



An
Bord
Pleanála

Inspector's Report ABP-316177-23

Development

PROTECTED STRUCTURE:

Demolition of buildings and
construction of a 5 storey office
building with cafe with all associated
site works

Location

34-37 Richmond Street South, Dublin
2 and 12 Richmond Row, Portobello,
Dublin 8.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3014/23

Applicant(s)

Portodev Ltd

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

Portodev Ltd

Observer(s)

- (1) Phillip O'Reilly
- (2) Rathgar Residents Association
- (3) Graham Stone

Date of Site Inspection

23rd November 2023

Inspector

Colin McBride

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.073 hectares, is located on the south side of Dublin City and to the north of the Grand Canal at La Touche Bridge. The surrounding area is characterised by 2 and 3- storey terraces in a mix of residential and commercial use. The site is located to the rear/north of Portobello House, a Protected Structure which is used as a language school. The site comprises a car park and existing buildings at no. 34/35 and no.36/37 South Richmond Street and no.12 Richmond Row. The site is bounded to the east by South Richmond Street, to the west by 2- storey terraces at Richmond Row and Portobello Harbour, to the north by the 2-storey Georgian terraces and to the south by Portobello House.

2.0 Proposed Development

- 2.1. Permission is sought for...

(a) demolition of no. 12 Richmond Row (c. 273.5sqm), no. 34-35 Richmond Street South (c. 184.2sqm), no. 36 Richmond Street South (c. 40.9sqm), no. 37 Richmond Street South (c. 200.5sqm) and ancillary buildings and structures (c. 48.9sqm), all located with the subject site.

(b) construction of 5 storey over basement office building and ground floor café extending to c. 2,930sqm (gross floor area), with external courtyard located to the rear of the café at ground floor level and roof terraces at fourth floor level.

(c) Primary pedestrian access shall be located along Richmond Street South with secondary access taken from Richmond Row.

(d) Parking 40 bicycles, shower and changing facilities, WCs, storage, plant room, pump room and a waste storage area together with c. 113sqm of office floor space at basement level with external access to the basement located at the southern elevation.

(e) Two signs extending to c. 0.8sqm and c.1.3sqm (c. 2.1sqm signage in total) at the entrance to the café and the offices, ESB substation and switch room at ground floor level, green roof, PV panels, plant, ancillary infrastructure and all associated site works to facilitate the proposed development.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. It is considered that the demolition of the extant terraced brick buildings Nos. 36-37 Richmond Street South would give rise to the loss of original history fabric and urban grain and have a seriously adverse impact on the remaining historic streetscape of Richmond Street South. The development would seriously injure the setting and appreciation of the protected structure at Portobello House, along with the character, value, setting and amenities of the red-hatched Conservation Area. The proposal would therefore materially contravene Policies BHA2 (a), (b), (d), (e), (h), BHA9, BHA10 and BHA11 of the Dublin City Council Development Plan 2022-2028, would devalue the value of property in the vicinity, would create a precedent for similar type undesirable development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the scale, form, materiality and articulation of the proposed development would seriously injure the architectural character and setting of the adjoining Protected Structure, and have a detrimental impact on the amenities, character and the wider historic cityscape. The proposal constitutes overdevelopment of the site and is considered to be contrary to the Dublin City Development plan, insofar as it will seriously injure the visual amenities of properties located within its immediate vicinity, by reason of being visually overbearing and visually incongruous, the height and scale of the development as proposed undermines the urban grain of the area both in close proximity and distant views as demonstrated on the CGIs. As a consequence, the development would set an

undesirable precedent for similar type development and be incompatible with the established character of the subject site. The proposal would devalue the value of property in the vicinity and would be contrary to the provisions of the Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Refusal recommended on the basis of the inappropriate demolition of existing structures that contribute to the architectural character of the area, inappropriate design and impact of the proposed development on the setting and status of a protected structure.

3.2.2. Other Technical Reports

Drainage Division (25/01/23): Further information including provision of a green blue roof incorporating an attenuation layer.

EHO (07/02/23): No objection subject to conditions.

Transportation Planning (13/02/23): Further information including a piling layout, review access proposal to focus on Richmond Row, review proposed one-way bike access and lack of non-standard cycle parking provision, and submission of revised outline Construction Management Plan.

Conservation Officer (27/02/23): Refusal recommended due to impact of the proposal on the setting of a protected structure and demolition of existing structures that contribute positively to the character of a Conservation Area.

3.3. Prescribed Bodies

TII (31/01/23): Development is subject to a Section 49 Supplementary Development Contribution Scheme (Luas Line Cross City).

3.4. Third Party Observations

3.4.1 6 third party observations were received.

The nature of the issues raised are similar in nature to the issues raised by the observations submitted in relation this appeal and summarised below.

4.0 Planning History

2022/18: Permission granted at 34/35 Richmond Row for refurbishment of existing café/restaurant at ground floor level.

2532/10: Permission granted for amendment to permission ref no. 6147/07/PL29S.228802 as amended by 3586/09 with modifications consisting of omission of vehicular access and provision of a car lift, change of use of basement car park to office space and provision of new basement level with parking.

3586/09: Minor modifications to development granted under PL29S.228802 (6147/07) with change of use from educational to café and office use.

PL29S.228802 (6147/07): Demolish on-site structures, erect 4 storey building for educational and ancillary use and all ancillary site works.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Dublin City Development Plan 2022-2028. The site is zoned Z4 with a stated objective 'to provide for and improve mixed-services facilities'.

Portobello House is on the Record of Protected Structures.

The site is located in an Architectural Conservation Area.

15.15.2.2 Conservation Areas

Conservation Areas include Z8 (Georgian Conservation Area) and Z2 (Residential Conservation Area) zones, as well as areas identified in a red hatching on the zoning maps which form part of the development plan. These red-hatch areas do not have a specific statutory protection but contain areas of extensive groupings of buildings, streetscapes, features such as rivers and canals and associated open spaces of historic merit which all add to the special historic character of the city. All planning applications for development in Conservation Areas shall:

- ♣ Respect the existing setting and character of the surrounding area.
- ♣ Be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context.
- ♣ Protect the amenities of the surrounding properties and spaces.
- ♣ Provide for an assessment of the visual impact of the development in the surrounding context.
- ♣ Ensure materials and finishes are in keeping with the existing built environment.
- ♣ Positively contribute to the existing streetscape Retain historic trees also as these all add to the special character of an ACA, where they exist. Further guidance on Conservation Areas is set out in Chapter 11 Section 11.5.2

BHA2

Development of Protected Structures That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- (h) Have regard to ecological considerations for example, protection of species such as bats.

BHA9

Conservation Areas

To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.
6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.
7. The return of buildings to residential use.

Changes of use will be acceptable where in compliance with the zoning objectives and where they make a positive contribution to the character, function and appearance of the Conservation Area and its setting. The Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications, and will promote compatible uses which ensure future long-term viability

BHA10

Demolition in a Conservation Area

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.

BHA11

Rehabilitation and Reuse of Existing Older Buildings

(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive

contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

5.2. Natural Heritage Designations

None in the zone of influence of the project.

5.3. EIA Screening

5.3.1 The subject proposal refers to a brownfield site of 0.073ha, which is zoned Z4 with a stated objective 'to provide for and improve mixed-services facilities'. Permission is sought for the demolition of existing structures on site and the construction of an up-to 5 storey building with a café at ground floor level and office development on the upper floors. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 10 hectares, or 2ha if the site is regarded as being within a business district (which it would be in this case).

5.3.2. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to some of the land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

5.3.3. Having regard to nature and scale of the development and the built-up city centre location of the site 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 part appeal has been lodged by Portodev Limited. The grounds of appeal are as follows...

- The existing structures for demolition are not protected structures, demolition of such has previously been approved under PL29S.228802 (6147/07). The application was accompanied by an Architectural Heritage Impact Assessment and a Structural Report highlighting the existing structures are in poor condition and that feature and fabric of architectural heritage significance have been stripped out of the existing structures. The appellants point to a number of precedent permission where similar existing structures were authorised to be demolished including no. 21 Richmond Street.
- The appellants provide a number of examples including no. 22a Richmond Street in which it is demonstrated that a new structure of height can be accommodated alongside a protected structure. The appellants outline a number of precedent permission where new structures have been permitted adjacent protected structures in similar circumstances to the proposal
- The appellants are of the view that the design and scale of the proposal has adequate regard to setting of Portobello House and that such is demonstrated in the submitted Visual Impact Assessment. The appellants reject the claim that the proposal is a material contravention of development plan policy under BHA2 and that the overall design and scale of the proposal is acceptable in the context of the setting of the existing protected structure. It is considered that the proposal meets the criteria set down under policy BHA2.
- The appellant has submitted revised plans if considered necessary providing for a reduction in the height of the structure by 1m and redesigned upper floor.

- The proposal would not be contrary Development plan policies BHA10 and BHA11 with the existing structures not being protected structures, being in poor condition and would not impact on architectural heritage.
- Amended plans submitted for consideration and to deal with the Planning Authority concerns include retention of the façade of no. 37 and part retention and reuse of the boundary wall to Richmond Row and Richmond Street.
- There is no evidence that the proposal will devalue any properties and will enhance the streetscape at this location.
- The overall design and scale of the proposed development has been designed to have regard to visual and architectural character of the area and the setting of the existing protected structure. The proposal is acceptable in terms of scale, form, architectural character and overall visual impact.
- The proposal would not be overdevelopment of the site with it noted that a previously permitted development on site had a higher site coverage. The Planning assessment indicated that plot ratio was satisfactory and site coverage proposed is within the range permitted by the development plan in a city centre location.
- The submitted amendments are comparable to the permitted development in terms of design and scale.
- The appellant is willing to comply with the requirements of the Council in terms of a blue green roof as well other issues raised by internal reports of the Council.

6.2. Applicant Response

No response.

6.3. Planning Authority Response

Late response.

6.4. Observations

Three observations have been received from...

Phillip O'Reilly

Rathgar Residents Association

Graham Stone

The issues raised are similar in nature and can be summarised as follows...

- Adverse impact on the setting and status of an existing protected structure (Portobello House).
- Adverse impact on a streetscape in an area of architectural heritage value, loss of existing structures that constitute original fabric within a historic streetscape would be inappropriate and detrimental to the visual amenity of the area and devalue the area.
- Proposal would be overdevelopment, visually overbearing and incongruous at this location.
- Proposal for additional office development and expansion of the commercial centre with a lack of requirement for new office development as opposed to housing demand.

6.5. Further Responses

None.

7.0 Assessment

7.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Principle of the proposed development/nature of uses
- Demolition of existing structures/Development Plan policy
- Setting of existing protected structure/Architectural Conservation Area

- Adjoining Amenities

7.2. Principle of the proposed development/nature of uses:

7.2.1 The proposal is for demolition of existing structures and construction of a mixed use development consisting of a five-storey office building with a café at ground floor level. The appeal site is zoned Z4 under the City Development Plan and the permissible uses within this zoning objective include office and café/tearoom, which are the two uses proposed in this case. The proposed uses are compatible with land use zoning policy and the principle of the proposed development at this location is acceptable.

7.2.2 The observations submitted include reference to the provision of office use at this location on the basis that such is considered unnecessary in the context the level of existing office development in the city and inappropriate in the context of housing demand. In response I would note the proposal is being assessed on its merits, not on the basis that a different use would be more appropriate at this location and as outlined above the proposal for office use is compatible with the land use zoning objective and would be consistent with the proper planning and sustainable development of the area.

7.3 Demolition of existing structures/Development Plan policy:

7.3.1 One of the main reason for refusal relates to demolition of existing structures in the context of loss of original streetscape and urban fabric in a conservation area. The proposal entails the demolition of no. 34-37 Richmond Street South and No. 12 Richmond Row. No.s 34-35 is single-storey property that is currently vacant. No. 36 is a two-storey end of terrace structure and no. 37 is a three-storey structure. No. 12 Richmond Row, is a two-storey structure currently in office/commercial use.

7.3.2 The first reason for refusal determines that the proposal is a material contravention of policies BHA2 (a), (b), (d), (e) and (h), BHA9, 10 and 11 of the City Development Plan and such are set out in the policy section above. Firstly in relation to policy BHA2, this policy refers to development of protected structures and their curtilage. In

this case the proposal does not entail alteration of a protected structure with the existing structures on site including no. 34 to 37 and no. 12 not on the record of protected structures or rated on the National Inventory of Architectural Heritage. No alterations are proposed to the protected structure, Portobello House located to the south of the site. In terms of curtilage the site includes the yards area immediately to rear of the protected structure and appears to be part of the curtilage of the existing protected structure. Some of the existing structures for demolition appear to be part of the historic curtilage of the protected structure with the Architectural Heritage Impact Assessment submitted indicating that part of no. 34 and no. 12 were structures connected with Portobello House on historic maps. The historic curtilage has changed over the years and no. 34 and no. 12 do not appear to have any relationship with the Portobello House and are not included on the record or protected structures. I am satisfied that the demolition of these structures would not impact on the physical condition or setting of the existing protected structure and in this regard the proposal would not be contrary any aspect of BHA2 of the City Development Plan.

7.3.3 BHA 9 relates to development conservation areas. I address the impact of the proposed design in terms of the setting within a conservation area below and have come to the conclusion that the proposed development would not be detrimental to the status, character of setting of a conservation area and in this regard would not be contrary to development plan policy under BHA9.

7.3.4 BHA10 relates to demolition in conservation areas indicating that there is presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit. In this case the proposal entails demolition of a number of structures including no. 12 Richmond Row (two storey office building housing Grafton Academy) no. 34-35 Richmond Street South (single-storey derelict structures), no. 36 Richmond Street South a vacant two-storey structure with shop unit at ground floor) and no. 37 Richmond Street South (a three-storey vacant structure with a shop unit at ground floor). The applicant has submitted an Architectural Heritage Assessment and

provided details regarding the condition and architectural heritage character of the existing structures for demolition. In my view the existing structures although of considerable age are not buildings of exceptional architectural heritage value and are in poor condition and have been significantly altered to a degree where they have lost architectural features. The streetscape along the appeal site including the existing structures is haphazard in nature with a significant gap in the streetscape and is currently detrimental to the setting of the existing protected structure with the an appropriate proposal for a stronger streetscape likely to enhance the visual character of the area. In this regard I consider that there is justification for demolition of the existing structures on site and the provision of a new structure providing a strong streetscape and active ground floor uses at this location represents a significant benefit to the area. I would be of the view that proposal would not be contrary policy BHA10 of the City Development Plan.

7.3.5 BHA11 relate to rehabilitation and reuse of existing structures instead of their demolition and is similar in nature to BHA10. As noted above, I am satisfied that there is sufficient justification for demolition of the existing structure on site and that the proposal would not be contrary to policy BHA11 of the City Development Plan.

7.3.6 The first reason for refusal stated that the proposal is a material contravention of City Development plan policies BHA2, BHA9, BHA10 and BHA11. As outlined above I am of the view that the proposal would not be contrary to the development policies listed and does not constitute a material contravention of development plan policies.

7.4 Setting of existing protected structure/Architectural Conservation Area:

7.4.1 The two refusal reasons relate to the impact on the setting and status of the protected structure. The site is located immediately north of Portobello House, which is on the record of protected structures. The development is to abut the northern boundary of Portobello House with a gap between the southern elevation of the proposed structure and the northern elevation of Portobello House. The proposal is for a five-storeys with the fourth floor being recessed. The applicants/appellants argue that the proposal will not impact the setting of the existing protected structure

and is appropriate in design and scale. Notwithstanding such the applicants/appellants have submitted a proposal with some amendments if considered necessary. The amendments include a change in the design of the recessed fourth floor with vertical side elevations, lower ridge height of by 1m and retention of the façade of no. 37.

7.4.2 Plans, elevations and visualisations are included in the Design Statement submitted with the application to illustrate visual impact. In terms of streetscape, the transition from adjoining development along Richmond Street South to the site is not an abrupt transition in scale and is stepped from three-storeys to four-storeys on site and to five-storeys with fourth floor recessed in nature. The overall design of the frontage onto Richmond Street South provides for a structure with vertical emphasis and a palette of material that has adequate regard to the location of the site and the character of the existing area (mainly brick finish and dark colouring of ground floor façade and recessed fourth floor level). I am satisfied that the overall scale and design of the proposed structure has adequate regard to the character and scale of existing structures along Richmond Road and is not excessive in scale or inappropriate in terms of overall design at this location. In regards to its impact on the protected structure, the appeal site is currently a gap site due the fact there is an existing derelict single-storey structure in addition to other structure of varying height and width (two and three-storey). The existing condition and status of the site is detrimental to the setting of the protected structure and renders the rear (north) elevation of such visible with a sizeable fire escape currently visible on its rear elevation. I would consider that the provision of a structure of appropriate scale and design into this infill gap will improve the visual character of the area and the setting of the existing protected structure.

7.4.3 The proposed development is five-storeys and although higher in ridge height than the existing protected structure has regard to the setting of such. The parapet height of the fourth floor is similar in height to the parapet height of the protected structure, which has a shallow pitched roof. The recessed design of the fifth floor reduces the visual bulk of this floor and despite being higher in ridge height, I am of the view that the design and scale would not be detrimental to the setting of character of the

existing protected structure. I would be of the view that the existing protected structure is of sufficiently strong character alongside the proposed structure and that views towards the front facade (orientated south) will not be impacted significantly with the recessed nature of the fifth floor meaning the proposed structure will not be significantly visible from a southerly aspect. In terms of visibility along Richmond Street South, as noted earlier the transition from existing structure to the site is not abrupt and stepped in nature with the transition to the protected structure neither abrupt and or jarring in terms of scale. In relation to Richmond Row, the transition in scale is from two-storeys to four-storeys and then five. Although a more abrupt transition, I am satisfied that the visual impact of the structure along this streetscape would be satisfactory.

7.4.4 In relation to impact on a protected structure the application clearly identifies the level of demolition that is involved in the application and none relates to a protected structure with all structures to be demolished not included on the list of protected structures. The applicant has identified that two of the existing structure on site were part of the historic curtilage of the protected structure, however the curtilage of such has been altered over time and the existing structures are no longer part of the curtilage, are not classified as protected structures and their demolition would not impact on the character and setting of the existing protected structure.

7.4.5 I am of the view that overall design and scale of the development has adequate regard to the location of the site within an Architectural Conservation Area and to the setting of the protected structure to the south of the site. I consider that the design and scale of the proposal is acceptable in terms of the visual amenities of the area. I acknowledge the amended design submitted by the applicant/appellant and would consider that the amended design is also satisfactory in the context of visual amenities, and the setting of the site within an ACA and adjoining a protected structure. Given my assessment of the proposed development I consider that the amendments proposed are not necessary and do not make a significant material difference in terms of visual impact.

7.5 Adjoining Amenities:

- 7.5.1 This issue was not part of the reason for refusal, however I would consider that it is a relevant consideration in this case. The proposal will abut a number of existing structures including Portobello House to the south with a gap provided between the southern elevation of the development and the northern elevation of Portobello House. To the north fronting Richmond Street South is no. 38B with office use at ground floor level and residential on the two upper floors. To the north along Richmond Row is no. 11, which is a two-storey structure that appear to be a vacant dwelling although the applicant notes it was previously in commercial use. The site is located to the south and east of no. 11 with the rear wall of no. 11 running up to the rear boundary of no. 37 and having windows on its rear façade looking onto the courtyard area to the rear of no. 37. To the north of no. 11 are similar two-storey dwellings.
- 7.5.2 The applicant has submitted a Daylight and Sunlight Assessment Report. The report includes an assessment of Vertical Sky Component (BRE 209) for neighbouring properties including 25-33 Richmond Street South, Portobello House, Portobello Harbour, 1-2 Richmond Row, 5-11 Richmond Row and 38-43 Richmond Street South. The properties in question are a mix of commercial and residential properties. The results for VSC are that all properties apart from Portobello House and no. 11 Richmond Row retain the target value for VSC (27%) in most cases or where reduced below 27% are within the limit of 0.80 of their former value. In the case of Portobello House the windows on the northern elevation will be below the 27% value and in some cases the reduction is more than 0.8 of its former value. In this case Portobello House the windows in question are north facing and the structure is in commercial use. In the case of no. 11 Richmond Row it has 4 no. windows on the rear elevation, which as noted above are on the boundary with the appeal site and will look onto a small courtyard area post development. The VSC values of these windows is already below 27% and the level of reduction will be more than 0.8 of their former value.
- 7.5.3 The report included an analysis of Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) for 25-33 Richmond Street South,

Portobello Harbour, 5 Richmond Row and 28-43 Richmond Street South (windows within 90 degrees of due south). The results indicates that all windows meet the target value of 25% for APSH and 5% for WPSH apart from 5 Richmond Row with no change in APSH or WPSH as a result of the proposal. The report also includes assessment of Sun on the Ground (SOG), for amenity spaces including no. 5-10 Richmond Row, 38 and 41 Richmond Street South and Portobello Sq. The proposal result in no change to SOG levels to any of the properties assessed and in a lot of cases none of these amenity spaces achieve any sun on the ground due to the city centre built up location.

7.5.4 In terms of overall impact on daylight, sunlight and overshadowing, the appeal site is in a city centre location with a built up character and existing issues regarding daylight and sunlight. In general the overall impact of the proposal is negligible in terms of effects on properties in the vicinity. In relation to Portobello House, the impact on the windows on the northern elevation is acceptable with the appeal site an infill site and the existing structure in commercial use. The proposal has adequate regard to the amenities of the existing property in terms of scale and proximity. In the case of no.11 Richmond Row, there is an unusual arrangement with the fact that such has windows on the site boundary currently overlooking the area to the rear of no. 37 and the proposal to entail provision of courtyard area adjacent this façade. I would be of the view that the design of the proposal has adequate regard to the amenities of the existing property in retaining an external area to the rear of this property. I would acknowledge that the proposal will reduce daylight level to existing windows on the rear elevation of no. 11, however existing daylight levels to these windows are currently compromised by the existing arrangement and location in a built up area. I am of the view that the proposed development would have adequate regard to the amenities of adjoining properties and is an appropriate scale of development in a city centre location.

8.0 Appropriate Assessment

- 8.1 Having regard to the nature and scale of the proposed development within an established urban area, and the distance 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

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to the Z4 zoning provision of the Dublin City Development Plan 2022-2028, the site's planning history, the pattern of development and recent permissions in the area and to the nature and scale of the development proposed, it is considered that subject the compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area, impact adversely on the setting or character of the adjoining protected structure or the Architectural Conservation Area the site is located in, would respect the character and pattern development of the area and would make a positive contribution to the streetscape. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure a high standard of public realm.

3. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

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

Reason: In the interest of public health and surface water management.

5. The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

10. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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.

Reason: To ensure the satisfactory completion of the development.

13. 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 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.

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.

14. 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.

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.

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.

Colin McBride
Planning Inspector

27th November 2023