



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313885-22

#### Development

Protected Structure. Alterations to the existing shopfront, fronting onto Fleet Street, comprising the removal of sections of leaded glass and replacement with clear leaded cylinder glass.

#### Location

The Fleet Hotel, 19-20 Fleet Street, Dublin 2, D02 WP97.

#### Planning Authority

Dublin City Council .

#### Planning Authority Reg. Ref.

3666/22.

#### Applicant(s)

The Fleet Hotel Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse.

#### Type of Appeal

First Party.

#### Appellant(s)

The Fleet Hotel Limited.

#### Observer(s)

An Taisce.

#### Date of Site Inspection

23 February 2023.

**Inspector**

Stephen Rhys Thomas.

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## 1.0 Site Location and Description

- 1.1. The appeal site relates to a commercial premises with frontage onto Price's Lane, Fleet Street and Westmoreland Street in Dublin city centre. The premises at 19 and 20 Fleet Street comprise part of the former Bewley's Commercial Chambers constructed circa 1900. The original ground floor of this building linked through to Westmoreland Street and housed the Bewley's Café. The premises at 19-20 now operates as the Fleet Hotel and presents a very attractive and well maintained frontage to Fleet Street. The Palace Bar is located adjacent and to the east of the Fleet Hotel and continues the notable historical character of the area.
- 1.2. The existing premises on the appeal site has a frontage onto Fleet Street that has a traditional shopfront with a stall riser, intricate glazing and a fascia panel above, enclosed within a pair of pilasters located at each end of the Fleet Street frontage, with a further two pilasters sub dividing the frontage. This shopfront incorporates the entrance to the hotel at the western end of the frontage to Fleet Street. The shopfront is of timber construction with two bay windows both containing large panes of leaded glass set in timber panels. The edge and bottom sections of these leaded panes are detailed with coloured glass and the bottom parts of the main vertical panes in the two bay sections are also detailed with floral patterns as are the upper panels to the shopfront above the main vertical panels. For the most part the leaded panes are of obscured glazing. The frontage to Fleet Street has two retractable canopies.

## 2.0 Proposed Development

- 2.1. The proposed development consists of alterations to 19 and 20 Fleet Street, a designated Protected Structure and can be summarised as follows:
  - Alterations to the existing shopfront, fronting onto Fleet Street, comprising the removal of sections of leaded glass and replacement with clear leaded cylinder glass.

No other works are proposed.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1. Dublin City Council recommend refusal or the following reason:

The proposed removal of the obscure glass at the lower sections of the glazing and its replacement with clear glass would give rise to an unacceptable loss of historic fabric, would significantly compromise the integrity of this historic frontage which forms an integral part of this protected structure and would adversely impact on the character and integrity of the structure and the O'Connell Street Architectural Conservation Area in which it is located. The proposed development would therefore contravene policy CHC2 and CHC4 of the Dublin City Development Plan 2016-2022. It would also set an undesirable precedent for similar developments in the vicinity. The proposed development would not therefore be in accordance with the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Authority decided to refuse permission for a single reason, the basis of their decision can be summarised as follows:

- The planning officer notes the zoning objectives for the site, the site location and description, the planning history and sets out the relevant national and development plan policies. The importance of the glazing is noted, despite some replacement sections, the character of the windows is maintained. The restoration and repairs of the windows are welcomed. The replacement of obscure glazing with clear cylinder leaded glass would lead to an unacceptable loss of historic fabric.
- The report concludes that planning permission should be refused for a single reason as set out in section 3.1 above.

#### 3.2.2. Other Technical Reports

Conservation Division – refusal recommended.

Drainage Division - no objection subject to conditions.

### 3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (TII)** – works close to a Luas line should comply with the ‘Code of engineering practice for works on, near, or adjacent the Luas light rail system’ and a section 49 condition should be applied if not exempted.

### 3.4. Third Party Observations

- 3.4.1. None.

## 4.0 Planning History

### 4.1. Subject Site:

PA ref: 3566/14 and ABP ref: PL29S.244385 - GRANT permission for the removal of all existing TGI Friday’s illuminated signage to the Fleet Street and Price’s Lane elevations; the provision of hand painted timber hanging signs to the Fleet Street and Price’s Lane frontages together with LED spotlights to illuminate this signage and the replacement of the fabric on the existing awnings at Fleet Street in accordance with the said plans and particulars. REFUSE permission for the removal of muffle glass from the lower decorative lead panels on both bays on the Fleet Street elevation and its replacement with clear cylinder conservation grade glass; the removal of two lead panels to the central sections of each bay window at ground floor level; the installation of new steel framed opening lights and removal of the central section of the existing stall risers and the installation of new timber jib style door panels.

Reason as follows:

*Having regard to the nature of the ground floor frontage of the site to Fleet Street, to the historical connection of the frontage to the former Bewley’s premises and to the connection between the glazing to the frontage and Joshua Clarke, and to the likely loss of historic fabric in particular the substantially intact original joinery in the frontage, it is considered that the proposed creation of two opening panels in the glazing, the jib style doors to the stall riser and the removal of the muffle glass at the lower sections of the*

*windows would significantly compromise the integrity of a historic frontage which forms an integral part of this protected structure and would adversely impact on the character and integrity of the structure and the Architectural Conservation Area in which it is located. The proposed development would, therefore, contravene Policy FC27 of the Dublin City Development Plan and would be contrary to the proper planning and sustainable development of the area.*

PA ref: 2091/14; ABP Ref. PL29S.243252 – Permission granted by the Planning Authority but refused on appeal for the alterations to the existing protected structure on the appeal site including the removal of three of the vertical glazed panels from one of the bays in the existing shopfront, removal of the section of stall riser and the installation of a pair of new entrance doors having a width of c. 2.4 metres. Other alterations proposed included the replacement of the existing canopy, replacement signage and removal of the internal lobby area within the ground floorplan in the vicinity of the existing entrance to the restaurant and the erection of a wall in this location. Permission was refused by the Board on the basis that the proposed alterations to the shopfront of this protected structure located within an ACA to facilitate the provision of an additional separate entrance would materially and adversely affect the character of the protected structure and the architectural integrity of its setting within an ACA.

PA ref: 2286/13: Permission refused by the Planning Authority for the relocation of section of existing shop front and installation of new section of glazed shop front to create new entrance lobby, instead of previous planning permission to reconfigure existing glazing. Permission refused for reasons relating to the adverse impact on the protected structure, impact on the ACA and material contravention of policy FC27 of the 2011 Development Plan.

PA ref: 3465/12: Permission was refused by the Planning Authority for a development comprising retention of illuminated sign lettering above entrance door and 3 no. illuminated projecting signs and 2 no. awnings, replacing existing signage and awnings. Permission sought for relocation of section of existing shop front and new section of glazed shop front to create new entrance lobby. Permission refused for reasons relating to the impact on the protected structure and ACA having regard

to the level of intervention proposed and the design and scale of the works and material contravention of Policy FC27 of the 2011 City Development Plan.

PA ref: 5868/07; ABP Ref. PL29S.227357: Permission granted by the Planning Authority and decision upheld on appeal to the Board for amendments to development previously granted under P.A. Reg. Ref. 5392/04 and P.A. Reg. Ref. 445/04, comprising 8 additional bedrooms, other amendments and all ancillary site works. As part of this grant of permission it is noted that opening sub frames to the glazing facing Fleet Street was permitted. It is noted that Condition No. 3 attached to this permission required all existing Bewley's signage to both Westmoreland Street and Fleet Street facades to be retained in situ.

PA ref: 5391/04; ABP Ref. PL29S.210715: On appeal to the Board planning permission was granted subject to conditions for a development described as alteration and extension of the existing hotel at Bewley's, No.s 10, 11 and 12 Westmoreland Street; Nos. 19 to 20 Fleet Street; and, Nos. 1 to 5 Price's Lane, all Protected Structures. The proposed amendments to include internal and external refurbishment and extension of existing link at rear between the upper levels of the hotel of 10/11/12 Westmoreland Street (proposed to be bedrooms under P.A. Reg. Ref. No. 4445/04), new common areas, access to toilets in the main building and one additional bedroom and provision of a glazed access atrium on the rear façade of 10/11/12 Westmoreland Street.

PA ref: 3522/04: Planning permission was granted for alterations to separate the existing licensed premises at the basement and part ground floor level from the existing café and hotel at Bewley's at No.s 10, 11 and 12 Westmoreland Street, No.s 19 and 20 Fleet Street and No.s 1 to 5 Prices Lane.

## **5.0 Policy Context**

### **5.1. Development Plan**

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028.



The subject site is governed by the zoning objective Z5 - To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

The site (19 to 20 Fleet Street) is listed on the Record of protected Structures, RPS reference number 2920 Bewley's Chambers (commercial).

The site is located within the O'Connell Street Architectural Conservation Area (ACA). The O'Connell Street ACA is also designated as an Area of Special Planning Control (O'Connell Street and Environs 2022), in accordance with Section 84 of the Planning and Development Act 2000, as amended. This scheme has a statutory force and allows for the imposition of greater controls over the implementation of stated objectives such as land use, shopfront design and advertisement structures. Part 3 shopfronts and advertisement structures is relevant in this context, the Key Objective: To redress the decline in quality and presentation of buildings and shopfronts within the O'Connell Street Area Special Planning Control Scheme.

Chapter 11: Built Heritage and Archaeology

Relevant policies include:

BHA1 Record of Protected Structures

BHA2 Development of Protected Structures

BHA7 Architectural Conservation Areas

## **5.2. National Policy and Guidelines**

### **5.2.1. Architectural Heritage Protection Guidelines (2011)**

These guidelines outline the responsibility of the Planning Authority to preserve the character of protected structures and conservation areas within their functional area, the following chapters are relevant:

Chapter 2 The Development Plan: Record of Protected Structures

Chapter 3 – Architectural Conservation Areas

Chapter 10 Openings: Doors and Windows, section 10.5 Glass and Glazing

Chapter 12 Shopfronts

### 5.3. Natural Heritage Designations

- 5.3.1. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 2.5km to the north east of the site. The South Dublin Bay SAC (Site Code: 000210) is located approximately 3.5km to the east.

### 5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that 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. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- Reference to the previous refusal (3566/14) is not comparable as those works involved more invasive works, such as alterations to intact historic joinery and the creation of opening panels in the glazing. The current proposal is to only remove sections of muffled glass.
- Clear glazing would allow views in to the interior of the Fleet Hotel.
- The interior (protected interior) would be on view to passers-by, without loss of character and lead to greater viability for the hospitality business, close to the purpose for which the Bewley's Chambers were originally built.
- The selection of imperfect cylinder glass has been done to resemble the in situ muffled glass, but allow clear views through.

- The works are ground in good conservation principles (Chapter 7 of the Architectural Protection Guidelines), thus the building should not be frozen in time and allowed to evolve and adapt.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

An observation has been received from An Taisce, the National Trust for Ireland, the observation supports the reason for refusal stated by the planning authority and wish it to be upheld by the Board.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Changes to Glazing
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. The appeal site is situated in the O'Connell Street Architectural Conservation Area (ACA) and Scheme of Special Planning Control - O'Connell Street and Environs 2022 which sets high standards in terms of the built fabric and shopfronts for all development within its boundaries. In addition, the appeal site is listed on the Record of Protected Structures, reference number 2920 Bewley's Chambers (commercial). The Fleet Street hotel is also listed in the National Inventory of Architectural Heritage with a regional importance rating. Specific mention is made of the well-executed shopfront and stained glass windows of high level artistic quality.

7.2.2. The appellant makes the case that the proposed works are grounded in good Conservation Principles and that the proposed works will not alter the intrinsic character of the protected structure. I observe that the proposed works relate entirely to the windows of the hotel's Fleet Street shopfront elevation. The works in themselves are minor in terms of scope, the replacement of glazing. In principle, such works would be considered acceptable in the Z5 – City Centre zoning to strengthen the city centre area. However, serious consideration should be given to the type of works proposed and that such works would not work against the architectural heritage and historical policies set out in Chapter 11 of the development plan, specifically policies BHA2 Development of Protected Structures and BHA7 Architectural Conservation Areas.

7.2.3. I am satisfied that the scope of works proposed would be acceptable in principle. I consider that this assessment revolves around the difference of opinion between

appellant and the planning authority in terms of the appropriateness of the works proposed. It is these matters that I examine in the sections that follow.

### **7.3. Changes to Glazing**

- 7.3.1. As in previous planning applications, changes to the glazing of the Fleet Hotel ground floor elevation to Fleet Street have been proposed but resisted. According to the appellant, the works proposed on this occasion are far less invasive and require only the removal of sections of muffled glass and their replacement with clear leaded cylinder glass. In detail, it is only the rectangular quarry glazing that is to be removed, the decorative leaded glazing and border will be retained. This can be easily seen in figure 16 and 17 of the Architectural Heritage Assessment that accompanied the application. The rationale for these changes is to allow views to and from the hotel interior, adding viability to the business and showcasing the hotel's interior. It is stated by the appellant that sections of the original leaded glass have been replaced over time and that the proposed works will minimise any impact on the historic character of the frontage. The outcome of such changes will be to allow views to the hotel interior and permit views out to the street.
- 7.3.2. The planning authority consider that the proposed replacement glazing will alter the character and original purpose of the glazing, a position An Taisce as an observer to the appeal agree with. The Council's Conservation Officer has prepared a detailed report in which she explains that the obscure 'muffle' glass and decorative stained glass elements are an intrinsic part of the natural light enjoyed within the hotel. In addition, the obscured quality of the glazing presents a particular character to the street, and whilst the methodology behind the works proposed is welcomed the outcome is not. The application documentation has outlined that all works will be carried out according to conservation standards and I am certain that this will be the case. The Council's Conservation Officer also accepts that any works would be carried out to a particular standard, and it is hoped that any repairs would replace like with like.
- 7.3.3. I note the present condition and overall high-quality appearance of the premises and its positive aesthetic impact upon Fleet Street at this location. The premises is well maintained and adds greatly to the character and ambiance of this eastern entrance to the Temple Bar area of the city centre. The character of the Fleet Street elevation

can be attributed not least to the fine proportions and design of the 'shopfront' but also to the effect that the glazing, in its current guise, has on the overall impact on the street. The obscured glazing serves to create a visual treat of soft and fractured light from within, even during daylight. The effect is to create a curiosity as to what lies within, this effect would be broken if clear glazing were selected. I understand the appellant's desire to open up the street elevation but I am not certain that this is in the best interests of the building as it stands or the area in general.

7.3.4. From a heritage protection perspective, I appreciate the appellant's contention that buildings should not be frozen in time and some adaptation should be supported. The Architectural Protection Guidelines outline various conservation principles that support the process of caring for buildings and of managing change to them in such a way as to retain their character and special interest. However, it is very likely that the intention of the glazing as originally selected was to create a particular ambiance within the chambers, as it once was. In a sense to leave the city outside and concentrate on the enjoyment of the interior. The appellant is undoubtedly proud of the internal accommodations, and these are illustrated by the documentation that accompanies the file. Furthermore, the appellant contends that the linkage with the social history and use of the premises for hospitality would be maintained. But I am of the view that to remove the obscure glazing would entirely change the historical importance of the original design choice. If this were to change then the historical link with the former Bewley's establishment would be broken. In addition, the physical connection between the building interior and street beyond changes from one of passive visual enjoyment of materials and changing light to active engagement. In this instance it is my view that this is neither necessary nor desirable. To put it plainly, it is the current extent of obscured glazing that defines the frontage of the premises with Fleet Street and to change this special physical relationship would be a significant rather than minor change. The same goes for the interior of the premises as it is experienced from within.

7.3.5. In terms of the current development plan policy towards protected structures, I consider that the works proposed would negatively impact the building's special character and appearance. With respect to Architectural Conservation Areas, the resultant elevational changes would damage the innate character and distinctiveness of the area. I cannot support such a significant change to a specific design element

that is particularly unique and plays an important part in establishing the area's and building's character.

#### **7.4. Appropriate Assessment**

- 7.4.1. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 2.5km to the north east of the site. The South Dublin Bay SAC (Site Code: 000210) is located approximately 3.5km to the east.
- 7.4.2. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

#### **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

#### **9.0 Reasons and Considerations**

The removal of the obscure glass within large sections of the glazing associated with the Fleet Street shopfront and its replacement with clear glass would give rise to an unacceptable loss of historic fabric, would significantly compromise the integrity of this historic frontage which forms an integral part of this protected structure and would adversely impact on the character and integrity of the structure and the O'Connell Street Architectural Conservation Area in which it is located. The proposed development would therefore contravene policies BHA2 Development of Protected Structures and BHA7 Architectural Conservation Areas of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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Stephen Rhys Thomas  
Senior Planning Inspector

28 February 2023