



An
Bord
Pleanála

Inspector's Report ABP-317220-23

Development

PROTECTED STRUCTURE: the proposed development will consist of (i) the refurbishment and change of use of the existing property from commercial (office) use to short-stay accommodation ...

Location

76 Thomas Street, Dublin 8.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3347/23

Applicant(s)

Urban Capital Limited

Type of Application

Planning Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Decision

Appellant(s)

Urban Capital Limited

Observer(s)

None

Date of Site Inspection

29th August 2023

Inspector

D. Aspell

1.0 Site Location and Description

- 1.1. The site is No. 76 Thomas Street, Dublin 8. No. 76 is a protected structure in the Dublin City Development Plan 2022-2028 Record of Protected Structures. The National Inventory of Architectural (NIAH) describes the structure as an attached two-bay four-storey over basement former house and shop, built in 1868, with a shopfront to the front elevation. The NIAH describes the original use of the structure as being a house, with the historical use described as being a shop / retail outlet. The structure is identified as being of Regional significance.
- 1.2. The site is within the Thomas Street & Environs Architectural Conservation Area in the Dublin City Development Plan.
- 1.3. No. 76 is currently vacant, advertised to let, and was last used as offices. There is a yard to the rear of the building.
- 1.4. The adjacent area along Thomas Street is comprised generally of 2-, 3- and 4-storey buildings, a number of which in the immediate vicinity are also protected structures. Thomas Street is a mixed-use area, comprised primarily of commercial uses at ground floor and a mix of uses above, including residential. There is an aparthotel to the rear of No. 76, accessed from Francis Street.
- 1.5. Site access is via the front door from Thomas Street. There is no vehicular access.

2.0 Proposed Development

- 2.1. The proposed development to this protected structure can be summarised as:
 - Change of use from office to short-stay residential use through the creation of 4 no. 1-bedroom short-stay units;
 - Associated internal refurbishment, modifications and reconfiguration;
 - Associated external works to the rear façade only, including to windows.
- 2.2. The proposed internal works are primarily to later additions to the building associated with the office use, however some works to the original building are proposed, primarily to the rear façade. No works to the front façade are proposed.

- 2.3. The proposed development comprises 4 no. 1-bedroom units, with one unit on each floor. Each unit comprises 1 no. bedroom with double bed and storage; a bathroom; a lobby; and a living/kitchen/dining room comprising kitchenette, dining area and seating area. These units would be accessed from the shared stairs and would each measure c.62sqm. This unit would be accessed from the shared internal hallway and would be the smallest unit (c.50sqm).
- 2.4. None of the units would have any dedicated private amenity space. The rear yard (c.45sqm) would be accessible from the shared corridor as well as directly from the rear of the ground floor unit and would include communal bin storage.
- 2.5. The units would be self-contained, with no shared facilities or supporting services on the premises such as reception, concierge, breakfast bar etc.
- 2.6. Three of the rear windows are proposed to be increased in size. No development is proposed to the basement.

3.0 Planning Authority Decision

3.1 Decision

- 3.1.1. The Planning Authority issued a notification to Refuse permission (3rd May 2023) for 2 no. reasons:
 - *“It is considered that the proposed short-stay residential use would exacerbate the existing overconcentration of visitor accommodation along Thomas Street and the wider Liberties area and would fundamentally undermine the vision of the City Development Plan for the provision of a dynamic mix of uses within the city centre and fail to sustain the vitality of the inner city. The proposal would therefore be contrary to Policy CC8 Visitor Accommodation of the Dublin City Development Plan 2022-2028 and if permitted would be contrary to the proper planning and sustainable development of this location.”*
 - *“The proposed development would be contrary to Section 15.14.3: Short Term Tourist Rental Accommodation of the Dublin City Development Plan 2022-2028 which states that there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the*

impact on the availability of housing stock. The proposal would therefore, if permitted would be contrary to Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of this location.”

3.2. Planning Authority Reports

Planning report

- 3.2.1. The Planning Authority planning report considered the proposed development of the protected structure in a conservation area and related conservation impacts; tourism and visitor accommodation; and the principle of development, including the concentration of visitor accommodation in the area.
- 3.2.2. The report states that the proposed use is not considered acceptable in principle and does not accord with the Z5 zoning objective. The report also considers that the subject building has the potential to provide residential accommodation. It also states concerns that the proposal would result in an overconcentration of short let type accommodation in the vicinity which would undermine the wider objectives of the development plan.
- 3.2.3. The report references City Development Plan Policies BHA1 ‘Record of Protected Structures’; BHA2 ‘Development of Protected Structures’; BHA9 ‘Conservation Areas’; CCE26 ‘Tourism in Dublin’; CCE28 ‘Visitor Accommodation’, and Section 15.14.3 ‘Short Term Tourist Rental Accommodation’. The notification of decision recommended refusal as per the planning report.

Other technical reports

Conservation officer

- 3.2.4. This report recommended request for further information on 5 no. items.
- 3.2.5. Four of the further information items related to specific details of the internal works and the works to rear windows. The report stated that the works to the interior have largely been sensitively designed, and that the works to the rear windows were acceptable in principle.
- 3.2.6. The first recommended further information item sought the proposed use to be changed from short-term residential use to long-term residential use and stated that:

- *“Long-term residential use is considered more sensitive to the special character and historic fabric of the Protected Structure and would contribute to the long-term sustainability, viability and vitality of the Thomas Street [sic]”*

3.2.7. The report also stated that the proposed short-term rather than long-term residential use was of concern and was not supported from a conservation perspective, stating that:

- *“the intensification of use associated with short-term lets has the potential to have a significant adverse impact on the historic fabric of a Protected Structure due to the increased wear and tear on sensitive historic fabric. Furthermore, it is considered that the occupation of these structures by a different people for short intervals could result in a paucity of due care and appreciation of the surviving special interest of the structures resulting in potential damage. Additionally, the CO would have a preference for long term residential use in this location which would contribute to the long-term sustainability, viability and vitality of the Thomas Street area, an Architectural Conservation Area.”*

3.2.8. The report referenced Policies BHA2, BHA7, BHA9, BHA11, and Section 15.14.3 ‘Short Term Tourist Rental Accommodation’ of the Dublin City Development Plan.

Environmental Health Officer – No objective subject to conditions.

Transportation Planning – No objection subject to conditions.

Drainage Division – No objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland – Section 49 levy.

3.4. **Third Party Observations**

3.4.1. One third-party observation (Cllr Michael Pidgeon) was received by the planning authority. The observation stated that the proposed use is reasonable given the underuse of the building, and that this use would be in line with the City Development Plan ‘Z5’ zoning. The observation stated that prior to granting permission the Planning Authority should be satisfied that the units could not instead

be developed for standard housing rather than short-stay accommodation, and that without such a justification Policy 15.14.3 'Short Term Tourist Rental Accommodation' should apply.

4.0 Planning History

Subject site:

4.1.1. A number of valid, decided planning applications are recorded dating back a number of years, as follows:

- Planning Authority Ref. 4203/22: Permission for changes to rooftop chimney to enclose telecommunications antennae, refused by the City Council 5th August 2022 (**Currently on appeal: ABP Ref. 314512-22**)
- Ref. 4173/18: Permission for works to repair fire damage and related fire upgrades, granted by City Council in 2018.
- Ref. 4140/15 (ABP Ref. PL29S.246247): Permission for rooftop telecommunications equipment, refused by City Council and An Bord Pleanála in 2016.
- Ref. 1383/08: Permission granted by the City Council in 2008 for construction of a 3-storey rear extension to existing office. Extension of duration granted 2013 (Ref. 1383/08/x1) but not implemented.

Nearby sites:

- Ref. 4447/16 (ABP Ref. PL29S.248680): Permission for an aparthotel (298 no. units) to the rear of the subject site, granted by the Board in 2018.

5.0 Policy Context

5.1. Development Plan

Land use zoning

5.1.1. The site is zoned 'Z5 City Centre' where the land-use zoning 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"*.

- 5.1.2. I note the Plan text states that in the interests of promoting a mixed-use city, it may not be appropriate to allow an overconcentration of hotel uses in a particular area.

Chapter 4

Policy SC9 'Key Urban Villages, Urban Villages and Neighbourhood Centres'

Policy CEE8 'The City Centre'

Section 6.5.5 'Regeneration and Vacancy' states that:

- *"Vacancy is another significant issue for the city economy as vacant commercial and residential floorspace represent not only a misuse of a valuable resource, but also detracts from the urban quality and on the attractiveness of an area for its residents, visitors, businesses and for potential investors."*

Under the heading of 'Tourism, Hotels and Events' (pg. 194) Section 6.5.6 of the Plan states that: *"In addition, there will be a presumption against **the use of houses or apartments for short-term lets** in all areas of the city".*

Policy CEE26 'Tourism in Dublin'

Policy CEE28 'Visitor Accommodation' states that it is the Policy of the City Council:

- *"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.”*

Policy CEE01 ‘Study on the Supply and Demand for Hotels, Aparthotels and Hostels’ states that:

- *“It is an Objective of Dublin City Council: CEE01 Study on the Supply and Demand for Hotels, Aparthotels and Hostels To carry out an analysis of the supply and demand for tourism related accommodation including hotels, aparthotels, hostels, Bed and Breakfast Accommodation and other short-term letting in the Dublin City area.”*

Chapter 7 ‘The City Centre, Urban Villages and Retail’: Within Appendix 2, Section 5.0 ‘Settlement Hierarchy and Level and Form of Retailing’ Table 2 ‘Retail Hierarchy for Dublin City’ Thomas Street is identified as an Urban Village on Level 4 ‘Neighbourhood Centres, Local Centres-Small Towns and Villages’ being describes is as ‘Market Street / Village in the inner city’.

Policy CCUV20 Mixed Use Key Urban Villages/Urban Villages

CCUC23 Active Uses seeks “*To promote active uses at street level in Key Urban Villages and urban villages and neighbourhood centres.*”

Policy BHA2: Development of Protected Structures

Policy BHA 7: Architectural Conservation Areas

Appendix 6 ‘Conservation’ of the Development Plan identifies The Thomas Street & Environs Architectural Conservation Area. The Thomas Street & Environs Architectural Conservation Area 2009 study document is a standalone document.

Chapter 13 ‘Strategic Development Regeneration Areas’

Chapter 15 ‘Development Standards’:

- Section 15.8 'Residential Development'
- Section 15.9 'Apartment Standards', Section 15.9.7 'Private Amenity Space'
- Section 15.14.3 Short Term Tourist Rental Accommodation states that:
“There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable.”

I note the provisions of Section 15.13 'Other Residential Typologies', 15.13.1 'Student Accommodation', 15.13.1.5 'Temporary Use as Tourist Accommodation', 15.13.2 'Shared Accommodation (Co-Living) Developments', 15.14.1 Hotels and Aparthotels, 15.14.1.2 Aparthotels, 15.14.2 Bed and Breakfast / Guesthouse.

The Development Plan provides definitions for 'Bed and Breakfast', 'Build to Rent Residential Accommodation', 'Guesthouse', 'Hostel (Tourist)', 'Hotel', 'Student Accommodation', and 'Hostels / Sheltered Accommodation / Family Hubs'. No definition for short-stay accommodation or similar is provided in the Plan.

5.2. **Architectural Heritage Protection Guidelines for Planning Authorities 2011**

Sections 6.8.8 and 6.8.9 'Material change of use' state that:

- *“In considering an application for the material change of use of a protected structure, the planning authority will have to balance its continuing economic viability if the change is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted. Where, having considered these issues, a planning authority considers that the alterations required to achieve a proposed change of use will not have an*

undue adverse effect on the special interest of the structure, the proposals may be granted subject to conditions as appropriate.”

Section 7.3 ‘Keeping a Building in Use’, Section 7.3.1 states that:

- *“It is generally recognised that the best method of conserving a historic building is to keep it in active use. ... Usually the original use for which a structure was built will be the most appropriate, and to maintain that use will involve the least disruption to its character. While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised.”*

5.3. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2022

5.3.1. Paragraphs 1.9 and 1.10 of the Guidelines state that:

- *“These Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to housing developments that include apartments that are built specifically for rental purposes, whether as ‘build to rent’ or that were originally permitted or built as ‘shared accommodation’ that may subsequently be proposed as standard apartment development. Unless stated otherwise, they apply to both private and public schemes.*
- *They also provide a target standard where existing buildings are to be wholly or partly redeveloped or refurbished for residential use that includes apartments, such as for example, vacant upper floors above commercial premises.”*

5.3.2. Paragraph 1.11 provides a footnote which states that *“An apartment, for the purpose of these guidelines, may be defined as “a self-contained residential unit in a multi-unit building with grouped or common access”.*

5.3.3. Paragraph 3.39 states: “*For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality*”.

5.3.4. Appendix 1 of the guidelines sets out guideline standards for apartments.

5.4. Liberties Local Area Plan 2009

5.4.1. I note the Liberties Local Area Plan expired in 2020.

5.5. Natural Heritage Designations

5.5.1. None relevant.

5.6. Environmental Impact Assessment

5.6.1. The proposed development does not fall within a class of development as set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), and therefore is not subject to EIA requirements.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal is prepared by the applicant’s planning consultant and seeks to rebut the refusal reasons and associated commentary from the planning and conservation officer reports as follows:

- The Council’s differing treatment of applications for short stay accommodation indicates an internal discrepancy regarding interpretation of Policy 15.14.3;
- The potential for increased wear and tear is unsubstantiated, and that regular inspections and maintenance is a key component of the proposal;
- In relation to Development Plan Section 15.14.3, the proposal would see the loss of no existing or committed residential unit from the city’s housing stock;

- The proposal accords with the 'Z5' zoning objective, and is comparable to permissible uses in that zone;
- There is precedent for similar short stay accommodation being permitted on 'Z5' lands by the City Council and the Board (sample cases identified);
- There is limited evidence of overconcentration of such uses considering the scale of demand in the City. Four units would not exacerbate any overconcentration;
- The suggestion that the proposal would not contribute to tourism and tourism infrastructure is unfounded;
- Disagree with assumptions made by conservation officer regarding the proposed use and that conservation officer argument is not credible;
- The proposed units are fully compliant with the requirements of the Development Plan and the zoning provisions for the site.

6.1.2. The appeal also makes on the following points:

- The building has been in commercial use since at least 1920 and has not been used for long-term residential accommodation for several decades;
- Since Covid staff of the previous tenants utilised remote working and the tenants subsequently ended their leases;
- The building owner has been actively marketing the building for over a year;
- The continued vacancy is having a notable impact on the internal fabric of the structure, with moisture and dampness penetrating the structure;
- The intention is to provide high-end tourist accommodation. Units will be self-service, managed remotely, with linen & toiletries provided;
- The proposal is in close proximity to numerous tourist attractions;
- Long-term residential units in the building would be commercially unviable (calculations provided);
- The proposal will renovate and reuse a vacant protected structure.

6.1.3. The appeal provides commentary on other applications for visitor and tourist accommodation in the City. Details of the proposed works and of the intended nature

and operation of the proposal are included. Information on the hospitality and tourism sector is also included, including general information quoted from Failte Ireland.

- 6.1.4. The appeal includes revised architectural drawings from the applicant's conservation architect in response to the specific design items raised by the conservation officer. The appeal welcomes Conditions in this regard.

6.2. Planning Authority Response

- 6.2.1. None received.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

- 7.1. Having regard to the foregoing; having examined the application details; having inspected the internal and external of the site; and having regard to relevant adopted policies, guidance and legislation, I consider that the main issues in this appeal are:

- the principle of the proposed development in this location, including in the 'Z5' land use zoning;
- the refusal reasons and consistency with the Development Plan, and;
- the nature of the proposed use and conservation and heritage impacts.

Principle of development

- 7.2. The development is described in the public notices as "short stay residential use". I note numerous variations of this description in the appeal document¹. The documentation submitted indicates that the accommodation is proposed to be tourist or visitor accommodation for short stays. No other details or limitations on the length of stay or intended occupants are provided. Having regard to the terms used and the

¹ Including "short stay use"; "short stay units"; "short stay apartments"; "short stay rental units"; "short stay tourist units"; "short-stay accommodation use"; "short stay rental accommodation"; "short stay residential accommodation"; "short stay tourism accommodation units"; "short stay self-service accommodation units"; "short stay bespoke tourist accommodation units"; "serviced short stay tourist accommodation"; "tourist accommodation"; "visitor accommodation", and "residential units ... that are suitable for short term lettings".

nature of the proposed development, and to definitions in the Development Plan and relevant statutory instruments, including the Planning & Development Act 2000 (as amended) and Planning & Development Regulations 2001 (as amended) for short term lettings, I am satisfied that the development description accurately describes the proposed development, and that for the purposes of this appeal the proposed development should be assessed as accommodation for short term letting or rent to tourists or visitors as variously described in the Development Plan.

- 7.3. In relation to the land use zoning objective for the area, the Development Plan states that on 'Z5' lands 'permissible uses' include bed and breakfast, guesthouse, hostel (tourist), hotel, residential, and student accommodation. Related 'open for consideration' uses include 'Build to Rent' residential. 'Short stay' units or similar are not referenced specifically as either permissible or open for consideration in the 'Z5' zoning objective, however a variety of accommodation types, including in terms of length of stay, on-site management/concierge, layout/format, and related ancillary activities are permissible and open for consideration within the 'Z5' zoning. In this context, I consider that whilst other policies of the City Development Plan deal with short term lets separately to other forms of accommodation, that the proposed use is comparable to these permissible and open for consideration uses in the Z5 zoning, and that the proposal would not in principle conflict with the land use zoning objective for the area.

Refusal reasons No. 1

- 7.4. Policy CEE28 'Visitor Accommodation' deals with hotel, tourist hostel and aparthotel development, stating that it is the policy of the City Council to consider applications for those developments having regard to criteria set out in the policy. Section 15.14.3 'Short Term Tourist Rental Accommodation' deals short term tourist rental accommodation. These policies draw a distinction between hotel, tourist hostel and aparthotel on one hand, and short term tourist rental accommodation on the other.
- 7.5. In relation to the first refusal reason, the Plan states that the proposed development would be contrary to Policy CC8 [sic: CCE28²]. However Policy CCE28 refers to "...

² The text of the first refusal reason refers to "Policy CC8 Visitor Accommodation" of the City Development Plan 2022-2028, however the planning report refers to "Policy CCE28 Visitor Accommodation". As there is no policy CC8 in the Development Plan I assume the intended reference in the first refusal reason was to Policy CCE28.

*applications for additional **hotel, tourist hostel and aparthotel** development ...”*

only and provides criteria for consideration of such proposals. Whilst the title of the policy refers to ‘visitor accommodation’, no part of the policy text expands the considerations of the policy to applications for other forms of development beyond hotel, tourist hostel and aparthotel. Section 15.14.3 ‘Short Term Tourist Rental Accommodation’ of the Plan deals with short term tourist rental accommodation and provides separate criteria for the consideration of such proposals. On this basis I do not consider that Policy CCE28 applies to the proposed development or that it provides a basis for refusal in this case.

- 7.6. In relation to the issues raised in the first refusal reason, the refusal reason states that the proposed use would “*exacerbate the existing overconcentration of visitor accommodation along Thomas Street and the wider Liberties area, would fundamentally undermine the vision of the City Development Plan for the provision of a dynamic mix of uses within the city centre, and would fail to sustain the vitality of the inner city*”. This text appears to reference the zoning objective for the area rather than Policy CCE28. In turn, whilst the zoning objective text indeed states that “*The strategy is to provide a dynamic mix of uses which interact with each other ... and which sustain the vitality of the inner city ...*”, in relation to considerations of the concentration of uses the zoning objective only refers to the concentration of **hotels**. Development Plan Section 6.5.6 ‘Tourism, Hotels and Events’ also references the concentration of hotels (and aparthotels), but again does not mention short-stay units or similar. No other part of the Development Plan relevant to this location or proposed type of development references the concentration of short stay units or similar (In this regard I note that only Section 13.12 ‘SDRA 10 North East Inner City’ seeks to avoid an over-concentration of specialist accommodation such as tourist accommodation.)
- 7.7. I add that in any event the planning authority provides little evidence of overconcentration of visitor accommodation, or information on how the concentration of visitor accommodation should be measured. In this regard, Policy CEE01 ‘Study on the Supply and Demand for Hotels, Aparthotels and Hostels’ states the City Council is to undertake a study of supply in this regard. No such study is referenced in the planning report or appears to be available from the City Council. For completeness I note again that there is an aparthotel to the rear of the subject site.

7.8. Based on the foregoing I consider that Policy CEE28 'Visitor Accommodation' does not apply to the proposed use and does not provide a basis for refusal in this case.

Refusal reasons No. 2

7.9. Section 15.14.3 of the Development Plan addresses 'Short Term Tourist Rental Accommodation' and states that there is "...a general presumption against the provision of dedicated short term tourist rental accommodation in the city **due to the impact on the availability of housing stock**". The Development Plan gives no further details of the policy objective in this regard, and it is unclear if this applies to the conversion of existing housing stock to short term tourist rental accommodation, or if it extends to the provision of short term tourist rental accommodation more broadly. I do not consider that granting permission for the proposed conversion from office to the proposed units, despite those units being short stay accommodation, would have a detrimental impact on the availability of housing stock.

7.10. In any event, the Development Plan provides grounds for the case-by-case consideration of short term tourist rental accommodation. In this regard Section 15.14.3 states that "*Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis **in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve ...***"

7.11. No private amenity space is proposed for the 4 no. units, and it is unknown whether normal standards of residential amenity are achievable given the site is a protected structure in an architectural conservation area. In the context of Section 15.14.3 of the Plan, the site may not be suitable for standard residential development as normal standards or residential amenity may be difficult to achieve, specifically in relation to the provision of private amenity space for each unit. As such, in relation to the second refusal reason, I do not consider that the proposed development would be contrary to Section 15.14.3 of the Development Plan in this regard.

Conservation impacts

7.12. The conservation officer report states that the proposed works to the interior have largely been sensitively designed, retaining the special interest of the interior, including its plan form and architectural detail. I note that the development was not

refused on conservation grounds, however the conservation officer recommended that further information be sought on 5 no. items. These are considered below.

- 7.13. The first recommended further information item related to the proposed use, where the conservation officer report seeks “...*revision of the change of use of the proposed development from shorter-term residential use to long-term residential use. Long-term residential use is considered **more sensitive** to the special character and historic fabric of the Protected Structure and would contribute to the long-term sustainability, viability and vitality of the Thomas Street [sic].*”
- 7.14. The conservation officer report seeks a longer term residential use and states that “... *the proposal for short-term rather than long-term residential use is of concern and not supported from a conservation perspective. It is considered that **the intensification of use** associated with short-term lets as the potential to have a significant adverse impact on the historic fabric of a Protected Structure **due to the increased wear and tear** on sensitive historic fabric. Furthermore, it is considered that **the occupation of these structures by a different people for short intervals** could result in a paucity of due care and appreciation of the surviving special interest of the structures resulting in potential damage*”.
- 7.15. I consider that the assessment and recommendation for the revision of the proposed change of use from short term to long term residential use appears to rest on a view on the nature of the proposed use, specifically any “*intensification of use associated with short-term lets*”, “*increased wear and tear*”, and “*paucity of care and appreciation of the surviving special interest of the structures resulting in potential damage*”, rather than on specifics of the historic fabric or surviving special interest of the protected structure. I address these below:
- In relation to ‘intensification of use’, I am not convinced that the proposed 1-bedroom double-bed units would represent a significant intensification of use compared to a longer occupancy 1-bedroom double-bed unit, particularly when compared to, say, a dorm-type accommodation.
 - In relation to ‘increased wear and tear’, neither am I convinced that the proposed short stay use would result in significantly more wear and tear. Granted, the turnover of occupants would be higher in short stay units, however longer-term occupancies would typically involve moving furniture,

changing fixtures and fittings; decorating and personalisation; fewer management inspections, and would likely involve greater wear and tear for example in terms of cooking, washing and working from home.

- In relation to potential 'paucity of care', I am similarly not convinced that the development would result in significantly less care than a longer term occupancy. In this regard I am inclined to accept the appellant's point that regular inspections, cleaning and maintenance between stays would typically form part of the management of short stay accommodation, and that this would likely be more frequent than with longer term leases.

7.16. Having regard to the conservation officer report, the lack of evidence supporting the stated views of the proposed use, as well as to the relevant policies of the City Development Plan, I do not consider that the proposed use would be significantly more detrimental to the protected structure than a longer term occupancy.

7.17. The conservation officer report recommended 4 no. other further information items. These related to specific details of partition walls, wardrobes, storage units, an area of cornicing, and details of the design and materials of 3 no. rear windows. As part of the appeal the applicant's conservation architect has submitted revised drawings amending details of the proposal in response to the conservation officer comments, with the exception of information relating to the rear window alterations. In relation to the rear window alterations, the conservation officer report stated that these changes were acceptable in principle, subject to materials and design that clearly distinguish the proposed windows as a later insertion. As such I am satisfied that having regard to the nature of these matters they can be satisfactorily addressed by condition without injury to the protected structure or architectural conservation area.

Related matters

City centre consolidation

7.18. The planning authority raised concerns regarding the mix of uses within the city centre, and the vitality of the inner city. I have given consideration to the commercial nature of Thomas Street and the impact of the proposed development on the area at ground floor specifically.

7.19. Thomas Street is a commercial street at ground level, noting some existing ground floor vacancies. The proposal would introduce the only residential use at ground floor along almost the full length of the street. I do not consider that the nature of the protected structure, despite retaining its original shopfront, lends itself to a more active ground floor use which would engage effectively with the street, or that would function well alongside the proposed short stay use. In this context, whilst the development plan does promote active uses at ground floor in areas such as this, I do not consider that there is sufficient policy basis to require the provision of a more active use within this development, and nor do I consider that the proposed development would have a significant detrimental impact in this regard.

Standards of accommodation

7.20. I note that the proposed units would generally meet or exceed standards for apartments set out in the City Development Plan and the Design Standards for New Apartment Guidelines 2022, with the exception of dedicated external private amenity space provision, noting again that no private amenity space would be provided for the units. Overall I consider that given the nature of the proposed short-stay tourist / visitor development, the proposed quality of accommodation is acceptable.

Conclusion

7.21. Whether the site would be suitable for longer term occupancy apartments, or whether and to what extent relaxed standards could be provided or would be required, the appeal relates to an application for 4 no. short-stay residential use units. Based on the foregoing I consider that the proposed development would not seriously injure or adversely affect the character or special interest of No. 76 as a protected structure or that of the Thomas Street and Environs Architectural Conservation Area. Having regard to the relevant statutory instruments and the policies and objectives of the Dublin City Development Plan I consider that the City Council's refusal reasons do not provide a sound basis for refusal of the proposed development, and that subject to conditions, the proposed development would comply with the policies and objectives for the area.

8.0 **Appropriate Assessment**

8.1. Having regard to the development proposed and the lack of significant works and the nature of the receiving environment which is served by public mains drainage which could absorb surface water run-off from the site, I consider that no Appropriate Assessment issues arise, and I do not consider 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 planning permission be **Granted**, subject to conditions, for the reasons and considerations below.

10.0 **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the 'Z5' zoning objective for the area, it is considered that the proposal would not undermine the vision of the City Development Plan for the inner city, and would not be contrary to Section 15.14.3: Short Term Tourist Rental Accommodation of the Dublin City Development Plan 2022. It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure or adversely affect the character or special interest of No. 76 Thomas Street as a protected structure, would not seriously injure or adversely affect the character or special interest of the Thomas Street & Environs Architectural Conservation Area, would comply with the policies and provisions of the City Development Plan, and 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 as amended by the further plans and particulars received by An Bord Pleanála on the 29 th day of May, 2023, except as may otherwise be required in order to comply with the
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The units shall be used for short-term tourist accommodation only, and shall not be used as places of permanent residence.</p> <p>Reason: The occupation of the proposed units on a permanent basis is unsustainable having regard to their design and layout.</p>
3.	<p>A Conservation Method Statement including a detailed programme of conservation works to be carried out shall be prepared by a conservation expert who will supervise the works, and shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The development shall be carried out in accordance with this plan.</p> <p>Detailed drawings to a scale of not less than 1:50, showings the following details, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <p>(a) Details of partition walls and proposed wardrobe units in the second and third floor units as they relate to the existing fireplaces and chimney breasts;</p> <p>(b) Details of works to recessed storage units at ground floor level;</p> <p>(c) Details of cornicing proposed to the bedroom at second floor level</p> <p>(d) Details of the proposed new windows to the rear elevation, including in terms of design and materials</p> <p>Reason: To ensure the historic structure is maintained and protected from unnecessary damage or loss of fabric, and in order to ensure an appropriate standard of restoration works for this protected structure.</p>
4.	<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.</p> <p>This plan shall provide details of intended construction practice for the</p>

	<p>development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
5.	<p>Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority.</p> <p>Reason: In the interest of public health.</p>
6.	<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 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>
7.	<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. The contribution shall be paid prior to the 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</p>

agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.-

D. Aspell
Inspector

21st September 2023