



An  
Bord  
Pleanála

## Inspector's Report ABP-318822-24

### Development

Amendment to Reg. Ref. 5099/22 consisting of the extension of storeys 5, 6 and 7 to the southern elevation of the permitted hotel building replacing roof terraces at these floors and providing an additional 10 hotel rooms bringing the total number of hotel rooms to 133.

### Location

92 and 93 St. Stephen's Green, Dublin 2 (Protected Structures RPS Nos. 7802 and 7803 respectively)

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

4648/23

### Applicant(s)

ORHRE SSG Limited

### Type of Application

Permission

### Planning Authority Decision

Refuse permission

### Type of Appeal

First Party

### Appellant

ORHRE SSG Limited

**Observers**

Philip O'Reilly

**Date of Site Inspection**

20<sup>th</sup> June 2024

**Inspector**

John Duffy

## **1.0 Site Location and Description**

- 1.1. The site has a stated total area of 1,228 square metres and accommodates two existing interlinked early 19<sup>th</sup> century 4 storey over lower ground floor Georgian houses, both of which are protected structures. Vehicular access is through the original carriage archway which is gated at the St. Stephen's Green side. The two main buildings have been in office and associated uses and are in good condition with some of the interior features and fittings intact. A contemporary lift shaft has been erected at the rear of House No 93. The rear yard area accommodates some carparking and stand-alone low rise buildings of no architectural merit.
- 1.2. To the west is the former Wesleyan church that is occupied by Kennedy Wilson, to the rear of which is a modern office block. Further to the west rear side is a larger office block with access onto Stokes Place, constructed in the 1980s. To the east are further Georgian houses, Newman House, the University Church and Iveagh House. Adjoining to the east, the rear of No. 91 St Stephen's Green accommodates a 4-5 storey office building currently occupied by Standard Life Investments, extending the length of the site to the rear boundary with the Iveagh Gardens. The Embassy of Finland is located to the west of the most southerly part of the at Russell House.
- 1.3. The Iveagh Gardens are located to the rear of the appeal site from which it is separated by a small area of land between the boundary wall and the gardens along which there are trees.

## **2.0 Proposed Development**

The proposed development consists of amendments to planning application Reg. Ref. No. 5099/22 which permitted a mixed-use development comprising 5 no. apartments and construction of a hotel development to the rear of Nos. 92 and 93 Saint Stephen's Green (both protected structures), Dublin 2. The amendments consist of the following:

- Extension of storeys 5, 6 and 7 to the southern elevation, replacing roof terraces at these floors and providing an additional 10 hotel bedrooms (c 245.3 sqm), bringing the total number of hotel bedrooms to 133

- The total height will be approximately 21 m above ground level which equates to the overall maximum 7 storey permitted height of the hotel
- Green roof and all associated works
- No changes to the protected structures to that permitted

The application is accompanied by the following documentation:

- Planning Report
- Architectural Design Report
- Daylight, Sunlight and Overshadowing Report
- Architectural Heritage Impact Assessment (AHIA)
- Landscape and Visual Impact Statement
- Lighting Impact Assessment
- Sustainability and Energy Statement
- Site Utility Services Report
- Appropriate Assessment Stage 1 Screening Report
- Photomontages

### **3.0 Planning Authority Decision**

3.1.1. The Planning Authority refused permission on 5<sup>th</sup> December 2023 for the proposed development for one reason as follows:

1. It is considered that the proposed extension at the fifth, sixth and seventh floor on the southern elevation and the replacement of the roof terraces at these floors will have a negative impact on the integrity of the permitted scheme and would represent a reduction in the quality of the design response to this site. The increased height, scale, mass and bulk would have a detrimental impact on the visual amenities of the area and would seriously injure the special architectural character and setting of the Protected Structures at No's. 92 and 93 St Stephen's Green and the Iveagh Gardens. The proposed development would therefore be contrary to policy BHA2 and BHA9 of the Dublin City Development Plan 2022-

2028, would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

### 3.1.2. **Planning Authority Reports**

### 3.1.3. **Planning Report**

The report of the area planner outlines, inter alia, the nature of the proposal, relevant Development Plan policy, reports received and the planning history of the site. The report notes that the proposed development accommodating 10 additional bedrooms would mean that the proposed building would no longer retain its stepped form to the south with the boundary of the Iveagh Gardens and would instead become a single height block with no change in floor levels. The end result would be an increase in height and bulk which would compromise the integrity of the permitted design, which came about through omission of a floor and tiering the design in order to overcome concerns raised in relation to bulk and height and the visual impact on the Iveagh Gardens. The report considers that the proposal would negatively impact the special character of the protected structures on the site and the Iveagh Gardens to the south, that the proposed alterations are not sensitively designed or appropriate in terms of scale, height, mass or density and are not in harmony with the current and permitted development on the site. Refusal of permission is recommended.

### 3.1.4. **Other Technical Reports**

**Conservation Division:** Refusal recommended. The report considers that the Architectural Heritage Impact Assessment (AHIA) provides little information on the Iveagh Gardens and their significance. The report notes that the permitted development was viewed at the time by the Conservation Officer to be of a height, scale and massing that was bordering on excessive in the context of the amenity of the rear elevations of the protected structures and facing on to Iveagh Gardens. Reference is made to the CGI images which the report considers demonstrate the potential significant adverse impact the proposed amendments to the south elevation of the permitted hotel would have when viewed from Iveagh Gardens. It is considered that the photomontages demonstrate the overbearing nature of the

southern and eastern elevations on adjacent plots particularly the Catholic University Church (RPS Ref. 7797). The report considers the proposed development is a response to the existing development to the west of the site and that it is not cognisant of and respectful to the historic context of the Iveagh Gardens and rear sites further east. The report submits that the proposed development should be refused permission given, inter alia, that it is over bearing, excessive and of a scale, mass and height that does not have due regard to its immediate special architectural context, and also that it would contravene Development Plan Policies BHA2 and BHA9.

**Air Quality Monitoring and Noise Control Unit:** Conditions given if permission is granted

**Archaeology Section:** Notes that the proposed development is located partially within the Zone of Archaeological Constraint for the Recorded Monument RMP DU018-020 Historic City. The report recommends inclusion of a condition requiring, inter alia, provision of an Archaeological Assessment comprising post demolition testing, as per the previous application on the site.

**Transportation Planning:** No objection to the proposed development subject to, inter alia, compliance with all conditions of Reg. Ref. 5099/22.

**Drainage Division:** No objection raised. Developer to comply with all conditions relating to surface water management under Reg. Ref. 5099/22.

#### 3.1.5. **Prescribed Bodies Report**

The planning authority invited The Heritage Council, the Department of Housing, Local Government and Heritage, An Taisce, Uisce Eireann, Transport Infrastructure Ireland (TII) and the National Transport Authority (NTA) to comment on the proposal. TII made a submission noting that the site falls within an area set out in a Section 49 Levy scheme for Light Rail. The submission requests inclusion of a Section 49 contribution condition should permission be granted.

#### 3.1.6. **Objections/ Observations**

No third party objections or observations were received by the planning authority in relation to the planning application.

## 4.0 Planning History

### Appeal site

**Planning Authority Reference 5099/22** – Permission granted in May 2023 for a mixed-use development comprising 5 no. apartments and construction of a hotel development to the rear. The development at 92 and 93 Saint Stephen's Green (both Protected Structures), Dublin 2 to consist of:

- Demolition of lift core at the rear elevation of No. 93 St. Stephen's Green and approximately 527 sqm of existing ancillary single and two storey structures to the rear
- Alterations and modifications to 92 St. Stephen's Green (c 698 sqm) to provide 4 no. 1 bed apartments and 1 no. 3 bed apartment with private courtyard to the rear and staired access from St. Stephen's Green
- Alterations and modifications to 93 St. Stephen's Green (c 799.8 sqm) to provide for a change of use from office to hotel use comprising spa, changing rooms and associated facilities at lower ground floor level with dining facilities at first floor level with staired access from St. Stephen's Green; lobby, lounge and reception at ground floor level with dining facilities at first floor level (and external terrace to rear) and 4 no. bedrooms on upper floor levels
- Construction of a 126 no. bedroom part 6-storey, part 8-storey over basement hotel (c 2798 sqm) with external roof terraces stepping down to 4 storeys at the southern perimeter, linked to the rear of 92 and 93 St. Stephen's Green by a glazed atrium
- Internal communal areas, circulations space and storage facilities
- 1 no. ESB substation, plant rooms at lower ground floor level and hotel basement, green roofs, landscaping, bicycle parking and all associated site development works with existing access points from St. Stephen's Green retained

It is noted that following receipt of further information the height of the proposed hotel was reduced to 7 storeys and the number of bedrooms decreased to 123.

Noteworthy conditions include:

Condition 3: Section 49 contribution condition

Condition 5: Proposed residential units not to be used as short-term lets.

Condition 10: No advertisement signs to be erected without a grant of permission

Condition 12: Provision of revised Construction Management Plan, and conditions relating to noise and odour impacts / levels

Condition 14: Noise levels during demolition, construction and operational stages

Condition 20: Archaeological condition

Condition 21: Conservation condition

**An Bord Pleanála Reference No. PL29S.220943 / Planning Authority Reference 5066/06** – Permission refused in August 2007 for demolition of structures to the rear of 92 and 93 St. Stephen's Green and construction of a five storey office building (2150 sqm). Refusal reason set out as follows:

'The proposed development is located within the curtilage of two important protected structures, numbers 92 and 93 Saint Stephen's Green, and within a sensitive conservation area between Saint Stephen's Green and Iveagh Gardens to the rear, where the objective is to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective. The proposed development, by reason of its excessive scale and height, would represent over development of the site and would materially and adversely affect the character and setting of the protected structures and the integrity of the conservation area. The proposed development would result in an undesirable precedent for further such development and would, therefore, be contrary to the proper planning and sustainable development of the area.'

#### **Adjoining site to the west at Stokes Place**

**An Bord Pleanála Reference No. PL29S.311618 / Planning Authority Reference 2062/21** – Permission granted in January 2023 for demolition of existing 5 – 7 storey



office complex and redevelopment of site to comprise office development (c 39,932 sqm) including a 4 – 8 storey office building. The site is generally bounded by Nos. 92-100 St. Stephen's Green (Protected Structures) and small apartment block to the rear of No. 95 St. Stephen's Green to the north and east; Harcourt Street to the west; Nos. 87-91 Harcourt Street (Protected Structures) and buildings on Clonmel Street to the south; and Iveagh Gardens (Protected Structure) to the south east.

## **5.0 Policy and Context**

### **5.1 Development Plan**

The proposed development was considered by the planning authority under the Dublin City Development Plan 2022-2028, which came into effect on 14<sup>th</sup> December 2022. The appeal site is zoned Z8 – Georgian Conservation Areas 'To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.' 'Hotel' is a permissible use under the Z8 zoning objective. The subject site and adjoining areas are located within a red hatched conservation area as indicated on Development Plan Zoning Map E. The front of the site accommodates two Georgian buildings at Nos. 92 and 93 St. Stephen's Green, Dublin 2, which are included on the Record of Protected Structures (RPS) i.e., RPS Ref. 7802 and 7803 respectively. Iveagh House located further east of the appeal site and the Iveagh Gardens are located to the south and are both protected structures (RPS Ref. 7791). The National Inventory of Architectural Heritage (NIAH) rates the Gardens as being of regional importance (NIAH Ref. 50920262) and that they are one of the city's 'secret' gardens, a rare survivor of mid-nineteenth century ornamental garden design.

5.1.1. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

### **Chapter 6 - City Economy and Enterprise**

Policy CCE28 - Visitor Accommodation

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

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

## **Chapter 11 – Built Heritage and Archaeology**

### **Policy 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.

#### Policy 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.

## **Chapter 15 – Development Standards**

- Section 15.14.1 relates to Hotels and Aparthotels
- Section 15.14.1.1 relates to Hotel Development

### **5.3 National Policy / Guidance**

The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;
- NPO 4 promotes attractive, well-designed liveable communities;
- NPO 5 aims to develop towns and cities of scale and quality to compete internationally and drive national and regional growth;

- NPO 6 aims to regenerate cities with increased housing and employment;
- NPO 11 outlines a presumption in favour of development that can encourage more people and generate more jobs/activity within existing settlements;
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking

The **Architectural Heritage Protection Guidelines for Planning Authorities** sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure, or the exterior of a building within an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.

#### 5.4 **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC located c 3.2 km to the east. The Grand Canal proposed Natural Heritage Area is situated c 0.8kms south of the site.

#### 5.4 **EIA Screening**

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising extensions to a permitted hotel development to facilitate an additional ten hotel bedrooms on a brownfield site, in the city centre and where infrastructural services are available, 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**

The applicant has appealed the decision made by Dublin City Council to refuse permission for the proposed development.

The grounds of appeal may be summarised under as follows:

Assessment by planning authority

- The planner's report is not a balanced assessment of the proposed development. It is selective by focussing on Policies BHA2 and BHA9 and not considering the use of the hotel and its contribution to the economy of the city and supportive policies in this regard as set out in Chapter 6 of the Development Plan.
- The proposal is aligned with the overall aims and policies of the Development Plan and it will support economic development, employment and contribute to a sustainable mix of uses in the city centre.
- The proposal allows for the consolidation of a permitted use and optimal utilisation of the site through a small increase in bedrooms at this brownfield location and facilitates compact urban growth at an accessible site and which is supported by national, regional and local policy.

### Design

- It is not accepted that the proposed extension would have a negative impact on integrity of the permitted scheme. The proposed development and its finishes are consistent with the permitted scheme to ensure continuity with the architectural approach and appearance.
- It would not be logical to depart from the permitted design in which the material finishes comprising limestone tile, grey brick façade, curtain wall and the architectural design has been established. The planning authority are supportive of the design of the hotel and finishes as referenced in the planner's report relating to the parent permission (Reg. Ref. 5099/22).
- It is not accepted that the proposed extension would not be of an exceptional design quality. The proposal replicates the permitted development in design terms and architectural finishes. It enhances the character and appearance of the setting.
- Upper floors on the southern elevation will enhance the quality of accommodation offered and benefit from a southerly outlook across the Iveagh Gardens.
- Additional height onto the Iveagh Gardens aligns better with the scale of the permitted 8 storey development on the adjoining site to the west at Stokes Place (Reference ABP-311618-21 / PA Ref. 2061/21 refers).

### Visual impact

- Disagree that the proposal would have a detrimental impact on the visual amenities of the area
- Refers to submission made by Mitchell and Associates in response to the refusal reason and included with the appeal concludes the proposed extension is a more assertive façade addressing the Iveagh Gardens and that the visual impact is very similar to that approved under the parent permission (Reg. Ref. 5099/22).
- Recent planning decisions in the area including the adjoining site to the west and the permitted development at the National Concert Hall comprising a 4 storey over-basement building and planetarium dome extending to a height in excess of 25m (Reference ABP-315358-22 / PA Ref. 4951/22 refers) indicate a trend of increased building height immediately adjacent to the Iveagh Gardens.
- The proposed modest extension aligns with the permitted height at the site and the hotel would sit below the permitted development at Stokes Place. The visual appearance is appropriate in the context of the site's location.

### Protected Structures and Conservation issues

- It is not accepted that the proposed development would injure the special character and setting of the protected structures on the site. Building height of c 21m above ground level was deemed appropriate under the parent permission and this is not exceeded by the proposed rear extension.
- The location of the proposed extension is to the rear of the site, the opposite side of the site to the protected structures which front on to St. Stephen's Green. As such there is no material impact from the proposed extension on the protected structures.
- The AHIA considers that the proposed extension does not alter the relationship between the protected structures and the permitted hotel.
- The integrity of the Iveagh Gardens is not detrimentally affected having regard to the scale, height, massing of the permitted scheme in comparison to the permitted 8 storey (35m high) Stokes Place scheme to the west.

- Proposal provides an appropriate graduation in height from the 3 storey Catholic University Church to the east moving west to the permitted 8 storey development at Stokes Place
- The proposed development does not have an overbearing impact on the Catholic University Church given the position of the existing adjoining building at No. 91 St. Stephen's Green to the west of the protected structure which is two storeys higher than it. The proposed development would be c 25m west of the Church.
- The Conservation Officer's report appears to assess the overall scheme as opposed to the proposed extension. The extension comprises works to the permitted hotel block and not works to the on-site protected structures.
- The proposed development does not propose works to any element of built heritage or historic gardens. The extension is considered to constitute an incremental rather than a dramatic change when viewed from the Iveagh Gardens having regard to the permitted scheme.
- The proposed development is modest given the nature, scale and form and height of the permitted development on the site. Proposal is consistent with and accords with Policies BHA2 and BHA9.
- The planning authority's grant of planning permission on the site has established heights of 21m and 7 storeys at the location.

The following Appendices are attached to the appeal:

- Reg. Ref. 4648/23 - Decision of Dublin City Council
- Reg. Ref. 4648/23 – Planner's Report
- Reg. Ref. 5099/22 (parent permission) – Planner's Reports

The following supporting documents are provided with the appeal

(i) Architectural Appeal Document prepared by Reddy Architecture in addition to selected drawings of permitted development under Reg. Ref. 5099/22 and also a booklet of drawings issued for the planning application which are dated 5<sup>th</sup> April 2023. .

This submission may be summarised as follows:



- Proposal comprises a marginal amendment to the scheme
- Permitted overall height is being maintained while omission of the tiering effect onto the Iveagh Gardens is sought
- No effect on the protected structures as they lie at the opposite end of the site
- CGIs of proposed and granted development indicate relatively minor change to the presentation of the building onto the Iveagh Gardens
- The scale is not increased greatly and as such it is considered that the proposal is not injurious to the setting of the Iveagh Gardens
- Proposed additional height aligns better with the scale of the permitted development on the adjoining site to the west
- Proposed amendments follow original design intent and the quality of materials is in keeping with the original proposal

(ii) Landscape and Visual Impact Appeal Document prepared by Mitchell and Associated.

This submission may be summarised as follows:

- The proposal is a slight change from the permitted scheme and considered to be a more positive response as a façade addressing the gardens. The amendments do not affect the formal and axial qualities of the central part of the gardens and would not have a detrimental impact on the visual amenity of the area.

(iii) Conservation Appeal Document prepared by Mullarkey Pedersen Conservation Architects

This submission may be summarised as follows:

- Impact of the addition to the building mass of the approved bedroom block is relatively modest in the context of the approved scheme
- The approved scheme already blocks the view of the protected structures
- Sections 3.1(ii) and 8.1(iii) extensively address the historical development of the Iveagh Gardens and the impact of the proposed scheme on the gardens.

(iv) Revised Verified Views (including Stokes Place scheme) prepared by Redline Studios.

## **6.2 Planning Authority Response**

It is requested that the planning authority's decision is upheld. If permission is granted inclusion of Section 48 and 49 contribution conditions along with a condition requiring the payment of a bond are requested.

## **6.4 Observations**

An observation was received from Philip O'Reilly and it may be summarised as follows:

- The decision of the planning authority is justified and should be upheld
- The height, scale, mass and bulk of the proposed development would have a detrimental impact on the visual amenities of the area
- The proposed development would seriously impact on the unique and special architectural character and setting of St. Stephen's Green and the Iveagh Gardens which is under adverse pressure and threat
- Overdevelopment of a restricted site with congested and restricted access

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of proposed development
- Impact on the character of the area
- Conservation matters
- Appropriate Assessment Screening

## **7.1 Land-use and nature of proposed development**

7.1.1 The proposed development relates to extension of the hotel permitted under Planning Authority Reg. Ref. 5099/22 to provide an additional 10 bedrooms, increasing the total number of hotel bedrooms to 133. To facilitate this, it is proposed to build up the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> tiered floors at the southern side of the permitted hotel. The appeal site is zoned Z8 – Georgian Conservation Areas and ‘Hotel’ is a permissible use class under this zoning objective.

7.1.2 Having regard to the above, I consider that the proposal to extend the permitted hotel development on this accessible city centre site would be acceptable in accordance with the Z8 zoning objective and local and national policy to promote compact, sustainable urban development. Therefore, I have no objection to the principle of the proposed development.

## **7.2 Impact on the character of the area**

7.2.1 The proposal involves the extension (c 245 sqm) of the permitted hotel at its southern side by replacing the roof terraces on floors 5, 6 and 7 with additional bedrooms (10 in total), resulting in the removal of the tiered / setback design of the hotel as permitted under the parent permission (Reg. Ref. 5099/22) and the building up of the aforementioned floors to a level consistent with the maximum height of the permitted hotel which is c 21m above ground level. The design and external material finish of the proposed extension would integrate with that of the permitted hotel development. I note that part of the planning authority’s refusal reason considers that the proposed extension by reason of increased height, scale, mass and bulk would have a detrimental impact on the visual amenities of the area.

7.2.2 In terms of integration with the character of the area, the applicant has prepared an Architectural Design Report, an Architectural Heritage Impact Assessment (AHIA) and a Landscape and Visual Impact Assessment (LVIA). I note also that the appeal documentation includes comments / observations on the planning authority’s refusal reason from the parties that prepared the above-mentioned reports / assessments.

7.2.3 The AHIA outlines the historical development of St Stephen's Green. It traces the evolution of the appeal site, including the demolition of the historic symmetrical gardens, the bifurcated carriage lane and stables to the rear of Nos. 92 and 93 and the development of low ancillary buildings across the rear of No. 93. It acknowledges the importance of the protected structures and their contribution to the significant historical urban setting of St. Stephen's Green and notes the location of Iveagh Gardens to the south. It notes that the scale of the hotel / bedroom block as granted generates a significant impact on the conservation significance of the site, with the impact mitigated by the 13m distance created between the bedroom block and the historic structures. The proposed extension to the approved block is considered minor in scale in the context of the extant permission. It notes that the permitted 7 storey block is entirely hidden when viewed from St. Stephen's Green and when viewed from the middle, south and east sides of Iveagh Gardens where vegetation, distance and existing buildings mitigate visual impacts. It concludes that when viewed from the north of Iveagh Gardens, the impact of the proposed addition to the upper floors is relatively modest in the context of the scale of the approved hotel.

7.2.4 The LVIA is based on views from 15 locations in the surrounding area. In the first instance, I have considered the more distant and/or obscured views from viewpoints 1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13. In this regard, and having considered the potential of differing summer and winter visibility, I would concur with the LVIA conclusion that the impacts from these locations would be imperceptible. Accordingly, I have no objection to these impacts

7.2.5 Otherwise, I would assess the impact from the remaining viewpoints as follows:  
Views 5, 6, 14 and 15 – These views are all from within the Iveagh Gardens located immediately south of the appeal site which is an important public amenity. View 6 is taken from the southern part of the Iveagh Gardens looking towards the site. Part of the upper floors of both the permitted development and the development with the proposed amendments are visible in the winter view and I agree with the LVIA finding that the visual impact of the proposed amendments from this viewpoint are slight and neutral. View 15 is taken from the south eastern corner of the Iveagh Gardens and both the permitted development and the development with the proposed amendments are visible. There is some screening of the lower floors in summer and winter months. I would consider the visual impact of the development

with the proposed amendments as slight and neutral from this viewpoint. View 14 is taken from the north eastern side of the Iveagh Gardens. Lower storeys are screened by trees. I consider the visual impact of the development with the proposed amendments as slight and neutral from this viewpoint. View 5 is taken from the northern side of the Iveagh Gardens to the south of the appeal site. There is some screening in the summer months which somewhat mitigates the visual impact of the permitted and proposed schemes. It is clear however that the development with the proposed amendments would be more dominant and more visible than the permitted development given the increased massing and height at its southern elevation but this in itself should not necessarily be considered an adverse impact given the urban context of the Iveagh Gardens. As such I consider that the overall impacts of the proposed amended development would not be significant.

7.2.6 I note that the pattern of development in the immediate area of the appeal site comprises existing large office developments, located in the former rear gardens of these Georgian buildings on the southern side of St. Stephen's Green. My view is that the height and scale of these blocks along with the existing office developments immediately west of the site at Stokes Place sets a marker for the height and scale of future development in the immediate area. In this context, bounding the site to the east is No. 90-91 St. Stephen's Green which itself comprises a four-storey over lower ground floor office building, with a 4-5 office building extending to the rear boundary with Iveagh Gardens. Adjoining the appeal site to the west is the recently refurbished Wesleyan Church used as offices for a real estate company and which has a four storey extension to the rear. To the south of that building and adjoining the appeal site is Russell House at Stokes Place which extends up to 7 storeys. I note also that there is permission in place to demolish Russell House and adjoining office blocks to facilitate a significant 4 to 8 storey office development at Stoke's Place.

7.2.7 Having regard to the foregoing including the findings of the analysis carried out on foot of the LVIA as set out above, I am satisfied that the proposed extension of 10 bedrooms which will integrate in terms of design and finishes at the southern side of the permitted hotel development, which itself has a maximum permitted height of 21 metres above ground level, would not seriously injure the visual amenities of the area.

### 7.3 Conservation matters

7.3.1 The planning authority refused permission on the basis that, inter alia, the proposed extension would seriously injure the special character and setting of the protected structures at Nos. 92 and 93 St. Stephen's Green and the Iveagh Gardens and would therefore be contrary to Development Plan Policies BHA2 – Development of Protected Structures and BHA9 – Conservation Areas.

7.3.2 In terms of Policy BHA2 while the Conservation Officer's report states the proposed development would contravene items (a), (b), (d), (e), (h), and (i) of BHA2, I note there is a numbering error for that policy in the Plan. As such I intend to examine all relevant sub-sections of BHA2 as it relates to the proposal, as follows:

**Item (a):** I consider that the proposal has had regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011). For instance, section 6.4 relates to information to accompany planning applications including a written statement explaining the rationale for the proposal summarising principle impacts along with provision for an AHIA for more extensive or complex works. The application includes this information along with other reports as listed under Section 2.0 above and as such complies with item (a) of BHA2.

**Item (b):** This item requires the protection of structures included on the RPS from any works that would negatively impact their special character and appearance. I note that the proposed extension is located to the rear of the permitted hotel, and on the opposite side of the site which accommodates the protected structures at Nos. 92 and 93 St. Stephen's Green. Given that relationship I do not consider that the hotel extension would negatively impact the special character and appearance of the protected structures located at the northern part of the site. While a separation distance between the northern elevation of the permitted hotel and the protected structures, I consider the permitted hotel would have a significant impact on these on-site protected structures. While I acknowledge the Conservation Officer's concern that the proposed extension would have an overbearing impact on the Catholic University Church (RPS No. 7797) further east of the site, having regard to the separation distance between the proposed extension and that protected structure at approximately 25m coupled with the 4-5 storey office block which extends the length

of the intervening and adjoining site, I am satisfied that the proposed development would not have an overbearing impact on the Catholic University Church.

**Item (d):** The proposed extension is located to the rear of the permitted hotel and away from the on-site protected structures. Its design and finishes mirrors those of the permitted hotel development and in my view is acceptable in terms of its massing and height as set out under section 7.11 of this report.

**Item incorrectly labelled (c) and should be relabelled item (e):** This requires the form and structural integrity of the protected structures to be retained in any redevelopment and to ensure the new development does not adversely impact the curtilage or special character of the protected structure. The proposed development does not impact the protected structures. The building up of the southern elevations to facilitate the extension would increase the massing and height at this part of the site however I do not consider this would adversely impact the curtilage of the site having regard to the nature and design of the permitted hotel development at this location.

**Item incorrectly labelled (f) and should be relabelled (h):** This item requires the retention of important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features. The application does not propose alterations to curtilage features; it relates to an extension to the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floors of the permitted hotel development.

Item incorrectly labelled (g) and should be labelled (i) requires that historic landscapes, gardens and trees associated with protected structures to be protected from inappropriate development. The permitted hotel development was considered by the planning authority to be an appropriate development. As such, in my view the proposed extension to the permitted hotel would be acceptable and appropriate at this location.

Having regard to the foregoing I consider that the proposed development complies with Policy BHA2 of the Dublin City Development Plan 2022-2028.

7.3.3 The Conservation Officer's report considers that the proposed development does not contribute positively to the conservation area, would have a significant adverse impact on its character, particularly the Iveagh Gardens and would therefore be contrary to Policy BHA9. As referenced earlier in this report, the character of this particular area, and indeed this part of the red-hatched conservation area comprises large office developments of height on sites both adjoining and proximate to the proposed development. There is already permission on the appeal site for a hotel of up to seven storeys in height and the proposal seeks to build up the rear / southern elevation to facilitate 10 additional bedrooms, to accord with the permitted maximum height of the hotel (c 21m). The proposed design and finishes of the extension shall accord with and integrate with those of the permitted hotel. The proposed development would not be visible from St. Stephen's Green. As outlined above the hotel premises would have a visual impact from the Iveagh Gardens. In my opinion the proposed amended development would accord with the character of the conservation area at this location and while appearing more dominant on its southern side when compared to the permitted development, it presents a more assertive and defined façade to the Iveagh Gardens and allows for greater passive surveillance of this public park. As such I consider that the proposed development aligns with Policy BHA9 of the Development Plan.

#### **7.4 Appropriate Assessment Screening**

An Appropriate Assessment Stage 1 Screening Report is provided with the application and it concludes that the proposed development would not, either alone or in combination with other projects or land uses, have any direct or indirect significant effects on the conservation objectives of the Natura 2000 sites located within a 15 km radius of the proposed development and therefore progression to Stage 2 of the Appropriate Assessment process is not considered necessary.

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is in Dublin city centre on a brownfield site to the rear of Nos. 92-93 St. Stephen's Green, Dublin 2, which is located approximately 400m from Grafton Street.

No nature conservation concerns were raised in the planning appeal.



Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Relatively small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **8.0 Recommendation**

I recommend that permission be granted subject to the following reasons and considerations.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022 – 2028, relevant National Guidelines, the Z8 zoning of the site, the planning history of the site, the nature, form, scale and design of the proposed extension to the permitted hotel, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not detract from the architectural heritage of the area, and would comply with Policies BHA2 and BHA9 of the Development Plan. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of planning application register reference number 5099/22, except as otherwise may be required in order to comply with the following conditions.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and / or wastewater connection agreement(s) with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
5.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed extension shall be submitted to,</p>

	<p>and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</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><b>Reason:</b> 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 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</p>

	<p>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><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
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John Duffy  
Planning Inspector

1<sup>st</sup> July 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-318822-24		
<b>Proposed Development Summary</b>	Amendments to Reg. Ref. 5099/22 comprising extensions to permitted hotel to facilitate 10 additional bedrooms.		
<b>Development Address</b>	Nos. 92 and 93 St. Stephen's Green, Dublin 2 (Protected Structures)		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class	EIA Mandatory  EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP- 318822-24
<b>Proposed Development Summary</b>	Amendments to Reg. Ref. 5099/22 comprising extensions to permitted hotel to facilitate 10 additional bedrooms.
<b>Development Address</b>	Nos. 92 and 93 St. Stephen's Green, Dublin 2 (Protected Structures)

**The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.**

	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in the city centre. The site is zoned Z8 'Georgian Conservation Areas.' The proposed development is not exceptional in the context of the existing environment.</p> <p>Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.</p>	No
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No. The total site area is 0.126 ha.</p> <p>No. There is an apartment development permitted at Stokes Place which will involve demolition of existing office blocks.</p>	No
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the</p>	<p>The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay</p>	No

<p>potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>SAC located c 3.2 km to the east. The Grand Canal proposed Natural Heritage Area is situated c 0.8kms south of the site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;"><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)