Abbey Street and North Lotts, would not negatively impact the streetscape.
- It is submitted that the proposed 6th floor should be maintained in the context of urban infill, sustainable development, and the National Planning Framework and policies.
- The proposal aligns with several National Planning Framework policy guidelines regarding urban scale and regeneration, particularly NP06, which encourages the rejuvenation of cities, towns, and villages as environmental assets.
- The proposal supports Policies CEE12 (i) and CEE13 (iii) within the Dublin City Development Plan 2016-2022. These policies promote tourism and support the development of additional tourism accommodation at appropriate locations throughout the city.
- The hotel's location on Abbey Street, with multiple Luas stops in close proximity, is conducive to the sustainable growth of Dublin City, requiring increased services and accommodation capacity.
- The commercial viability of hotels is influenced by the location and scale of services. Therefore, increasing the number of hotel rooms from 21 to 45 is a necessary jump in room numbers to ensure maximum efficiency and commercial viability.
- The removal of the 6th floor, which contains 8 high-quality bedrooms, would reduce the commercial potential of the hotel by decreasing the overall number of bedrooms from 45 to 37.
- Sustainable growth with infill developments in established city centre locations must justify an increase in building height, which is supported by the National Planning Framework.
- The proposal is an acceptable increase in height at this location, as demonstrated in the TVIA submitted.

- The proposal with its North Lotts access/shopfront facade at street level would contribute to the rejuvenation of Dublin 1's alleyways and laneways. This is recognised and supported in Dublin City Council's Reimagining Dublin 1 reports.
- The applicant submits that the scale of certain sections of North Lotts is too low and industrial, which detracts from the active use and sense of safety of the street for pedestrians.
- On the western end of North Lotts, close to the appeal site, are four and five-storey structures with setback roof services and additional pitched roofs (on the street's southern side).
- The proposal of 7 storeys, with the top two storeys set back, is not a significant increase in height, but rather bolsters the streetscape and improves overlooking and a sense of security in the laneway. Maintaining the 6th floor in this context should be supported.
- The Dublin City Council notification of decision to grant permission fully supports the general overall proposal, as does national planning policy and Development Plan policy.
- Other taller hotel developments have been granted permission in the vicinity on Abbey Street Upper, which have been referenced in the Planning Authority report.
- The scale of the proposed development, with its 7 storeys, represents a modest increase in building height that is justified and essential for the growth of city centre accommodation and services.

6.2. Planning Authority Response

- 6.2.1. In the event that the appeal is successful, the conditions of permission should include a Section 48 Development Contribution Condition and a Section 49 Luas Cross City Development Contribution Condition.

6.3. Observations

None

7.0 Assessment

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 as follows;

- Building Height
- Appropriate Assessment

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.1.1. Building Height

- 7.2. OCFPM/RDF Architects & Planning Consultants, representing Abbey Lane Hotel Trading Limited, have lodged a first-party appeal against Condition No. 5 of the Planning Authority's decision to grant permission for the proposed development. The appeal contests the requirement to omit the sixth floor of the proposed development, which the Planning Authority considers would mitigate the negative visual impact on the streetscape.
- 7.3. The appellant submits that the setback nature of the top floors, along with the proposed facade treatment, would not adversely affect the streetscape along Middle Abbey Street and North Lotts. The appellant submits that the proposed 6th floor (7th storey) should be maintained in the context of urban infill, sustainable development and policies in the National Planning Framework and Dublin City Council Development Plan. The appellant contends that the proposed development would support the rejuvenation of Dublin 1, promote tourism, and accommodate the city's growing service and accommodation demands.
- 7.4. The appellant states that increasing the number of hotel rooms from 21 to 45 is necessary for commercial viability. The appellant puts forward that the proposed height increase is modest and will contribute positively to the streetscape and the revitalisation of Dublin 1's alleyways and laneways. The appellant cites the support of Dublin City Council's Reimagining Dublin 1 report and references other approved taller hotel developments in the vicinity of Abbey Street Upper.

- 7.5. The Planning Authority, in its first report, expressed concerns about the increased building height of the proposed development, reaching c. 21.8 meters, which surpasses nearby structures, including Protected Structures and residential buildings. Limited information was provided for a detailed assessment, and the north elevation element setback from the front building line was considered insufficient justification for the proposed extension.
- 7.6. Concerns were raised about potential visual impacts from Middle Abbey Street, North Lotts, and wider views from the River Liffey Quays due to the limited information provided. The Planning Authority requested a detailed visual impact assessment, including photomontages and a daylight and sunlight assessment. The Planning Authority also called for reconsideration of the design and finishes for the side and rear elevations, as the proposed large flank elevations with unarticulated render were deemed unacceptable. The Planning Authority considered that the proposed upper floor and shopfront alterations along North Lotts aligned with the 'Reimagining Dublin 1' document and were a planning gain. However, concerns were expressed regarding the use of render.
- 7.7. Further information was requested, requiring the applicant to submit an amended daylight and sunlight analysis, prepared in accordance with the BRE Guide (2011), demonstrating the impact on surrounding residential properties. Additionally, the Planning Authority requested a Landscape and Visual Impact Assessment, including verified views and photomontages, to illustrate the potential visibility of the proposed development from various viewpoints. The Applicant was also requested to reconsider the unarticulated and expansive rendered flank elevational finishes and to provide revised designs.
- 7.8. In response to the further information submitted, the Planning Authority assessed the Sunlight, Daylight & Shadow Assessment and noted that while the proposed development would slightly affect certain windows, overall compliance with BRE sunlight requirements for living spaces would be achieved. The Planning Authority concluded that the proposed development's impact on neighbouring residential properties' amenities would not be significant.
- 7.9. In response to the submission of the Townscape and Visual Impact Assessment (TVIA), Verified Views, and Photomontages, the Planning Authority assessed the likely

effects of the proposed development on the surrounding townscape character. The TVIA report submitted acknowledged that the development would have a major and beneficial impact on the character of Middle Abbey Street. However, the Planning Authority expressed concerns about the negative impact of the top two floors, disrupting the predominant height and character of Middle Abbey Street. The Planning Authority considered the proposed development would have a negative impact on the visual amenity of the streetscape as viewed from Middle Abbey Street (Viewpoint 1 - close to the junction with Liffey Street and View 2), O'Connell Street (Viewpoint 3), North Lotts (Viewpoints 5 and 8). The Planning Authority raised concerns about potential short and medium-range views from Abbey Street and North Lotts. However, the Planning Authority considered that the omission of the sixth floor would significantly reduce these impacts, ensuring a more favourable townscape quality for Middle Abbey Street and North Lotts.

- 7.10. The revised elevation finishes, notably to the North Lotts elevation and the upper floors and parts of the east and west elevations, were deemed appropriate for the site and streetscape, subject to compliance with conditions.
- 7.11. Condition No. 5 of the grant of permission stipulates that the proposed sixth floor be omitted and that revised plans be submitted to and agreed upon by the Planning Authority prior to the commencement of development.
- 7.12. Based on the consideration above, I consider it necessary to assess the height, scale and design of the proposed development and its impact on the character and visual amenity of the surrounding streetscape with particular regard to adjacent Protected Structures. This assessment will take into consideration the appellant's grounds of appeal, requesting the removal of Condition 5 of the grant of permission imposed by the Planning Authority, which requires the omission of the 6th floor and the Planning Authority's concerns regarding this issue.
 - 7.12.1. The existing structure at No. 52 Middle Abbey Street is a mid-terrace/block hotel with five floors above basement level, situated on the southern side of the street and extending towards North Lotts lane at the rear/south. The proposed development includes, among other elements, a two-storey upward extension and a six-storey extension towards the rear of the existing building, resulting in the transformation of the current five-storey (double height single-storey to the rear) structure into a seven-

storey hotel with a basement. According to the Area Schedule Drawing, the new fifth and sixth floors will each accommodate 6 no. single bedrooms and 2 no. twin/double bedrooms, resulting in a total of 16 additional rooms (i.e., 8 bedrooms per floor). The proposed development will increase the total number of bedrooms in the hotel from 21 to 45, as stated in the Design Statement submitted.

- 7.12.2. The existing five-storey building has an overall roof ridge height of 16.47m, including a rooftop plant room (2.2m high) and a lift shaft. The parapet height of the four-storey front facade facing Middle Abbey Street is 13.78m. The fourth-floor (5th storey) elevation is set back c. 0.8m from the front facade and features a mansard-style roof with two dormer windows.
- 7.12.3. The rear of the building's southern five-storey elevation has an overall height of 16.08m and also presents a mansard-style roof with two dormer windows. The southern facade along North Lotts is c. 9.4m high and features a gable elevation facing the street.
- 7.12.4. The proposed development includes the addition of two storeys, raising the height of the existing building from 16.47m to 21.45m along Middle Abbey Street. The roof profile of the proposed extension is flat and incorporates a 2.2m high plant room. The front facade would be set back approximately 1.2m from the main building facade. The proposed elevation finishes for the front/northern elevation include two-storey double-glazed curtain walling in a selected dark grey colour, along with steel/timber vertical louvres.
- 7.13. The proposed rear/southern elevation of the development would increase the height of the southern facade along North Lotts from 9.4m to 21.8m. The upper 5th and 6th floors (6th and 7th storeys) would be setback c. 1.2m from the proposed new facade along North Lotts. The proposed finishes for the sixth and seventh storey elevations include cladding, with the colour to be selected.
- 7.14. The proposed finishes for the side elevations of the development include cladding and a rendered finish, with the specific colour to be determined.
- 7.15. The site is bounded by a six-storey commercial building (No. 53) to the east and a four-storey building (No. 51) to the west. No. 53 Middle Abbey Street has a five-storey front facade with a parapet height of 16.15m, while the recessed sixth floor increases

the overall height to 18.76m. Adjoining No. 51 Middle Abbey Street has a parapet height of c. 16.4m, similar to that of the subject building.

7.16. Most buildings on the southern side of Middle Abbey Street have four-storey facades, except for a five-storey building at the corner of Middle Abbey Street and O'Connell Street. On the northern side of Middle Abbey Street, there are mainly 4-5 storey buildings, with exceptions including a six-storey building at Nos. 79-82 (Easons), featuring a mansard roof on the sixth floor. Additionally, at the corner of Middle Abbey Street and Liffey Street Upper, there is an eight-storey building permitted under P.A. Ref. 3697/17, presenting a six-storey street facade with the upper floors set back.

7.17. Considering the surrounding area's development pattern, the following planning applications are relevant due to increased building height:

- No. 31-34 Abbey Street Upper: P.A. Ref. 4009/22 & ABP Ref. 314298-22 (currently on appeal) granted permission for an 11-storey hotel building with 252 bedrooms and a 10-storey aparthotel block with 222 bedrooms on Great Strand Street. P.A. Ref. 3232/19 & ABP Ref. 305280-19 (currently under construction) amended a development permitted under P.A. Ref. 3172/18, resulting in an 11-storey hotel building with 303 bedrooms and a 10-storey aparthotel block with 277 bedrooms. P.A. Ref. 3172/18 granted permission for a 9-storey aparthotel on Great Strand Street and a 9-storey hotel on Abbey Street Upper.
- No. 97 Middle Abbey Street: P.A. Ref. 3040/22 and ABP Ref. 315716-23 (currently on appeal) proposed a Build-To-Rent development with a 12-storey element and various amenities, with a total gross floor area of approximately 12,766 sqm.
- No. 57 Middle Abbey Street: P.A. Ref. 3531/18 granted permission in Oct 2018 for a 257-bedroom hotel with ancillary facilities, reaching a height of approximately 27.5m.
- Nos. 78-84 Middle Abbey Street: P.A. Ref. 5170/06 and ABP Ref. PL29N.224640 (granted on appeal) permitted a mixed-use development including retail, residential, and hotel facilities, with buildings ranging from three to twelve storeys in height.
- Nos. 60-61 Middle Abbey Street and North Lotts Dublin 1.: P.A. Ref. 2755/15 & ABP Ref. PL29N.245869 (granted on appeal) permission for a proposed of 4-6

storey mixed-use development. Condition No. 2 of the permission on appeal requires the fifth floor to be omitted.

7.17.1. The subject building is not located within an Architectural Conservation Area (ACA). However, O'Connell Street ACA is located c. 150m to the east and the River Liffey Conservation Area is located c. 65m to the south. The following structures along Middle Abbey Street are designated as Protected Structures, as described in Volume 4 of the Development Plan:

- No. 51 (RPS Ref. No. 13) - Adjoining the appeal site to the west. Description: House.
- No. 50 (RPS Ref. No. 12) - Description: House
- No. 48 (RPS Ref. No. 11) - Description: House
- No. 47 (RPS Ref. No. 10) - Description: House
- No. 46 (RPS Ref. No. 9) - Description: Upper floors
- No. 69 (RPS Ref. No. 15) - Description: Upper floors of commercial premises; faience surrounding central pedimented Venetian-type window; faience parapet mouldings
- No. 70 (RPS Ref. No. 16) – Description: Upper floors of commercial premises; faience surrounding central pedimented Venetian-type window; faience parapet mouldings
- No. 78 (RPS Ref. No.17) – Description: The Oval licensed premises - façade only
- Nos. 87-90 (RPS Ref. No.18) – Description: Independent House, including roof and roof pavilions
- Nos. 94-96 (RPS Ref. No.19) – Description: Commercial premises
- The Lotts, RPS Ref. 4838 - Description: Former bonded store (to the rear of 58-59 Abbey Street Middle)

7.17.2. The Record of Protected Structures identifies additional Protected Structures in nearby streets within the vicinity of the appeal site. Of particular significance is the General Post Office (GPO) along O'Connell Street, designated as RPS Ref No. 6010 (and others).

7.17.3. It should be noted that the following structures along Middle Abbey Street, including Nos. 47, 48, 49, 50, 51, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73-75, 78, 79-82, 83, 84, 91-92, 94-96, 97, 102, 111, and 108-109, are recorded and classified on the National Inventory of Architectural Heritage as buildings of Architectural and/or Artistic Interest of Regional Rating.

7.18. The applicant submitted a Townscape and Visual Impact Assessment (TVIA), which identifies and determines the potential effects of the proposed development on the character and visual amenity of the townscape. This report describes the methods used to assess the existing baseline conditions of the site and surrounding area; predicted effects on townscape character, predicted visual effects; the mitigation measures required to prevent, reduce or offset any significant negative effects; and the likely residual effects after these measures have been adopted.

7.19. Key findings in the TVIA include the following;

- There are five protected structures in the vicinity of the subject site, including Nos. 46, 47, 48, 50 and 51 Middle Abbey Street.
- The subject site is not located within the Liffey Conservation Area, and the proposed development would not be visible from the Liffey or the Quays in the Liffey Conservation Area.
- The proposed development would only be visible from the junction of O'Connell Street Lower with Middle Abbey Street. From this viewpoint, the development would have a minimal impact on the O'Connell Street ACA and would not compromise its significance.
- The proposed development has been designed having regard to the surrounding context.
- Its scale and massing relate appropriately to the existing architecture in the area.
- The inclusion of tree planting will provide screening and help integrate the new buildings and structures into the existing environment.
- The proposed materials and facade treatment have been carefully chosen to create a building and structures that look neutral and fit in with their surroundings.

- The surrounding townscape and built form would visually contain the proposed development, restricting visibility to specific areas with an unobstructed view.
- Due to the enclosing nature of the townscape elements surrounding the site, significant effects on the townscape character are anticipated to be limited to the immediate vicinity of the site.

7.19.1. Effects upon Townscape Character are described as follows:

- Middle Abbey Street Townscape Character Area: Middle Abbey Street is a mix of buildings, including some Georgian structures, with a history of destruction during the Easter Rising. The proposed development is expected to have a major and beneficial effect on the character area.
- O'Connell Street Townscape Character Area: O'Connell Street is architecturally significant and characterised by terraced buildings. The proposed development is anticipated to have a minor and beneficial effect on the character area.
- River Liffey and the Quays Townscape Character Area: The River Liffey corridor and the Quays are vital to Dublin's history and serve as a recreational and tourist hub. The proposed development is not visible from the River Liffey and is physically distant, resulting in no expected effect on the character area.

7.19.2. Visual Impacts from eight selected viewpoints are described as follows:

- Viewpoint 1: Middle Abbey Street (Close to its junction with Liffey Street)
 - During the construction phase, partial visibility of demolition activities and site works will be noticeable from this viewpoint. Cranes associated with the construction may be seen above intervening buildings as the project progresses. However, these effects are considered temporary and limited, with the existing buildings along Middle Abbey Street remaining the main visual attraction.
 - During the operational phase, the proposed development will be partially visible above and beyond the existing buildings along Middle Abbey Street from this viewpoint. The northern-facing elevation of the proposed building retains the treatment of the existing structure, with a slight increase in height to match adjacent buildings. The use of materials ensures that the upper levels appear lighter and visually subordinate.

Additionally, the setback of the upper levels from the northern boundary provides visual relief.

- Magnitude of Impact: The visual impact during the construction and operation phases is assessed as medium.
- Significance of Effect: During the construction phase, the visual impact is considered to be moderate, temporary, and adverse. During the operational phase, the visual impact is considered to be moderate and neutral.
- Viewpoint 2: Middle Abbey Street
 - Located on Middle Abbey Street, approximately 75m east of the proposed development site, looking west.
 - Viewer sensitivity is high.
 - Visual Effects during Construction: During construction, partial visibility of demolition and site works, with temporary crane presence.
 - Predicted Effects during Operation: The proposed development would be partially visible beyond and above existing buildings. The proposal would retain the existing treatment with slightly increased shoulder height and setback upper levels, to match that of the buildings in front of the subject site, i.e., Nos 53 and 54 Middle Abbey Street.
 - Magnitude of Impact: Medium visual impact during both construction and operational phases.
 - Significance of Effect: Construction phase effect is temporary and adverse, while operational phase effect is neutral.
- Viewpoint 3: O'Connell Street (at its junction with Middle Abbey Street)
 - Located on O'Connell Street at its junction with Middle Abbey Street, looking west.
 - The existing Abbey Hotel is visible but not easily discernible due to the angle of view.
 - Viewer sensitivity is high.

- Visual Effects during Construction: During construction, partial visibility of demolition and site works, with temporary crane presence.
- Predicted Effects during Operation: The proposed development would be largely screened from this viewpoint, with only a small portion visible above existing buildings along Middle Abbey Street.
- Use of materials would ensure subservient and lighter upper levels. Setback from the northern boundary at upper levels would ensure visual relief.
- Magnitude of Impact: Small visual impact during both construction and operational phases.
- Significance of Effect: The construction phase effect is minor and temporary, while the operational phase effect is minor and neutral.
- Viewpoint 4: Aston Quay (Close to O'Connell Bridge)
 - Located on Aston Quay near its junction with O'Connell Bridge, looking northwest.
 - Existing Abbey Hotel is not visible, obstructed by buildings along Bachelor's Walk.
 - Viewer sensitivity is high.
 - Visual Effects during Construction: During construction, partial visibility of demolition and site works, with temporary crane presence.
 - Predicted Effects during Operation: No portion of the proposed development will be visible due to intervening buildings on Bachelor's Walk.
 - Magnitude of Impact: Negligible visual impact during the construction phase. No change in visual impact during the operational phase.
 - Significance of Effect: The construction phase effect is negligible to minor and temporary. No effect during the operational phase.
- Viewpoint 5: North Lotts (Close to its junction with Liffey Street)

- Located on North Lotts near its junction with Liffey Street, looking northeast.
- Existing two-storey portion of the Abbey Hotel partially visible.
- Viewer sensitivity is assessed as medium.
- Visual Effects during Construction: During the construction phase, partial visibility of demolition and site works, with possible crane presence. Temporary effects.
- Predicted Effects during Operation: The proposed development features a modern and contemporary elevation, contributing positively to the streetscape. Partial visibility beyond existing buildings along North Lotts, with a seven-storey structure and setback upper floors. Use of appropriate materials and solid-to-void ratio to harmonise with neighbouring buildings. The upper levels are setback from the south boundary for visual relief.
- Magnitude of Impact: Large and adverse visual impact during the construction phase. Large and positive visual impact during the operational phase.
- Significance of Effect: Moderate to major, temporary, adverse effect during construction. Moderate to major, positive effect during operation.
- Viewpoint 6: Ha'Penny Bridge
 - Located at the southern side of the Ha'Penny Bridge near its abutment with Crampton Quay, looking northeast.
 - Existing Abbey Hotel not visible, obstructed by buildings along Bachelor's Walk.
 - Viewer sensitivity is high.
 - Visual Effects during Construction: During the construction phase, partial visibility of demolition and site clearance activities may be observed. Temporary effects within the overall view, with intervening buildings largely screening the proposal.

- Predicted Effects during Operation: No portion of the proposed development will be visible due to intervening buildings on Bachelor's Walk.
- Magnitude of Impact: The visual impact during the construction phase is assessed as negligible. The magnitude of visual impact during the operational phase is considered to be no change.
- Significance of Effect: Negligible to minor, temporary, adverse effect during construction. None during the operational phase.
- Viewpoint 7: Millennium Bridge
 - Located at the southern side of the Millennium Bridge near its abutment with Wellington Quay, looking northeast.
 - Existing Abbey Hotel is not visible, obstructed by buildings along Ormond Quay Lower.
 - Viewer sensitivity is high.
 - Visual Effects during Construction: Partial visibility of demolition and site clearance activities may be observed. Temporary effects within the overall view, with intervening buildings largely screening the proposal.
 - Predicted Effects during Operation: No portion of the proposed development will be visible due to intervening buildings on Ormond Quay Lower.
 - Magnitude of Impact: The visual impact during the construction phase is assessed as negligible. The magnitude of visual impact during the operational phase is considered to be no change.
 - Significance of Effect: Negligible to minor, temporary, adverse effect during construction. None during the operational phase.
- Viewpoint 8: North Lotts (Close to its junction with Litton Lane)
 - Located on North Lotts near its junction with Litton Lane, looking northwest.
 - Existing two-storey portion of the Abbey Hotel is partially visible.

- Viewer sensitivity is assessed as medium.
- Visual Effects during Construction: partial visibility of demolition and site works, with possible crane presence. Temporary effects within the overall view.
- Predicted Effects during Operation: The proposed development forms a modern and contemporary elevation, contributing positively to the streetscape. Partial visibility beyond existing buildings along North Lotts, with a seven-storey structure with a setback at sixth and seventh floor levels. Use of appropriate materials and solid-to-void ratio to harmonise with neighbouring buildings. Upper levels setback from the south boundary for visual relief.
- Magnitude of Impact: Large and adverse visual impact during the construction phase. Large and positive visual impact during the operational phase.
- Significance of Effect: Moderate to major, temporary, adverse effect during construction. Moderate to major, positive effect during operation.

7.19.3. The Townscape and Visual Impact Assessment concludes that the proposed development has been designed in a contemporary manner while respecting the scale and significance of the surrounding buildings, including Protected Structures. The design approach and quality of materials help to offset the scale and massing of the development. The report notes that during the construction phase, there will be a short-term adverse effect on the townscape and visual impact. However, such effects are expected and accepted in urban settings and are considered temporary. In the operational phase, the proposed development is expected to have a generally positive and beneficial effect on the townscape, respecting and enhancing the existing characteristics and values. The report states that the Zone of Theoretical Visibility (ZTV) analysis reveals that the potential impact of the proposed development on historic buildings, streetscapes, riverscapes, and townscapes is minimal. The report refers to the photomontage views submitted with the planning application which support this conclusion, demonstrating limited visibility and negligible impact.

7.19.4. A comprehensive set of view verifications was conducted for the eight identified viewpoints to depict the existing streetscape alongside the proposed development as

seen from these viewpoints. Additional visual support was provided through the submission of colour photomontages, showcasing the proposed development from perspectives along Abbey Street Middle and North Lotts.

- 7.20. Relevant Policies in the Dublin City Council Development Plan 2022-2028 are set out in Section 5.1 above. Of particular relevance to the issue under consideration is Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City. Within this appendix, Section 4.1 addresses the 'Identification of Areas for Increased Height and Density' and provides guidance for the City Centre as follows:

In general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics and heritage/environmental considerations. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities.

Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3.

- 7.21. Appendix 3, Section 4.1 of the Development Plan requires that 'All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3. Although the proposed development does not involve a significant increase in height over the prevailing context, considering the addition of 2 no. extra storeys at the front and 6 no. additional storeys to the rear, resulting in a seven-storey structure, I consider it is appropriate to assess the proposed development against relevant performance criteria specified in Table 3 in Appendix 3, which sets out Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale. This assessment takes into

account the guidelines and specific planning policy requirements (SPPRs) contained in the Urban Development Building Heights Guidelines (2018).

7.22. Table 3 of Appendix 3 of the Development Plan outlines ten objectives that aim to guide development towards achieving appropriate height, density and scale. Each objective is accompanied by specific criteria that must be met, including demonstrating compliance with the existing context, promoting legibility and continuity of streets and spaces, enhancing public and communal areas, ensuring high-quality design and materials, considering the impact on historic buildings and streetscapes, encouraging sustainable transportation, achieving appropriate building scale and massing, minimising overshadowing and loss of daylight, and avoiding adverse impacts on visual amenity and the skyline. I have conducted a comprehensive review of the proposed development against relevant performance criteria in Table 3 and carefully considered the information on the file, as follows:

7.22.1. Re. Objective 1: To promote development with a sense of place and character

The proposed additional two-storey upward extension would result in a substantial increase in height, raising the existing building from 16.47m to 21.45m (as measured from ground level on Middle Abbey Street), representing a 30.23% increase. Considering the front façade parapet height of the adjoining Protected Structure at No. 51 Middle Abbey Street, which stands at approximately 13.7m, the proposed development would constitute a significant 56.9% height increase. Despite a slight setback of c. 1.2m from the main façade, it is my view that the height increase associated with the proposed development does not demonstrate respect for or compatibility with the established urban structure, character, and local context. This height disparity would dominate the neighbouring Protected Structures, including Nos. 51, 50, 48, 47, and 46 Middle Abbey Street, diminishing their significance. Although I acknowledge the presence of taller developments further to the west along Abbey Street, it is important to recognise that the context of these developments differs from that of the subject site. Consequently, the proposed height increase would introduce a visually obtrusive element, significantly compromising the character and visual amenity of Middle Abbey Street, characterised by several Protected Structures and buildings rated of regional importance as recorded in the National Inventory of Architectural Heritage.

- 7.22.2. Views 01, 02, and 03 in the View Verification Report clearly demonstrate that the side-gabled walls of the proposed two-storey upward extension would be prominently visible from these viewpoints near the junction of Middle Abbey Street and Liffey Street Upper, Williams Lane, and the intersection of O'Connell Street.
- 7.22.3. The proposed development would significantly alter the hotel's southern rear elevation along North Lotts by increasing its height from 9.4m to 21.8m. While the c. 1.2m setback of the upper two floors from the proposed new facade along North Lotts would mitigate the visual impact to some extent, the height increase from 9.4 meters to 21.8 meters would still be noticeable. This change in scale, especially the setback upper two floors, would be incongruous with the existing context of the narrow lane, which is comprised primarily of modern 3–4 storey buildings and traditional warehouse units. Such development would adversely impact the character and visual amenity of the streetscape along North Lotts.
- 7.22.4. Taking these factors into account, it is evident that the proposed development fails to respect or complement the existing and established urban structure, character, local context, and the built heritage of Middle Abbey Street. The substantial height increase, particularly in relation to the adjoining Protected Structures and the overall streetscape of Middle Abbey Street, would create a visual discordance and detract from the overall quality and visual coherence of the streetscape. Consequently, I consider that the proposed development does not demonstrate the necessary respect for the existing context and would have a detrimental impact on the character and visual amenity of the surrounding streetscape. Therefore, the proposed development does not fully comply with the performance criteria under Objective 1 of Table 3.
- 7.22.5. Re. Objective 2: To provide appropriate legibility
- The proposed development would not contribute positively to the legibility of the street. The increased height and the presence of expansive rendered side gable walls would be visually obtrusive and detract from the coherent roofline and parapet height that characterises the streetscape along Middle Abbey Street. This lack of design coherence would diminish the legibility and visual understanding of the area, negatively impacting the overall experience of the streetscape.
- 7.22.6. Re. Objective 3: To provide appropriate continuity and enclosure of streets and spaces

The scale and height of the proposed development would introduce an over-dominant feature within the streetscape of Middle Abbey Street, compromising the architectural character of the surrounding buildings. Many of these buildings along Middle Abbey Street, which are designated as Protected Structures or rated of regional architectural importance, contribute significantly to the continuity and enclosure of the street. However, the proposed development, with its substantial height increase, would disrupt this continuity and enclosure, leading to a loss of architectural coherence and diminished streetscape quality. This deviation from the existing streetscape character would detract from the overall visual amenity and architectural heritage value of Middle Abbey Street.

7.22.7. Objective 4: To provide well-connected, high-quality, and active public and communal spaces

7.22.8. While the proposed development appears to generally comply with the BRE Guidelines 'Site Layout Planning for Daylight and Sunlight' (2nd edition, 2011), as detailed in the Sunlight, Daylight and Shadow Assessment submitted, the significant height increase and the lack of design coherence with the existing context would undermine the overall quality of the public realm and detract from the visual amenity of the area. The proposed development would introduce a discordant visual element that disrupts the existing fabric and architectural character of the streetscape. On this basis, it is my view that the proposed development does not comply with the performance criteria under Objective 4.

7.22.9. Having reviewed the other objectives and performance criteria in Table 3, it is evident that the issue of building height has been addressed under Objectives 1 to 4. Taking this into consideration, and in light of the thorough assessment conducted, I concur with the Planning Authority that the omission of the proposed sixth floor (seventh storey) would significantly diminish the visual impact of the proposed development and consider that Condition No. 5 imposed by the Planning Authority requiring the omission of the sixth floor is appropriate. The substantial increase in height, lack of respect for the established urban structure, and disruption to the architectural character would significantly detract from the visual coherence, heritage value, and overall quality of Middle Abbey Street. Adhering to this condition is essential to preserve the character of the streetscape, maintain visual amenity, and ensure the sustainable and appropriate development of the area. Furthermore, prioritising the protection and

enhancement of the existing heritage and architectural fabric, including the neighbouring Protected Structures and buildings of regional architectural importance, is of utmost importance.

7.22.10. The proposed sixth floor extension, with its increased height and lack of design coherence, would create a visual discordance and dominate the streetscape along Middle Abbey Street. This adverse visual impact would be particularly pronounced when viewed from various vantage points, such as Viewpoints 1, 2 and 3, near the junctions of Middle Abbey Street and Liffey Street Upper and O'Connell Street. The proposed development's side-gabled walls and increased height would be clearly visible from these viewpoints, undermining the streetscape's existing roofline and architectural character. Such visual disruption would compromise the legibility and overall coherence of the street.

7.22.11. Additionally, the proposed development's impact on the southern rear elevation along North Lotts should not be overlooked. While the setback of the upper two floors from the proposed new facade along North Lotts mitigates the visual impact to some extent, the substantial increase in height from 9.4m to 21.8m would still be noticeable. This change in scale, particularly the setback upper two floors, would be incongruous with the narrow lane's existing context, characterised by predominantly modern 3-4 storey buildings and traditional warehousing units. It is important to preserve the streetscape's existing character and visual amenity, which the proposed development would not achieve in this particular location.

7.22.12. Considering the objectives outlined in Table 3 in Appendix 3 of the Development Plan, it is evident that the proposed development falls short in meeting the criteria set for achieving development of appropriate height. The significant increase in height, lack of respect for the surrounding urban fabric, visual disruption to the streetscape's coherence, and limited positive contributions to the character and legibility all contribute to the conclusion that the proposed development would detract from the overall character and visual amenity of the surrounding area.

7.22.13. Therefore, in light of the assessment conducted against the performance criteria in Table 3, I concur with the Planning Authority's Condition No. 5, requiring the omission of the proposed sixth floor. By adhering to this condition, the integrity and visual amenity of the surrounding streetscape will be safeguarded, fostering a

harmonious and cohesive urban environment. Furthermore, the terms of this condition would enable a significant increase in the number of bedrooms in the hotel from 21 to 37 bedrooms, an increase of 76%. Such development would accord with policy CEE28 regarding Visitor Accommodation. On this basis, I recommend that Condition No. 5 imposed by the Planning Authority be maintained and that the grounds of appeal requesting its omission not be upheld.

7.23. Appropriate Assessment

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

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the Z5 zoning provision of the Dublin City Development Plan 2022-2028, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, the pattern of development and recent permissions in the area and to the nature and scale of the additional accommodation proposed, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area, would respect the character and pattern development of the area and would not seriously injure the character of the adjoining Protected Structures. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 09th day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>The proposed sixth floor (seventh storey) shall be omitted from the proposed development. Revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of works on site.</p> <p>Reason: In the interest of orderly development and visual amenity.</p> |
| 3. | <p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 4. | <p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p> |
| 5. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management</p> |

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| | <p>measures and off-site disposal of construction/demolition waste. Reason: In the interests of public safety and residential amenity.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 6. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |
| 7. | <p>The developer shall comply with the following requirements of Transport Infrastructure Ireland:</p> <p>a) The developer shall ensure that the Luas operator and Transport Infrastructure Ireland have 24-hour access to the Luas infrastructure.</p> <p>b) Prior to the commencement of development, the developer shall enter into an access and maintenance agreement with Transport Infrastructure Ireland.</p> <p>c) All deliveries to the development site, including during construction, shall be made so as to minimise interference with Luas operations.</p> <p>d) The developer shall be responsible for any loss of Luas revenue, or any other costs associated with a suspension of passenger services, or alterations to the Luas infrastructure which may arise out of, or as a consequence of, the design, construction or operation of the development by the development contractors, sub-contractors, their employees or agents or any other related party. Appropriate agreements</p> |

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| | <p>between TII, the Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.</p> <p>e) The applicant should ensure there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of engineering practice for works on, near, or adjacent to the Luas light rail system'.</p> <p>f) The applicant, developer or contractor shall apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004), which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation facilitated by the Luas operator, Transdev.</p> <p>g) Prior to commencement of development, a Construction Traffic Management Plan, including access to services, shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.</p> <p>h) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'</p> <p>i) Overhead Conductor System (OCS) poles and / or fixings are located on / or adjacent to the proposed development. Prior to commencement of</p> |
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| | <p>development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (i). OCS pole protection and safety distances, and/or (ii) Existing, temporary and subsequent permanent fixings. The developer shall be liable for all costs associated with the removal and reinstatement of the Luas related infrastructure. (iii). The development shall ensure no risk of intrusion of people into the OCS danger zone via opening windows, maintenance, cleaning, balconies or terraces. The danger zone is described in TII's 'Code of engineering practice for works on, near, or adjacent to the Luas light rail system' and defined by a 2.75m offset in all directions from the nearest item of OCS infrastructure.</p> <p>Reason: To ensure there is no adverse impact on Luas operations and safety concerns.</p> |
| 8. | <p>Site development and building works shall be carried out only between the hours of 0800 and 1900 hours from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 9. | <p>(a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'</p> <p>(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142.</p> |

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| | <p>Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p>Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.</p> |
| 10. | <p>The site development works, and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.</p> |
| 11. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p> |
| 12. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation</p> |

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| | <p>provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p> |
| 13. | <p>The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p> |

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Brendan Coyne

Planning Inspector

13th June 2023