



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319086-24

#### Development

PROTECTED STRUCTURE:  
PERMISSION: Restoration and refurbishment of the B&B buildings, change of use of the existing and extended building to the rear from health to B&B use, construction of a new extension. The proposed development will provide for 27 B&B rooms.

#### Location

21 Ormond Quay Upper, Dublin 7,  
D07 X76K & the 2nd and 3rd floors of  
No. 20 Ormond Quay Upper, Dublin 7,  
D07 TK75

#### Planning Authority

Dublin City Council

#### Planning Authority Reg. Ref.

4815/23

#### Applicant

Ormond Hospitality Limited

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

**Appellant**

Susan Seager

**Date of Site Inspection**

5<sup>th</sup> December 2024

**Inspector**

Conor Crowther

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1.1. The proposed development relates to the entirety of the building at no. 21 Ormond Quay Upper and to the 2<sup>nd</sup> and 3<sup>rd</sup> floor levels of no. 20 Ormond Quay Upper. Together they collectively operated as a B&B until 2020 (pg 11 of Architectural Heritage Appraisal). Both buildings are designated as protected structures (Ref. 6081 and 6082) and are characterised by their 4-storey above basement height with a Georgian era fenestration layout, hipped M-profile roof and shared central chimney stacks. The façade of the buildings is rendered to the front with a shuttered shopfront at ground floor level. The façade to the rear of the buildings is characterised by traditional brickwork with a metal fire escape and a collection of ancillary pipes. Several rooflights are located within the double hipped roofs, some of which have been blocked up. The proposed development also relates to a 2-storey building to the rear of no.21 which was formally in use for health purposes. This building consists of both rendering and brickwork with a corrugated roof, atop which lies defunct water tanks.
- 1.1.2. The buildings to the front of the site are located within a terrace of commercial and residential buildings fronting onto Ormond Quay Upper to the north of the River Liffey. The 2-storey building to the rear of the site is located within a terrace of storage structures and buildings fronting onto Ormond Place. This building was likely originally constructed as a stables or out-office and now functions as a mews type building but does not benefit from protected structure status. The site can be accessed from both Ormond Quay Upper and from Ormond Place via single framed doors. The stated site area is 186m<sup>2</sup>.
- 1.1.3. The site of the proposed development is bounded to the east by the appellant's residential property at 1<sup>st</sup> floor level and by an architectural firm at ground floor level. At 2<sup>nd</sup> and 3<sup>rd</sup> floor levels the site is bounded to the east by a 4-storey terraced HSE building. To the west, the site is bounded by a number of commercial practices within a 4-storey terraced building. To the north, the site is bounded by Ormond Place roadway onto which the rear garden areas of residential properties on Ormond Square back onto. To the south, the site is bounded by Ormond Quay Upper which functions as an arterial route into the city centre for public transport, cyclists, pedestrians and private vehicles and is bounded to the south by the River Liffey.

Further to the west and northwest of the site lies the Four Courts buildings and the Four Courts Luas stop. Dublin City Centre lies approximately 753m to the east of the site and the Dublin City Council Wood Quay offices lie approximately 113m to the southwest of the site.

## 2.0 Proposed Development

2.1.1. The proposed development is described as follows:

- Reroofing of the front roof of the property in natural slate and the renewal of all existing rooflights.
- Removal of existing metal fire escape and repointing of traditional brickwork to the rear and eastern side of the façade.
- Replacement of existing non-original uPVC windows with traditional slim line double glazed up and down sash windows to the front and rear of the property.
- Restoration of removed historic fabric to the interior of the property.
- New electrical, fire safety and heating installations throughout the interior, including upgrading of floors, walls and doors.
- Restoration of the shopfront to the front of the property.
- New internal openings, fit out elements, pavilions, linings, and partitions to ground and upper floors – ancillary to the established B&B use.
- Refurbishment of the basement to include lowering of existing floor and damp proofing works to facilitate staff toilet facilities, an administrative office, a staff room and storage room.
- Partial demolition and extension of existing 2-storey health building to the rear of the property, including demolition of chimney and defunct water tanks.
- Change of use of the existing and extended building to the rear from health to B&B use.
- Construction of an extension to the existing building to the rear to provide for 12 no. B&B bedrooms within a 5-storey building.

- Relocation of the existing pedestrian access to the rear of the property from Ormond Place.

Upon completion, the proposed development will provide for 27 B&B rooms across the front and rear of the property.

Information/Documentation:

2.1.2. Along with the standard drawings and information, the application was accompanied by:

- Transport & Mobility Management Plan.
- Resource & Waste Management Plan (including refuse vehicle swept path analysis).
- Engineering Report & Flood Risk Assessment.
- Conservation Methodology Statement.
- Outline of Mechanical & Electrical Services Options.
- Outline Operational Management Plan.
- Architectural Heritage Appraisal.
- Archaeological Assessment.
- Architectural Design Statement.
- Daylight & Sunlight Assessment.
- Outline Construction Management Plan.
- Fire Safety Consultant Letter.
- Planning Report.

2.1.3. The following table outlines the key characteristics of the proposed development:

<b>Key Characteristics</b>	
Site Area	0.0186ha
Total floorspace	760m <sup>2</sup> (326m <sup>2</sup> new/434m <sup>2</sup> retained)
B&B Rooms	27

Plot ratio	4.06
Site coverage	77%
Height	4-5 storeys
Communal floor space	102.1m <sup>2</sup>
Car parking	0
Cycle parking	0

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Dublin City Council (The Planning Authority) issued a GRANT of permission for the above-described proposed development on the 23<sup>rd</sup> January 2024, subject to 16 no. conditions. Conditions of note include:

- **Condition 4** amending the proposed development to reduce the height of the new building to the rear to four storeys and the provision of a breakfast area solely for the use of guests on the ground floor of the building to the front.
- **Condition 6** prohibiting the use of the ground floor external courtyard/link structure for outdoor functions or gatherings.
- **Condition 7(a)** requiring revised drawings and details to be submitted relating to the omission of the top floor from the building to the rear, reducing the extent of proposed projections around the opes to the south elevation of the building to the rear, samples of the cladding for the building to the rear, methodology for underpinning of No. 21 Ormond Quay Upper, methodology for any damp-proofing, confirmation of the proposed glazing, traditional panelling of the proposed doors to the shopfront, reversal of the ensuite arrangements to make the historic doors visible from the stairs/landing and restricting the type of new roof slates to Blue Bangor slates.



- **Condition 8(a)** requiring liaison with the Public Lighting Division of the Planning Authority regarding enhanced lighting to the rear of the site on Ormond Place.
- **Condition 8(b)** requiring resurfacing of the rear laneway from the junction of Arran Street East to the development site along Ormond Place, in line with the requirements of the Planning Authority's Area Engineer, prior to the occupation of the development.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The Planning Officer's Report dated 25<sup>th</sup> January 2024 recommended a GRANT of permission, subject to 16 no. conditions.

3.2.3. The Planning Officer noted that works to the render along the front elevation are proposed to be included in a future application, in combination with the neighbouring property. This coordinated approach was considered to be acceptable, given the ownership circumstances.

#### 3.2.4. Other Technical Reports

- Archaeology Section – no objection subject to numerous conditions.
- Conservation Section – no objection, subject to 4 no. conditions.
- Drainage Section – no objection subject to numerous conditions.
- Transportation Planning Section – no objection, subject to 6 no. conditions.
- Environmental Health Section – no objection subject to numerous conditions.

### 3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland – requests a Section 49 contribution for Light Rail, if the proposed development is not exempt.

3.3.2. Irish Water/Uisce Éireann – no response received.

3.3.3. National Transport Authority – no response received.

3.3.4. The Heritage Council – no response received.

- 3.3.5. An Taisce – no response received.
- 3.3.6. Department of Housing, Local Government & Heritage – no response received.
- 3.3.7. Fáilte Ireland – no response received.
- 3.3.8. An Chomhairle Ealaíon – no response received.

#### 3.4. **Third Party Observations**

3.4.1. Several 3<sup>rd</sup> party observations were received in response to the application submitted to the Planning Authority. The issues raised by observers are generally reflected in the 3<sup>rd</sup> party appeal and the Planning Authority decision submitted to the Board, and include the following concerns:

- The proposed development will aid the regeneration of the Quays and its built heritage.
- Further clarity required on the sash window detail.
- Traditional four or six panel arrangement suggested for the café and upstairs access door.
- Concerns that the proposed development would not be compatible with SDRA 13.

#### 4.0 **Planning History**

##### Subject Site:

- 4.1.1. PAC0075/23 – Pre-application consultation in relation to the subject proposal.
- 4.1.2. 5431/22 – Permission REFUSED in 2023 for:
  - a) Restoration and refurbishment of the B&B buildings to the front of the site, comprising reroofing of the front roof of the property, renewal of all existing roof lights, removal of the existing metal fire escape, repointing of the traditional brickwork to the rear and eastern side, replacement of the existing non-original uPVC windows with traditional up and down sash windows to the front and rear, removal of the existing cementitious render to the front façade and re-rendering in a ruled rendered finish, restoration of removed historic

fabric to the interior of the property, restoration of the traditional shopfront to the front of the property, various new internal openings, internal fit out elements, pavilions, linings and partitions to the ground and upper floors, refurbishment of the basement to the front of the property, lowering of the existing floor, damp proofing works and the provision of a storage area ancillary to the primary B&B use over.

- b) Partial demolition and extension of the existing two storey health building to the rear of the property comprising change of use of the existing and extended building to the rear of the property from Health to B&B use, partial demolition of the existing building, chimney and defunct water tanks and provision of a basement below the existing building, construction of a new 3 and 5 storey extension to the existing 2 storey building to the rear of the property to provide for 16 bedrooms within a completed 5 and 7 storey over basement building with a 4th floor access link to the front building, relocation of the existing access to the rear of the property from Ormond Place, providing for a total of 31 B&B rooms to the front and rear of the property.

Reasons for refusal include unacceptable visual impact on surrounding area by way of height and relationship with surrounding development, adverse impact on Liffey Quays Conservation Area, detracts from the architectural composition of onsite protected structures, contrary to Policy BHA2, BHA9 and Section 11.5.1 of the Development Plan.

- 4.1.3. 2097/18 – Application for the refurbishment and extension of the Bed & Breakfast. The application was withdrawn.

Neighbouring Sites of Relevance:

- 4.1.4. WEB1089/25 – Live Application for construction of a single-storey rear extension of 3.5m<sup>2</sup>, reordering of soil and rainwater pipes, removal of cementitious render and application of new breathable external insulation to rear elevation; new hanging sign to front façade; internal alterations consisting of partial removal of later mezzanine floor to reinstate double height space, upgrading of stair enclosure to 30-minute fire resistance and new balustrade at first floor level; repair and restoration works to floors, wall finishes and joinery, and upgrading of building services at 18 Ormond Quay Upper approximately 19m to the east of the site.

- 4.1.5. 4648/22 (ABP Ref. 317182-23) – Permission GRANTED by the Board in 2024 for retention of works to the basement and other internal works at ground floor, for proposed internal alterations, repair and refurbishment of the existing public house in the basement and ground floor, for new door openings giving direct access from the existing public house to Ormond Place at ground level, to the west of the building, together with all associated landscaping and site works at 27 Ormond Quay Upper approximately 32m to the west of the site.
- 4.1.6. ABP-314610-22 – Permission GRANTED by the Board in 2024 for BusConnects Ballymun/Finglas to City Centre Core Bus Corridor Scheme approximately 67m to the northwest of the site.
- 4.1.7. 0001/16 – Exempted development declaration issued in 2016 indicating that the following works are exempt - repair, renewal and upgrading works to the basement, ground floor and 1<sup>st</sup> floor of 20 Ormond Quay Upper immediately adjacent to the site.

## **5.0 Policy Context**

### **5.1. Architectural Heritage Protection Guidelines for Local Authorities**

- 5.1.1. These guidelines were initially issued in 2004 and have since been re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed development:
- Promote the consideration of the potential impact of the proposed development on the character of the protected structure.
  - Encourage the smallest possible loss of historic fabric.
  - Avoid adversely affecting the principle elevations of the protected structure.
  - Assess the reversibility of proposals to allow for the future correction of unforeseen problems without causing damage to the structure.

### **5.2. Dublin City Development Plan 2022-2028**

- 5.2.1. The following sections, policies and objectives of the Development Plan are of relevance to the proposed development:

- Map E - Zoning Objective Z5 (City Centre) - *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’*.
- The following protections apply to the site:
  - Record of Protected Structures (RPS) No.6081– 20 Ormond Quay Upper, listed in the NIAH as a former townhouse of regional importance built in 1720.
  - Record of Protected Structures (RPS) No.6082 – 21 Ormond Quay Upper.
  - Within the Liffey Quays Conservation Area.
  - Within the statutory archaeological designation for the historic city core (DU018-020).
  - Potential new bridge indicated to the south of the site.
  - Within the city centre retail core but not on a Category 1 or 2 street.
- Chapter 4 – Shape & Structure of the City:
  - Policy SC2 - City’s Character – *‘To develop the city’s character by - protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city’*.
  - Policy SC11 – Compact Growth – *‘In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors’*.
- Chapter 6 – Economy & Enterprise:
  - Policy CEE8 – The City Centre – Supports a vibrant mix of office, retail, tourism related and cultural activities in the city centre.

- Policy CEE26 – Tourism in Dublin – Promotes tourism as one of the key economic pillars of the city’s economy and facilitates the balanced provision of tourism facilities.
- Policy CEE28 – Visitor Accommodation – Sets out several criteria to have regard to when considering applications for additional hotel, tourist hostel and aparthotel development.
- 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).*
    - (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.*
    - (e) *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.*
    - (f) *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’.*
  - Policy BHA9 – Conservation Areas – *‘To protect the special interest and character of all Dublin’s Conservation Areas’...’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’.*

- Chapter 13 - Strategic Development Regeneration Areas:
  - Section 13.15 - SDRA 13 – Markets Area and Environs – The area of this SDRA covers the proposed development site and is bounded to the south by Ormond Quay; however, the site of the proposed development is not identified as a strategic site within this SDRA. A guiding principle of relevance to the proposed development includes:
    - *‘To recognise the strong character and historic built fabric of the area and support the retention and reuse of existing historic buildings of merit’.*
  - ‘There is a presumption against basement development in all but exceptional circumstances’.*
- Chapter 15 – Development Standards:
  - Section 15.14.2 - Bed and Breakfast / Guesthouses – *‘In determining planning applications for change of use to bed and breakfast, guesthouse, hotel or tourist hostel in residential areas, the planning authority will have regard to the following:*
    - *Size and nature of facility.*
    - *The effect on the amenity of neighbouring residents.*
    - *The standard of accommodation for the intended occupiers of the premises.*
    - *The availability of adequate, safe and convenient arrangements for car parking and servicing.*
    - *The type of advertising proposed.*
    - *The effect on listed buildings and/or conservation areas.*
    - *The number of existing facilities in the area’.*

- Section 15.15.2.3 – Protected Structures – *‘Conservation is the careful and sensitive management of change and DCC would support new proposals to conserve, repair and adapt Protected Structures to ensure they stay in long term sustainable use’.*
- Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City –
  - *‘The key factors that will determine height will be the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout’.*

**Table 2: Indicative Plot Ratio and Site Coverage**

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%

- *‘Plot ratios can determine the maximum building floorspace area or volume on a given site, but on their own cannot determine built form. The same area or volume can be distributed on a site in different ways to generate different environments. Plot ratio should, therefore, be considered in conjunction with other development control measures including site coverage, building heights, public and private open space, parking provision etc’.*
- *‘Higher plot ratio and site coverage may be permitted in certain circumstances such as:*
  - *Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.*
  - *To facilitate comprehensive re-development in areas in need of urban renewal.*
  - *To maintain existing streetscape profiles.*



- *Where a site already has the benefit of a higher plot ratio’.*
  - *‘In general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities’.*
  - *‘Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context’.*
  - *‘Higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan’.*
- Appendix 5 – Transport & Mobility – Bicycle Parking Standards
  - Hotel (including B&B) – 1 per 5 staff (long term) - To be determined by the planning authority on case-by-case basis (Short stay/visitor).
- Appendix 9 – Basement Development Guidance
  - *‘It is the policy of the City Council that a Basement Impact Assessment (BIA) shall accompany all planning applications that include a basement’.*
- Appendix 15 – Land Use Definitions
  - Bed & Breakfast – *‘A building, or part thereof, where sleeping accommodation and breakfast are available solely to residents. Such an establishment is distinguished from a guesthouse, which is regarded as a more intensive form of land-use where the possibility of additional meals to be provided for residents exists’.*

### 5.3. Natural Heritage Designations

5.3.1. The closest site of natural heritage interest to the proposed development is the Royal Canal proposed Natural Heritage Area (002103) which is located approximately 1.85km to the north of the proposed development. Other sites of relevance include:

- The Grand Canal proposed Natural Heritage Area (002104) located approximately 2.1km to the southeast of the proposed development.
- The North Dublin Bay proposed Natural Heritage Area (000206) located approximately 2.8km to the northeast of the proposed development.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (004024) located approximately 3km to the northeast of the proposed development.
- The South Dublin Bay Special Area of Conservation (000210) located approximately 3.9km to the southeast of the proposed development.
- The South Dublin Bay proposed Natural Heritage Area (000210) located approximately 3.9km to the southeast of the proposed development.
- The Liffey Valley proposed Natural Heritage Area (000128) located approximately 5.4km to the west of the proposed development.

### 5.4. EIA Screening

5.4.1. Having regard to the limited nature and scale of the proposed development, and the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, 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 stage (see Appendix 2) and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A 3<sup>rd</sup> party appeal was submitted by Susan Seager of no.20 Ormond Quay Upper (basement, ground and 1<sup>st</sup> floor), on the 22<sup>nd</sup> February 2024 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

#### Impacts on the Protected Structure Character & Setting:

- Impact on the character of the protected structure (RPS Ref. 6081 & 6082) due to the subdivision of rooms, loss of historic fabric, basement works and impacts on the boundary walls.
- The proposal should have been assessed based on the historic layout of the building and not on the previous sub-division layout.
- A reasonable proportion of the principle rooms at 1<sup>st</sup> and 2<sup>nd</sup> floor levels should be preserved in their original volumes.
- Inappropriate loss of further historic fabric in the front rooms at 2<sup>nd</sup> floor level.
- Non-compliance with policy BHA2 of the Development Plan.
- Construction Management Plan will lead to loss of historic fabric.
- Insufficient information has been provided by the applicant about the works to the basement which would lead to the loss of historic fabric and risks impacting the adjacent residential basement at no.20 Ormond Quay.
- Lack of clarity in relation to the boundary and party wall between the rear ground floor structures, the garden of no.20 and the rear structure of no.21.
- The applicant's supporting documentation and drawings are conflicting in terms of new and existing structures.
- The construction of the proposed development risks damaging the historic wall located on the rear return thereby leading to a potential loss of historic fabric and safety concerns for the appellant's neighbouring property.

#### Residential Amenity:

- The tenants on the ground floor of no.20 Ormond Quay will be negatively impacted by the proposal.
- No assessment of the daylight/sunlight impact on the open space to the rear of No.20 Ormond Quay.
- The appellant's property was not included in the applicant's amenity overshadowing study or the vertical sky component assessment.
- The proposed increase in height to the rear of No.21 Ormond Quay will likely create an overshadowing effect on the open space to the rear of No.20 Ormond Quay.
- The Planning Authority recognise that the applicant's daylight/sunlight assessment does not include the appellant's property, and that the amenity of this property must be considered.

Constructability of and legal interest to carry out the development:

- Suggested that the waste pipes run parallel to the joists on the northern façade and run externally across to the return of no.21 Ormond Quay.
- The historic piping system has impacted the structural integrity of No.20 Ormond Quay.
- Lack of clarity in the applicant's Construction Management Plan regarding the impact of the proposed development on the appellant's single storey shed.
- No understanding of the foundations, structure, sound and fireproofing of the proposed structure.
- Concerns surrounding the proposed drilling of joists above the appellant's ceiling and the impact this will have on the ceiling finishes and fireproofing.
- Assurances are required from the applicant that the appellant's fireproofing will be protected or replaced following works, and that adequate sound proofing will be installed.
- Photographic surveys should be carried out before and after the works and independent verification of the fire rating of the shared floor should be provided before the works are covered up.

- Assessment of the proposed drainage did not consider the impacts on the drainage within the building and the conservation or amenity issues linked to this.
- Likely that construction will require access to the appellant's property which is not considered in the application.
- No detail provided about the temporary works likely to be required to the existing boundary wall to the rear.
- No permission has been sought by the applicant from the appellant to access their property for construction purposes.

Concerns surrounding planning conditions:

- The Board should impose a condition requiring the shared floor to be monitored by a 3<sup>rd</sup> party specialist.
- The appellant queries whether or not they can make observations on condition compliance submissions?
- The applicant should clarify exactly what works are to be undertaken as part of the application and set out a clear justification for remediation works to be undertaken as part of a separate application.
- There is a discrepancy in the construction hours of works proposed by the Planning Authority and by the applicant in the Construction Management Plan.

General:

- Reference to commentary from the Planning Authority Officer's report assessing the increased plot ratio, site coverage and density of the proposed development, in the context of Appendix 3 of the Development Plan.

## 6.2. Applicant Response

- 6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- The Conservation Methodology Statement states that the proposed subdivision mimics that of the previous use of the site.
- Subdivision is proposed in a manner that would be reversible and of least impact on the historic fabric.
- The proposed piping within the floor plates of the 2<sup>nd</sup> floor would not lead to a loss of historic fabric as it would be located within the floor infrastructure rather than externally, as proposed by the applicant.
- External pipe infrastructure would result in visual disruption to the historic fabric of the protected structure.
- The pipe system will be up to date and maintained to ensure no leaking occurs.
- The joist infrastructure will be retained and reinforced to facilitate the new use.
- The architectural application documentation details that the basement will be tanked with a cavity barrier drainage layer, specification Triton P8, and a sump pump to ensure no leaks.
- Every effort has been made to ensure maximum retention and protection of historic elements.
- Minor disruption necessary to bring the building back into active use.
- Existing walls will be retained and conserved, where possible, and reinforced to accommodate additional load.
- Structural stability of the existing structures will be fully detailed during compliance and detailed design stage.
- The Daylight/Sunlight Assessment demonstrates that the proposed development is compliant with the BRE standards and represents a typical urban development within the city centre.
- The ground level of the site naturally falls towards the rear thereby elevating the northern elevation of the site above the southern elevation. This facilitates a stepdown approach which mitigates overshadowing impacts.

- Concerns relating to the impact of the proposed development on fireproofing will be addressed through condition compliance.
- A fire safety certificate application will be made following a final grant of permission.
- The proposed internal drainage has been fully assessed as part of the drainage design process, the details of which can be found in the Engineering Report submitted with the application.
- Irish Water have confirmed that capacity is available to facilitate the proposed development (see Confirmation of Feasibility Letter).
- A macerator toilet system will be implemented in the basement to ensure waste is discharged through the sewerage system – no separate pump required.
- Concerns surrounding the legal interest of the applicant to carry out development is a legal matter which cannot be addressed through the planning appeals process.
- The applicant has full legal ownership of the lands necessary to facilitate the proposed development.
- It is standard practice to address the implementation of the planning conditions with the Planning Authority through the condition compliance process.
- All necessary measures will be taken to ensure minimal disruption to surrounding buildings during construction.
- There is no provision for 3<sup>rd</sup> party submissions on condition compliance documentation and this cannot be considered as part of the appeal to the Board.
- Condition 4(a) of the Planning Authority grant of permission is not necessary or reasonable as it requires the removal of the top floor of the new building in the interests of residential amenity, despite there being no negative residential amenity impacts identified by the Planning Authority.

- The proposed building to the rear, despite measuring 5 storeys in height, will appear slightly lower than the building to the front (4 storeys) due to the slope of the site towards the rear.
- Comparative drawings are shown to demonstrate the reduction in height of the building to the rear compared to the previously refused onsite development (Ref. 5431/23).
- 2 storeys have already been removed from the building to the rear in response to the previously refused onsite development (Ref. 5431/23). The removal of a further storey would impact the viability of the proposed development.
- Removal of 1 storey from the building to the rear contradicts the provisions of the Development Plan promoting greater density and compact development: In particular, Policy SC2 of the Development Plan.
- Existing buildings onsite are vacant and add no value to the city centre. The proposed development will improve the appearance of the buildings and bring them back into use.

### **6.3. Planning Authority Response**

6.3.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to grant permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a Section 49 Luas X City development contribution.
- A condition requiring the payment of a bond.

### **6.4. Observations**

6.4.1. None received.



## 6.5. Further Responses

6.5.1. 1 no. further response to the applicant's response was received from Susan Seager.

This response can be summarised as follows:

- The basement, first floor and part of the ground floor and rear yard area functions as the appellant's private residence.
- A previous onsite application (Ref.2097/18) demonstrates that bedrooms 2, 3, 11 and 12 were not previously subdivided to the extent of the proposed development. Previous application drawings and photographs from the Tripadvisor website are provided in support.
- The applicant has not addressed concerns about the impact of the loss of historic material and structural integrity of the floor joists.
- The applicant should be instructed to run the waste pipes parallel to the joists above the appellant's residence.
- A leak-detection system should be considered as part of the piping.
- The Board should seek further information on the works to the basement of no.21 to provide greater clarity and to allow for input from the appellant.
- Method Statements and temporary work design relating to the wall should be shared and agreed with the appellant as it affects her property.
- The proposed development involves an intensification of use, when compared to the previous use, which has drainage demand implications.

## 7.0 Assessment

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

- Principle of Development & Change of Use
- Height & Density

- Impacts on character and setting of protected structure
- Residential Amenity Impacts
- Other Matters

I note there are various discrepancies in the submitted documentation relating to the total site area, total floor area and the height of the proposed development. Having analysed the submitted documentation, I consider the total floor area to be 760m<sup>2</sup>, the total site area to be 186m<sup>2</sup> and the height of the proposed development to be up to 5 storeys. These figures were referenced in the Planning Application Form and by the Planning Authority in their assessment of the proposed development.

- 7.1.2. It is worth noting that I was not able to fully access the site during my site visit as the property was in such a state of disrepair that would make it unsafe for me to do so. I am therefore largely reliant on the photographs submitted by the appellant and the applicant, along with the information in the application documentation. In this respect, I note the considerable damage to the interior of both the protected structure element and the rear building, as evidenced in the submitted photographic survey.

## **7.2. Principle of Development & Change of Use**

- 7.2.1. I note that the appellant supports the principle of the proposed development, however, S.37(1b) of the Planning & Development Act, 2000 (as amended) requires the Board to consider the subject appeal on a de novo basis. Thus, the principle of proposed development is assessed as follows:

### B&B Use:

- 7.2.2. I note that both the submitted outline Operational Management Plan and the Conservation Methodology Statement infer that the proposed development is a hotel or refer to provisions within the Development Plan relating to hotels. Having analysed the submitted drawings and documentation, I note that there is an absence of ancillary features that would normally be provided as part of hotel offering such as a swimming pool, conference facilities or a fitness centre. I therefore consider that the proposed development represents a B&B use and not a hotel use. Thus, I consider that the provisions of the Development Plan relating to hotels do not apply in this instance.

7.2.3. The established use of the site is a B&B use, and this is considered to be a permissible use under the Z5 zoning set out in the Development Plan. The proposed development proposes to intensify this use with the refurbishment of the protected structure to the front and the partial demolition and extension of the building to the rear of the site. I note that the building to the rear previously functioned as a health use, and it is proposed to change this use to a B&B thereby establishing a B&B use over the full extent of the site. Whilst I consider the change of use to B&B to be acceptable, in principle, the intensification of use that would arise as a result of this requires further consideration in the context of the surrounding properties and the existing B&B provision in the surrounding area.

7.2.4. In addition to the Z5 zoning, the site is also located within the Historic City Core, the Retail Core, the Liffey Quays Conservation Area and Strategic Development Regeneration Area (SDRA) 13 – Markets Area and Environs; none of which preclude the use of the site as a B&B, subject to several considerations. In fact, Section 13.15 of the Development Plan relating to SDRA 13 promotes the reuse of historic buildings of merit. This is of relevance to the site given the presence of 2 no. protected structures onsite (RPS No.6081 & 6082) which are proposed to be refurbished as part of the proposed development.

7.2.5. Section 15.14.2 of the Development Plan sets out several criteria to which the Planning Authority will have regard to in determining applications for change of use to B&B. Although, this Section of the Development Plan relates to a change of use to B&B in a predominantly residential area which I do not consider to be the case in respect of the site of the proposed development, which is located within a central area of mixed-use character. Notwithstanding this, I note that the Planning Authority assessed the change of use against the provisions of this Section of the Development Plan. In the interests of consistency, I have analysed the proposed change of use against the criteria as follows:

- Size & Nature of Facility – Similarly to the Planning Authority, in the context of its location within the city centre, I consider the size of the proposed development to be relatively minor with 27 no. B&B spaces provided. I do not consider the size and nature of the proposed development to be overly dominant due to its sympathetic scale and massing which respects the

surrounding properties and protected structures, whilst intensifying the use of a brownfield site, in line with Policy SC11 of the Development Plan.

- The effect on the amenity of neighbouring residents – Please see Section 7.5 of this report for my assessment of residential amenity impacts. Subject to conditions, I consider the effect of the proposed development on the amenity of neighbouring residents to be acceptable.
- The standard of accommodation for the intended occupiers of the premises – I note that all proposed B&B rooms include en-suites and that the floor to ceiling heights differ in the rooms within the protected structure compared to the rooms within the extended building to the rear. The differing floor to ceiling heights arise as a result of the need to retain the form of the protected structure element, which I consider to be acceptable. Whilst the future guests would have access to ample communal amenity areas at ground floor level, I do not consider that an area for the provision of breakfast explicitly for future guests is provided. I consider that this could be addressed by way of condition, in the event that the Board decides to grant planning permission (see Sections 7.2.7-7.2.9 below).
- The availability of adequate, safe and convenient arrangements for car parking and servicing – No car parking is proposed as part of the development, and servicing arrangements are proposed to be largely confined to the rear of the site. See Section 7.6.4 of this report for my assessment of the proposed servicing arrangements. Considering the central location of the site and the accessibility of the site by means of sustainable transport modes, I consider the parking approach to be acceptable.
- The type of advertising proposed – I note that no advertising is included within the proposed development, apart from the pre-existing traditional shopfront element which is proposed to be restored. See Section 7.4.18 of this report for my assessment of the acceptability of the shopfront element of the proposed development.
- The effect on listed buildings and/or conservation areas – I consider the effect of the proposed development on the protected structures and

Conservation Area to be acceptable, subject to conditions. See Section 7.4 of this report for my assessment of this.

- The number of existing facilities in the area – I note the Planning Authority’s conclusion that the proposed development represents the reactivation of the previous B&B use onsite and that this would be acceptable in light of its central location and relatively modest size. I concur with this conclusion, and I consider the B&B use to be a relatively rare use in the city centre, in comparison to the proliferation of hotel uses. I am therefore satisfied that the number of existing B&B facilities in the area would not preclude the granting of permission for the proposed development.

7.2.6. As I have determined the acceptability of the proposed development against the above criteria, I consider the proposed development to be compliant with Policy CEE8, CEE26 & CEE28 of the Development Plan relating to the provision of tourism facilities.

Coffee Shop/Bar:

7.2.7. The proposed development includes several elements that are not specifically stated in the development description but that I consider to be ancillary to the B&B use, namely, a basement staff area, a basement admin office, basement toilets, a communal area, a reception, a courtyard area and a coffee bar. All of these elements of the proposed development are indicated on the submitted drawings and discussed in the submitted documentation as ancillary elements, which I agree with. However, none of these elements appear to be explicitly relevant to the provision of breakfast for future guests as set out in the definition of a B&B in Appendix 15 of the Development Plan, hence, the Planning Authority’s inclusion of a condition requiring the provision of an area on the ground floor for the serving of breakfast explicitly for the use of guests of the B&B (Condition 4(b) refers). Whilst I agree with the need for such a condition, in the event of a grant of planning permission, I consider that the condition does not appropriately address the inclusion of a coffee bar within the proposed development and whether this is explicitly for the use of guests, notwithstanding its ancillary nature.

7.2.8. Having analysed the submitted documentation, I am of the view that there remains uncertainty as to the use of the proposed coffee bar/shop at ground floor level. It is

referred to as a 'coffee shop' in some of the submitted documents (Architectural Heritage Appraisal and Outline of Mechanical & Electrical Services Options) and as a 'coffee bar' in other submitted documents (Outline Operational Management Plan, Architectural Design Statement, Planning Report & Fire Safety Letter). Furthermore, the Architectural Design Statement refers to the 'coffee bar' as the 'retail side of the house'. The uncertainty surrounding the use of the coffee bar/shop is further exacerbated by the fact that drawing PA/104/C states that the 'coffee bar' would measure approximately 51.2m<sup>2</sup>, including a seating area, adjacent to the front entrance of the development. This indicates that the coffee bar/shop may be used as a retail element easily accessible from Ormond Quay and open to the public. Thus, this element of the proposed development could potentially function as a café for public use, separate to the B&B use.

- 7.2.9. Given that a separate café use was not set out in the application documentation and that the B&B use requires an area reserved for the provision of breakfast solely to guests, I consider it appropriate to impose a condition requiring the coffee bar area to be reserved explicitly for the provision of breakfast to guests of the B&B, in the event that the Board decide to grant planning permission. I do not consider it appropriate to permit or facilitate a standalone public café use as part of the proposed development as this is not what was applied for by the applicant, despite some of the submitted documentation indicating its potential public use. I therefore do not consider the coffee bar/shop element any further as part of this assessment.

### **7.3. Height & Density**

- 7.3.1. Appendix 3 of the Development Plan sets out the provisions for the assessment of the height and density of proposed developments. The proposed development is non-residential in nature, in that, it would not provide for a permanent residential use. It is therefore difficult to calculate the density of the proposed development, however, considering the increased intensity of development when compared with the previous use, it is apparent that the proposed development would lead to an increase in onsite density. When compared with the density of neighbouring properties, which present as slightly less dense development, I consider the proposed development to be denser than the prevailing density of the surrounding area. Notwithstanding this, I do not consider the increased density to be significant due to the location of the site in an accessible area and central location whereby the

prevailing density would not be significantly less than the density of the proposed development.

7.3.2. In the context of the prevailing height of the surrounding area, I consider that the height of the proposed development would be generally reflective of the prevailing height (3-5 storeys). The height of the 5-storey extended building to the rear would also not appear taller than the 4 storey protected structure to the front of the site due to the sloping of the ground level to the rear of the site and the reduced floor to ceiling heights within the extended building to the rear. Given that I consider both the height and density of the proposed development to be generally reflective of the prevailing height and density of the surrounding area, I do not consider the provisions of Table 3 of Appendix 3 to be of relevance to my assessment. I also note that the Planning Authority did not consider the provisions of Table 3 of Appendix 3 in their assessment of the proposed development.

7.3.3. Appendix 3 sets out acceptable ranges for site coverage and plot ratios of proposed development, relative to their location within the city. As the site of the proposed development lies within the city centre area, a regeneration area and a conservation area; a range of plot ratios and site coverage apply. In relation to plot ratios, I note that the proposed development lies above the permitted range (1.5-3.0), with a plot ratio of 4.06. This suggests that the proposed development may be overly bulky, considering its location. However, this doesn't represent a reason for refusal in itself as the proposed development must be viewed in light of all of the relevant measurable parameters, as set out in Appendix 3. In relation to site coverage, I note that the proposed development sits within the permitted range (45-90%), with a site coverage of 77%. This infers that the proposed development would not lead to overdevelopment of the site, although, as with plot ratios, this is not the sole parameter for the consideration of overdevelopment. When considering higher plot ratios, Appendix 3 states that proximity to major public transport corridors, redevelopment in areas in need of urban renewal and maintenance of the existing streetscape profile should be considered. The site is proximate to major public transport in the form of the red line Luas Network and the Liffey Quays which both function as major public transport corridors for light rail and buses. The site is located within a Strategic Development Regeneration Area which is identified as needing urban renewal. Furthermore, the protected structure element to the front of the site

forms a part of the Ormond Quay streetscape and the structure itself is in a state of disrepair. I therefore consider the higher plot ratio of the proposed development to be justified, on this basis. I also consider that this has been appropriately justified in the applicant's documentation.

- 7.3.4. Despite the applicant's documentation referring to the rear building extension as a 'superstructure' in various instances, I consider the height and scale of this element of the proposed development to generally align with the height and scale of existing buildings along this terrace. Notwithstanding this, I note the Planning Authority's contention that the 4<sup>th</sup> floor of the extended building to the rear should be omitted; Condition 4(a) of the Planning Authority grant of permission refers. This came about because of concerns raised by the Planning Authority's Conservation Section about the need for the extended building to the rear to be subservient to the protected structures. The protected structures are 4 storeys, above basement, in height but would be largely aligned with the height of the extended building to the rear due to the sloping of the ground level towards the rear of the site. The applicant also contends that the removal of the 4<sup>th</sup> floor would jeopardise the viability of the proposed development which has been reduced from 7 storeys to 5, as a result of the previously refused onsite development (Ref. 5431/22). Fig 2.2. of the Resource & Waste Management Plan and outline Construction Management Plan usefully demonstrates the difference in height between the protected structures and the extended rear building. When considered in combination with the elevational drawings, I consider that the proposed development would be sufficiently subservient to the existing protected structures to the front of the site due to the relative setback of the extended building to the rear and also due to the fact that the extended building to the rear would not be visible from Ormond Quay Upper, within the Liffey Quays Conservation Area, wherein the principle elevations of the protected structures are most visible. I am therefore satisfied that the height of the proposed development complies with the Policy SC2, BHA9 & BHA2 of the Development Plan and the Architectural Heritage Protection Guidelines. I do not agree with the Planning Authority on the need to omit the 4<sup>th</sup> floor of the extended building to the rear as I am of the view that this building would be sufficiently subservient to the protected structure and would not impact its character and appearance or that of the Conservation Area.



#### **7.4. Impacts on Character & Setting of Protected Structures**

- 7.4.1. It is evident, from analysis of the submitted documentation, that the original interior of the protected structure element of the proposed development has been significantly altered and/or removed to an extent that few original features remain, particularly at ground floor level. The character of the interior of the protected structure element has therefore been significantly diminished. Notwithstanding this, I note the applicant's commitment to conserve and restore as much of the original features of the protected structure element as possible. I consider this to be a positive feature of the proposed development which will bring a protected structure back into use, in line with the provisions of Section 7.3 of the Architectural Heritage Protection Guidelines and Section 15.15.2.3 of the Development Plan. Within these guidelines it is stated that a proposed development should not negatively impact the principle elevations of a protected structure. Given that the proposed development fronts onto a heavily trafficked road on its southern elevation (Ormond Quay Upper), I consider this to constitute the principle elevations of the protected structure as this is where it would be most visible and prominent in the surrounding streetscape. Although the applicant states that a future application will be made to refurbish the render along this elevation, which I consider to be acceptable given the dual ownership of the front elevation between the applicant and the appellant, the proposed development includes a number of alterations to this principle elevation. These alterations relate to the repurposing of the fenestration from PVC windows to timber frame sash windows and the refurbishment of the shopfront at ground floor level to reflect the design of the original shopfront. I consider that these alterations would positively impact the character and setting of the protected structure as they would reintroduce original elements of the façade that were removed over time. In the event that the Board decide to grant planning permission, I consider that a condition should be imposed requiring further detailing on the fixing of the sash glazing, in line with the Planning Authority's Conservation Section recommendation. I do not consider it appropriate that the applicant should be required to detail the works to be undertaken as part of a future refurbishment of the render along the front elevation, as suggested by the appellant, as this may prejudice the outcome of said future application.
- 7.4.2. Notwithstanding my view that the proposed development would positively impact the principle elevations of the protected structure, the appellant and the Planning

Authority raised concerns about the impact of the proposed development on the following elements of the protected structure:

Interior – Layout:

- 7.4.3. The layout of the proposed development establishes a link at ground floor level between the protected structure to the front of the site and the extended building to the rear. This would result in the site being almost fully developed, apart from the retention and refurbishment of a courtyard area at ground floor level. I note that the layout of the proposed development retains the space at ground floor and basement level for uses ancillary to the B&B use such as staff facilities, reception area, refuse storage, toilets and common areas. The guest rooms are provided at 1<sup>st</sup> floor level and above with en-suites in each room. This generally aligns with the existing layout of the former B&B use onsite. However, I note the historic layout of the protected structure element did not include en-suites and included a differing subdivision. I also note the appellant's contention that the front rooms at 2<sup>nd</sup> floor level at no.20 were previously used as a breakfast room, as part of the previous B&B use. This is supported by photographs from the Tripadvisor website showing the layout of these rooms before the building fell into disrepair.
- 7.4.4. The appellant contends that the proposed development has been designed based on the layout of the previous B&B use and that this does not take account of internal subdivisions to the protected structure undertaken to facilitate this B&B use. The appellant, therefore, contends that the proposed development does not take account of the historic plan form and does not comply with Policy BHA2 of the Development Plan. The applicant is of the view that the proposed development has considered the pre-existing plan form and that this is demonstrated in the Conservation Method Statement. In this respect, I note that both the applicant's Conservation Method Statement and the Planning Authority's Conservation Section recognise the extensive loss of historic fabric within the protected structure, particularly at ground floor level. Given the extent of the loss of historic fabric internally, I consider the layout of the protected structure to bare greater importance, however, this must be assessed in the context of the need to bring the protected structure back into use.
- 7.4.5. On balance, given the state of the interior of the protected structure and the proposed reintroduction of a B&B use onsite, I consider the proposed internal layout

and plan form to be acceptable. Furthermore, the Planning Authority's Conservation Section states that the proposed plan form and layout displays greater recognition of the historic layout. I accept the appellant's concerns about the loss of the historic plan form; however, I consider that the applicant has committed to ensuring the reversibility of the floor plan in the event of a full restoration of the protected structure. I also note the commitment of the applicant to restore and retain remaining historic fabric such as the original stairs, cornicing, door opes etc. The applicant also does not propose to subdivide all rooms within the protected structure element, thereby retaining an acceptable degree of the previous plan form. I consider this to be a positive element of the proposed development which counterbalances the loss of some of the historic floor plan which I consider to be necessary for the site to function as a B&B. Furthermore, I consider that Policy BHA2 of the Development Plan and the provisions of Section 7.3.1 of the Architectural Heritage Protection Guidelines allow for an element of leeway in order to bring a protected structure back into use, where it does not adversely impact the character of the protected structure which I do not consider to be the case in this instance.

7.4.6. Within the plan form layout, the Planning Authority's Conservation Section noted the addition of en-suites in each bedroom which would read as insertions but are acceptable in principle. Notwithstanding this, the Conservation Section determined that the historic doors should be visible from the stairs and landing instead of from within the en-suite, as proposed. Thus, it is suggested that this element of the layout of the en-suites should be reversed to display the historic doors externally from the stairs and the landing. Considering that this suggestion serves to retain and display the historic fabric of the protected structures, I am of the view that it would positively contribute to the proposed development. In the event that the Board decide to grant planning permission, and considering the extent of works required internally, I consider it appropriate to impose a condition requiring the re-orientation of the historic doors within the en-suites to ensure that they are displayed from the stairs and landings.

7.4.7. Having regard to the above, I consider the proposed development to be compliant with Policy BHA2 of the Development Plan as it respects the historic fabric and structural integrity of the protected structures without significantly altering their character or appearance. Given the extent of internal works within the protected

structures, in the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the monitoring of works by a conservation specialist.

Interior - Basement:

- 7.4.8. The appellant has raised concerns in relation to the impact of the proposed works within the basement of no. 21 Ormond Quay Upper due to its proximity to her basement at no. 20 Ormond Quay Upper. The appellant contends that the lowering of the floor level by 150mm within the basement would impact her basement by way of potential water ingress and that this has not been given appropriate consideration by the applicant. The appellant also contends that this would lead to a loss of historic fabric. The Planning Authority's Conservation Section noted that damp-proofing of the basement is proposed, given the lowering of the floor level, but there is contrasting information within the submitted outline Construction Management Plan and Conservation Methodology Statement in relation to this. The Conservation Section, therefore, suggested that clarity be provided about the damp-proofing of the basement by way of planning condition. The applicant, in their response to the 3<sup>rd</sup> party appeal, stated that the basement would be tanked with a cavity barrier drainage layer, specification Triton P8, and a sump pump to ensure no leaks. This is detailed in drawing no. PA/103/C and M140. The basement toilets would be macerator toilets and would not require separate pumps.
- 7.4.9. I am satisfied that the applicant has appropriately identified the damp proofing specifications for the basement works and that there is no requirement to seek further information in this respect, as suggested by the appellant. I am also satisfied that the applicant's Conservation Methodology Statement does not identify historic fabric of note within the basement, therefore I consider that the proposed basement works would not lead to a loss of historic fabric.
- 7.4.10. No basement impact assessment has been provided with the application, despite Appendix 9 of the Development Plan requiring such in the event of works at basement level. However, I accept the Planning Authority's determination that the pre-existing basement at no. 21 negates the need for a basement impact assessment. I also note that Section 13.15 of the Development Plan states that there is a presumption against any basement development within the Markets Area and

Environs SDRA, in all but exceptional circumstances. Given the existence of a basement within this protected structure and the fact that the proposed development would bring a protected structure back into use which would align with the guiding principles of the SDRA, I consider the basement development to be acceptable.

- 7.4.11. I note that the drainage layout for the basement does not show a storeroom but the basement floor plan shows a store room. This indicates that the submitted drawings do not align. Given that the floor plan drawings represent the legally required drawings, I consider these drawings to represent the proposed development layout. In the event that the Board decides to grant planning permission, I consider it appropriate to detail, by way of condition, the plans and particulars under which the proposed basement shall be carried out.

Internal & External Piping:

- 7.4.12. The appellant contends that the proposed internal piping within floor joists would lead to an unacceptable loss of historic fabric and would not allow for the remedying of any failure of the piping system, which has previously compromised the structural integrity of no.20. To mitigate this, the appellant suggests the routing of the piping externally along the northern façade parallel to the joists to drain into no.21 and the provision of a leak-detection system. The applicant states that the proposed internal piping system would not lead to a loss of historic fabric as it would be within the floor infrastructure. Concurrently, the applicant states that the appellant's suggestion of externalising the piping system would lead to the loss of historic fabric by way of visual disruption of the external façade. The applicant also confirms that the joist infrastructure would be retained and reinforced to facilitate the B&B use and that the piping system would be up to date and maintained to ensure no leaking occurs.
- 7.4.13. Notwithstanding the appellant's concerns about the potential for leaking and loss of historic fabric, I agree with the applicant that the likelihood of the loss of historic fabric resulting from the routing of the piping within the floor infrastructure would be minimal. Thus, I consider that there would be a minimal impact on the appearance and character of the protected structure. The approach of routing piping infrastructure within the floor infrastructure is commonly undertaken for developments such as this, and I do not believe that externalisation of the piping system would be merited in this instance due to the associated visual impact that

would arise. Furthermore, I agree with the applicant that the externalising of the piping system would likely lead to a loss of historic fabric and would impact on the character and appearance of the protected structure by way of visual disruption which would be unwarranted. I am therefore satisfied with the piping system associated with the proposed development.

- 7.4.14. Further to the above, the appellant raised concerns relating to the drilling of floor joists and the impact this could have on her ceiling finishes and fireproofing. In this respect, the appellant seeks assurances that her fireproofing would not be impacted by the proposed development. The appellant suggests the involvement of an independent 3<sup>rd</sup> party to observe the works and advise on fireproofing. The applicant suggests that concerns relating to fireproofing could be addressed at condition compliance stage and that a fire safety certificate application will be made following a grant of planning permission. A Fire Safety Consultant Letter was submitted by the applicant with the application indicating that the proposed development would be compliant with the fire safety standards set out in the Building Regulations. The Planning Authority have not commented on this matter. I consider the fireproofing and drilling of floor joists to be condition compliance matters that would normally be addressed via a finalised Construction Management Plan and provision of a fire certificate. I am therefore satisfied that the appellant's concerns would be addressed at planning condition compliance stage.

Boundary Wall:

- 7.4.15. The potential impact of the proposed development on the boundary wall of the appellant's property has been raised by the appellant as an issue that could adversely impact her ground floor tenants. The appellant contends that it is unclear which elements are being retained and which elements are new and that the applicant does not demonstrate an understanding of the structural elements or the buildability of the proposed structure in the context of its shared boundary and party wall with the appellant's property. The Planning Authority noted the inconsistency in the drawings and the submitted documentation as to the retained and new elements of the proposed development but did not object to the proposed development and considered the partial demolition of the building to the rear of the site to be acceptable.

- 7.4.16. Although I agree that there are discrepancies in the applicant's drawings and documentation relating to new and retained elements, I consider that the drawings largely demonstrate the intention of the proposed development. Despite their contentions to the contrary, I consider that the appellant has not conclusively demonstrated that the construction and demolition of the proposed development would impact the boundary wall. Section 2.4 of the applicant's outline Construction Management Plan states that a unitised curtainwall (non-load-bearing wall) would be used to construct the external fabric of the extended building to the rear. The applicant's outline Construction Management Plan also states that the boundary wall would be reinforced with concrete ground beams, columns, walls and floor slabs. Although this may lead to some disruption to the appellant's property, I am not of the view that the appellant would be significantly or adversely impacted, due to the measures proposed in the applicant's outline Construction Management Plan such as engagement with neighbouring property owners prior to the commencement of works. Notwithstanding this, in the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the submission of drawings confirming elements to be retained and reinstated and elements to be removed.
- 7.4.17. Regarding the party wall to the rear of the protected structures and shared with the appellant, concerns have been raised by the appellant about the lack of detail relating to the retention and repointing of this wall, the removal of various elements such as the fire escape and the potential for the loss of historic fabric. The Planning Authority's Conservation Section also considered that the proposed development did not include sufficient detail relating to the work to the rear party wall, and that further details should be provided by way of condition. Given the extent of the proposed works to the rear party wall, which I consider to be generally acceptable in principle, I agree that further detail should be provided by the applicant prior to the commencement of development in order to ensure there is no loss of historic fabric. In the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the submission of further detail relating to the works to the rear party wall, prior to commencement of development. I am satisfied that the applicant intends to engage with the applicant in good faith which is

demonstrated in Section 3.1 of the applicant's outline Construction Management Plan.

Shopfront:

7.4.18. The Planning Authority Conservation Section raised concerns about the layout of the existing shopfront and the need to reinstate the original shopfront. The applicant's Conservation Methodology Statement indicated that the shopfront would be restored in line with the detail evident in the oldest surviving photograph of the building from the 1870s. This would include the reinstatement of window cill banding, window surrounds, timber posts, beam and stall riser frameworks. Notwithstanding this, the Planning Authority's Conservation Section suggested further improvements to the shopfront to include a traditional panelled arrangement and traditional treatment of ironmongery to the doors. This was suggested by way of planning condition which I consider to be reasonable; therefore, in the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition to inform the proposed shopfront design.

Exterior works:

7.4.19. Regarding the rooftop layout, I note that the applicant proposes to retain the hipped M-profile roof of the protected structure and to re-slate the roof with natural roof slate. The proposed roof layout would also include the reintroduction of blocked up rooflights on the front elevation of this roof. The Planning Authority's Conservation Section recommended the omission of these reinstated rooflights since they would not positively contribute to the protected structure, but this was not covered in the conditions accompanying the Planning Authority's grant of permission. I consider that these reinstated rooflights would not contribute positively to the protected structure as they would introduce an inconsistent roof form along the southern (front) elevation and that the bedrooms benefitting from their reinstatement would be south facing with existing fenestration, I consider that the omission of these rooflights would be merited. In the event that the Board decide to grant planning permission, I consider that a condition should be applied requiring the submission of revised drawings indicating the omission of the rooflights on the front pitch of the roof profile.

7.4.20. I note that the proposed development includes several reinstated and reopened arches and window openings. The Planning Authority's Conservation Section alluded



to one remaining relieving arch or blocked up window opening to the rear of the protected structure (See photo EX-02Up on DWG No. SV/103/A) which they contend does not appear to be identified in the applicant's drawings. Drawing PA/106/C indicates that an existing boarded up window would be re-opened and re-instated to the rear of the protected structure at 1<sup>st</sup> floor level. However, photo EX-02Up on DWG No. SV/103/A shows one fully boarded up window opening directly below a partially boarded up window. Thus, I agree with the Planning Authority, in that, further detail is required in this respect. In the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the submission of finalised details relating to the proposed works to the rear of the protected structure, prior to commencement of development.

#### Construction Hours:

7.4.21. I note the appellant's contention that the construction hours proposed by the Planning Authority differ to the construction hours set out in the applicant's outline Construction Management Plan (oCMP). I do not consider this to be an issue of significance given the 'outline' nature of the applicant's oCMP and the Planning Authority's powers as a consenting authority which allows for the setting out of construction hours within planning conditions, regardless of what is set out in what is an outline oCMP which can be subject to change. In respect of the outline nature of the applicant's oCMP, I note that the appellant also contends that the oCMP would lead to the loss of historic fabric. I do not consider this to be an issue of significance as the oCMP is not finalised and, in the event of a grant of planning permission a finalised CMP would typically be requested via condition. This would, in my view, allow for any concerns regarding the impact of the oCMP to be addressed. Given this, and in the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the submission of a finalised CMP, prior to commencement of development.

#### **7.5. Residential Amenity Impacts**

7.5.1. A number of concerns have been raised regarding the potential residential amenity impacts of the proposed development on surrounding properties, particularly in relation to the use of the proposed courtyard area to the rear of the protected structure. I consider these concerns to be relevant considering the proximity of

residential properties and the open nature of the proposed courtyard area. I therefore consider the Planning Authority's condition prohibiting the use of this courtyard area for outdoor functions or gatherings to be merited. I consider this to be reasonable and achievable given the proposed 24/7 onsite security, as set out in the outline Operations Management Plan. In the event that the Board decides to grant planning permission, I consider it appropriate to impose such a condition.

- 7.5.2. Other potential residential amenity impacts include overlooking, overshadowing and overbearing impacts which are assessed as follows:

Overlooking:

- 7.5.3. The height of the proposed extension to the rear building (5 storeys) gives rise to overlooking concerns given its increased height in a built-up area. Direct overlooking of the existing 2-storey residential dwellings along Ormond Square to the north of the site (separation distance of 11.5m), of the protected structure element of the proposed development (separation distance of 7.7m-3.4m at upper floor levels) and the rear of neighbouring properties would likely occur in this instance. Where concerns about direct overlooking arise, features such as directional louvres, opaque glazing or screening are normally utilised. However, due to the extent of potential direct overlooking arising from the proposed development, I consider it appropriate to entertain a wider scope of mitigating features.
- 7.5.4. To mitigate overlooking, the applicant has incorporated window baffles at numerous places along the northern elevation facing onto Ormond Place and at numerous places within the proposed development site where the extended building to the rear would overlook the rear of the protected structure and the rear of other neighbouring properties, including the appellant's property. The fenestration of the extended building to the rear is also proposed to be setback in some instances and the opening sizes optimised. I note that the proposed window baffling occurs in approximately 13 no. windows of the extended rear building, as derived from the floor plan drawings. However, drawing nos. PA/119/C (Section E-E) and PA/113/C (north elevation) indicate a total of 11 no. window baffles on the fenestration of the extended rear building. Furthermore, the drawings do not align with the baffle details (Drawing no. AC/501/A & AC/502/A). It is therefore unclear as to the extent of window baffling as part of the proposed development. Notwithstanding the lack of clarity surrounding the

window baffle details, I consider that the combination of window setbacks, optimised ope sizes and window baffles would address any overlooking from the extended building to the rear, where window baffles are incorporated in all of the fenestration of this building above ground floor level. In the event that the Board decide to grant planning permission, I consider that this can be addressed by way of planning condition requiring the provision of window baffles in all above ground floor fenestration of the extended building to the rear.

- 7.5.5. I note that direct overlooking of the rear of the appellant's property would occur from bedrooms 14 and 24 in the rear elevation. As these are the sole windows associated with these bedrooms, I do not consider it appropriate for them to be glazed. Rather, in keeping with the consistency of design, I consider that window baffles should also be employed at these windows to prevent direct overlooking. In the event that the Board decide to grant planning permission, I consider that this can be addressed by way of planning condition requiring the provision of window baffles in bedrooms 14 and 24. I do not consider that this would negatively impact the character and setting of the protected structures as the window baffles would be internally located and would thereby be less prominent when viewed from the streetscape.

Overshadowing:

- 7.5.6. A Daylight & Sunlight Assessment, undertaken by H3D, was submitted by the applicant to address overshadowing concerns. The assessment is three-pronged, in that, it includes an amenity overshadowing of the rear gardens of dwellings to the north of the site along Ormond Square, a vertical sky component (VSC) analysis of same and a Shadow Study showing the extent of overshadowing on surrounding properties. The amenity overshadowing assessment determined whether the rear gardens to the north received at least 2 hours of sunlight on the 21<sup>st</sup> March or had a value no less than 0.8 times the current state. All of the rear gardens were considered to be compliant with the requirements of the BRE Guidelines, which was displayed in a tabular format. The VSC analysis took account of approximately 70 windows relating to dwellings on Ormond Square to the north of the site. The analysis concluded that all windows achieved a value of 27% or no more than 0.8 times the existing value and thus achieved compliance with the requirements of the BRE Guidelines. Again, the results were displayed in a tabular format. The Shadow study used computer generated images to demonstrate the extent of overshadowing

of neighbouring properties during the 21<sup>st</sup> March, 21<sup>st</sup> June, 21<sup>st</sup> September and the 21<sup>st</sup> December. Comparative images showing the extent of overshadowing for the existing and proposed scenarios were included. The study concluded that only minor additional overshadowing of neighbouring properties would arise on days when the sun would be at its lowest in the sky.

7.5.7. Notwithstanding the above, the applicant's Daylight & Sunlight Assessment does not explicitly assess the impacts of access to daylight and sunlight on the rear amenity space of 20 Ormond Quay Upper or on the rooflights of this property (the appellant's property). I note that the Shadow Study within this assessment does not demonstrate any significant overshadowing of the appellant's property beyond any overshadowing that presently occurs. The appellant's property to the rear, by way of its location to the rear of taller buildings, does not benefit from substantial access to sunlight and daylight and would not be likely to be impacted to the extent that its sunlight value would be less than 0.8 times the current state. Furthermore, the proposed extended building to the rear includes a stepdown in height which would further mitigate any overshadowing effect on the appellant's property. I am therefore in agreement with the Planning Authority that minimal additional overshadowing of the appellant's property would occur as a result of the proposed development. I also consider the applicant's assessment to be compliant with the requirements of the BRE Guidelines relating to access to daylight and sunlight, and overshadowing. I am therefore satisfied that the proposed development would not significantly overshadow neighbouring properties or lead to a significant loss of daylight and sunlight for neighbouring properties.

7.5.8. I note that the applicant's Daylight & Sunlight Assessment does not consider the impact of the proposed development on access to daylight and sunlight of future guests. Considering the transient nature of the B&B use, I do not consider it necessary to assess the access to daylight and sunlight of future guests as they would not be permanently residing there.

Overbearing:

7.5.9. Considering the proximity of the appellant's property to the proposed development, the constraints of the site and the existing built-up nature of the surrounds, I do not consider that overbearing concerns would arise as a result of the proposed

development. In any case, the single storey annex, rear return and ground level courtyard within the appellant's property would be located adjacent to the ground level element of the proposed development. This would serve to reduce any overbearing issues that may arise as a result of the height and scale of the proposed development which would not extend along the full length of the rear eastern elevation. However, this property pre-exists within close proximity to and apart of 2 no. 4 storey above basement protected structure properties. I therefore do not consider the proposed development to be overbearing.

## 7.6. Other Matters

### Legal Interest:

- 7.6.1. The appellant contends that the applicant does not possess the legal right to undertake the construction of the proposed development as they are of the opinion that this would require access to the appellant's property for which they have not provided permission. The applicant is of the view that they have demonstrated that they are the legal owners of any land required to construct the proposed development and that any legal matters in this respect are not within the remit of the Board to assess. In addition, I note that the applicant's outline Construction Management Plan emphasises the use of modular off-site prefabrication, mass timber and precast concrete (pg 11), which removes the need for scaffolding and access to neighbouring properties. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.
- 7.6.2. I also note concerns raised by the appellant regarding her ability to input on the condition compliance process, in the event of a grant of planning permission. The applicant has correctly responded to this by stating that this is not a matter within the scope of my assessment, therefore, I do not consider it necessary to assess this issue any further. In any case, conditions and matters to be agreed at compliance stage relate to points of detail and would not significantly alter the proposed development.

### Parking & Access:

- 7.6.3. No cycle or vehicle parking is provided as part of the proposed development due to its central location, however, the Architectural Design Statement (page 16) accompanying the application indicates that it is the intention of the applicant to provide bicycles as part of the B&B offering. Conversely, the Transport & Mobility Management Plan submitted with the application refers to the transient nature of future customers and that any demand for cycle parking would be accommodated within the 8 no. public cycle stands located to the front of the site or through schemes such as Dublin Bikes which has 2 no. docking stations within 230m of the site. I am of the view that the latter would likely be the case and that the demand for cycle parking related to the proposed development could be accommodated within the existing cycle parking infrastructure. In coming to this conclusion, I have considered the potential demand for both staff and customer cycle parking in the context of the accessibility of the site by means of public transport. Additionally, I note that the Planning Authority's Transportation Planning Section did not object to the cycle parking approach of the proposed development. I am therefore satisfied that the cycle parking approach of the proposed development would be compliant with Appendix 5 of the Development Plan relating to cycle parking standards.
- 7.6.4. Regarding the proposed access to the site, I note that the main pedestrian entrance from Ormond Quay would remain and that the entrance to the rear would be used for set down and deliveries, thereby avoiding any impediment to traffic on the quays. I consider that the applicant's swept path analysis adequately demonstrates the accessibility to the rear of the site for service vehicles and I note the intentions set out in the outline Construction Management Plan to reduce waste during the construction process thereby reducing the number of construction vehicles accessing the site. I also note that it is proposed to retain a hatch to the front of the protected structure at ground level which would function as a secondary servicing access. I consider these access arrangements to be a positive element of the proposed development as the laneway to the rear (Ormond Place), which currently lacks a cohesive layout and is not well overlooked, would be activated by the proposed development. I also consider that the proposed development provides for the potential to improve lighting and the surfacing of the laneway and that this could be achieved by way of planning condition. In the event that the Board decides to

grant planning permission, I consider it appropriate to include conditions requiring the provision of lighting to the rear of the site and to contribute towards the resurfacing of the laneway to the rear which appears to be within the Planning Authority's ownership. In respect of contributing to the resurfacing of the laneway to the rear, I do not consider the Planning Authority's proposed condition on this matter (Condition 8b) to be acceptable as I am of the view that this would be overly cumbersome and would require the applicant to undertake works outside of the red line boundary. As such, I consider a condition requiring a contribution towards the resurfacing of the rear laneway to be appropriate, in the event that the Board decides to grant planning permission.

Design:

- 7.6.5. The design of the proposed development is such that it retains the design of the protected structure element and introduces a contemporary design to the extended building to the rear, whilst retaining and reinstating architectural features within both buildings. I agree with the Planning Authority's Conservation Section regarding the acceptability of this design approach as it retains the design of the protected structure element and retains the historic elements of the building to the rear whilst introducing a contemporary design to the extended element. This avoids the perception of a pastiche design which I consider to be a positive design approach. Accordingly, I consider the design of the proposed development to be acceptable.

Drainage:

- 7.6.6. The Engineering Report & Flood Risk Assessment (FRA) submitted with the application refers to the use of a combined sewer for surface water and foul water due to the lack of soft landscaping onsite. Furthermore, the report states that sustainable drainage measures (SuDS) would not be viable due to the adjacency of buildings under different ownership and the relatively high water table. Nonetheless, the drawings indicate the use of sedum roofs at 1<sup>st</sup> floor level above the ground floor link, at 3<sup>rd</sup> floor level adjacent to room 25, at 4<sup>th</sup> floor level above room 25 and at rooftop level on the rear building. The report infers that blue and green roofs will be integrated into these sedum roofs allowing for a gradual cascade down to the blue/green porous pavement in the courtyard area. This design response will allow for segregation of surface water and foul water drainage at source but ultimately it is

proposed to drain both to the combined sewer. Given the constraints of the site and the fact that the Planning Authority's Drainage Section has not objected to the proposed development on these grounds, I am satisfied with the proposed drainage regime. I also note that Irish Water have confirmed capacity within the drainage network to cater for the proposed development without the need for infrastructure upgrades (see Appendix 3 of Engineering Report & Flood Risk Assessment). I am therefore satisfied that the proposed development can be adequately subsumed within the existing drainage infrastructure, despite the appellant's contention regarding the intensification of use when compared to the previous B&B and the drainage demand implications arising.

Flood Risk:

- 7.6.7. The site of the proposed development is located adjacent to the River Liffey on an area of historically reclaimed land. This would normally present as a high risk of flooding, however, the applicant's Flood Risk Assessment demonstrates that the site is located adjacent to a defended area along the quays. This places the site within Flood Zone C which is confirmed by flood mapping. Notwithstanding this, I note that the applicant has proposed a layout that confines guest accommodation to the 1st floor levels and above. Coupled with the fact that the basement level is proposed for intermittent staff use and would not be permanently occupied, I am satisfied that the proposed development would not pose a flood risk.

Archaeology:

- 7.6.8. I note that the proposed development is located within the Historic City Core which is archaeologically significant. I also note that the appellant has submitted an Archaeological Assessment in support of their application which does not identify any onsite archaeological features but recognises the archaeological value of the surrounding area. I therefore consider that a precautionary approach should be adopted, as inferred by the Planning Authority's Archaeology Section, requiring the archaeological monitoring of the proposed works. In the event that the Board decides to grant planning permission, I consider it appropriate to impose a condition requiring the archaeological monitoring of the proposed development works.



## 8.0 AA Screening

### **Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)**

- 8.1.1. I have considered the proposed restoration and refurbishment of a B&B building, change of use of the existing and extended building to the rear from health to B&B use and construction of a new extension to form a part 4 storey/part 5 storey building in light of the requirements of S177S and 177U of the Planning and Development Act 2000, as amended.
- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Dublin City Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.
- 8.1.3. A detailed description of the proposed development is included in Section 2.1.1 of this report. In summary, the proposed development comprises a change of use from health to B&B for the building to the rear, the partial demolition of existing 4 storey and 2 storey buildings resulting in a part-4 storey/part-5 storey building, refurbishment and alterations to the interior and exterior to include 27 no. B&B rooms, staff facilities, coffee bar, lounge, courtyard area, reception, toilet facilities, storage, bin storage and associated site works.
- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The site is located approximately 23m from the River Liffey which drains to Dublin Bay.

### **European Sites**

- 8.1.5. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Five European sites are located within 10km of the potential development site:
- South Dublin Bay and River Tolka Estuary Special Protection Area (004024)
  - South Dublin Bay Special Area of Conservation (000210)

- North Dublin Bay Special Area of Conservation (000206)
- North Bull Island Special Protection Area (004006)
- North-West Irish Sea Special Protection Area (004236)

- 8.1.6. The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay and is located 3km northeast of the site. It includes the intertidal area between the River Liffey and Dún Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest.
- 8.1.7. The South Dublin Bay SAC lies south of the River Liffey and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. The sediments are predominantly sands but grade to sandy muds near the shore at Merrion Gates. The main channel which drains the area is Cockle Lake. The site is a Special Area of Conservation under the EU Habitats Directive and is located 3.9km to the southeast of the site.
- 8.1.8. The North Dublin Bay SAC covers the inner part of north Dublin Bay, the seaward boundary extending from the Bull Wall lighthouse across to the Martello Tower at Howth Head. The North Bull Island is the focal point of this site. The SAC is located 6.8km northeast of the site. The site is a Special Area of Conservation under the EU Habitats Directive.
- 8.1.9. The North Bull Island SPA covers all of the inner part of north Dublin Bay, with the seaward boundary extending from the Bull Wall lighthouse across to Drumleck Point at Howth Head. The SPA is located 7.9km east of the site. Saltmarsh extends along the length of the landward side of the island and provides the main roost site for wintering birds in Dublin Bay. The island shelters two intertidal lagoons which are divided by a solid causeway. These lagoons provide the main feeding grounds for the wintering waterfowl. The sediments of the lagoons are mainly sands with a small and varying mixture of silt and clay. The site is a Special Protection Area under the EU Birds Directive, of special conservation interest.
- 8.1.10. The North-west Irish Sea SPA constitutes an important resource for marine birds and is located approximately 7.9km east of the site. The estuaries and bays that open

into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

8.1.11. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of South Dublin Bay and River Tolka Estuary, North Dublin Bay, North Bull Island and North-West Irish Sea.

<b>European Site</b>	<b>Qualifying Interests (summary)</b>	<b>Distance</b>	<b>Connections</b>
South Dublin Bay and River Tolka Estuary Special Protection Area (004024)	Wintering water birds (13 x species) Wetland and waterbirds	<b>3km</b>	No direct
South Dublin Bay Special Area of Conservation (000210)	[1140] Tidal Mudflats and Sandflats [1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	<b>3.9km</b>	No direct
North Dublin Bay Special Area of Conservation (000206)	Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330], Mediterranean salt meadows (Juncetalia maritimi) [1410], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Humid dune slacks [2190], Petalophyllum ralfsii (Petalwort) [1395]	<b>6.8km</b>	No direct
North Bull Island Special Protection Area (004006)	Wintering water birds (18 x species) Wetland and waterbirds	<b>7.9km</b>	No direct

North-West Irish Sea Special Protection Area	Wintering and migratory water birds (21 x species)	<b>7.9km</b>	No direct
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### **Likely impacts of the project (alone or in combination)**

- 8.1.12. Due to the brownfield nature of the development site and the containment of works to the interior and the rear of the site thereby creating a buffer between the brownfield site and the River Liffey, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.1.13. The proposed development would not have direct impacts on any European site. During site clearance, demolition and construction of the proposed building and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.1.14. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to European Sites makes it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.15. Given the scale of the proposed development within an urban city centre area, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would represent any significant increase on the current baseline.

### **Likely significant effects on the European sites in view of the conservation objectives**

- 8.1.16. The construction or operation of the proposed development will not result in significant impacts that could affect the conservation objectives of the SPAs or SACs. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions as a result of any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

### **In combination effects**

8.1.17. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

8.1.18. No mitigation measures are required to come to these conclusions.

### **Overall Conclusion**

#### **Screening Determination**

8.1.19. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Dublin Bay namely, South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA, North-West Irish Sea SPA or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.1.20. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- The determination of the Planning Authority, in their assessment of the proposed development that it would not significantly impact upon a Natura 2000 site.

## **9.0 Recommendation**

I recommend that planning permission should be GRANTED, subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the nature of the proposed development, the protected structure status of the property (RPS Nos.6081 & 6082), the condition of the property, the zoning of the site for city centre uses, the location of the site within a Strategic Development Regeneration Area, Conservation Area and Historic Core, the design and layout, the proposed drainage and access measures, it is considered that subject to the conditions set out below, the proposed development would be acceptable and in accordance with the provisions of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Local Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21<sup>st</sup> day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) In place of the coffee bar area at ground floor level, an area for the provision of breakfast shall be reserved explicitly for use by guests of the B&B.
  - (b) The historic doors within the en-suites shall be re-orientated to ensure that they are displayed from the stairs and landings and not from within the en-suites.
  - (c) The layout of the basement area shall be constructed in line with drawing no. PA/103/C.

- (d) The rooflights along the front pitch (southern elevation) of the protected structure roof profile shall be omitted from the proposed development.
- (e) Window baffles shall be employed within all above ground floor windows on the proposed extended building to the rear of the site. Window baffles shall also be employed within Bedrooms 14 and 24 of no.21 Ormond Quay Upper.
- (f) Street lighting shall be provided to the rear of the site along Ormond Place. Such low-level lighting shall be designed as such to be fixed downwards, shall not be affixed to neighbouring properties and shall be provided prior to the operation of the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

- 3. The ground floor external courtyard/link structure shall not be used for outdoor functions or gatherings.

**Reason:** In the interests of residential amenity.

- 4. The proposed shopfront shall conform to the following requirements:

- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering;
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination;
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and
- (d) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

**Reason:** In the interest of the visual amenities of the area

5. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

8. Prior to the commencement of development on the Protected Structure the applicant shall submit for the written agreement of the planning authority confirmation that:

(a) The development will be monitored by a suitably qualified architect with conservation expertise and accreditation and

(b) Competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage, in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

9. Prior to the commencement of development on the Protected Structure the applicant shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

(a) A full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,



- (b) Methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) Details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) Protection of the remaining historic fabric during the construction works,
- (e) Materials/features of architectural interest to be salvaged,
- (f) Details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (h) Details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
- (j) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details to be accompanied by drawings of an appropriate scale of not less than 1:50.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

**10.** Prior to the commencement of development on the Protected Structure the applicant shall submit for the written agreement of the planning authority:

- (a) Details for reinstatement of previously removed features or components to restore the character of the structure, to accurate detail, to be agreed if not already resolved;
- (b) Details of the procedures to be followed in respect of the retention and restoration of these features shall be submitted in a method statement to, and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In order to protect the character of this protected structure.

**11.** Prior to the commencement of development on the Protected Structure samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

- 12.** Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façade and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction, including details surrounding the damp proofing of the basement.

**Reason:** In the interest of preserving the architectural integrity and heritage value of the retained structures.

- 13.** The construction of the development shall be managed in accordance with a finalised Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (h) Details of appropriate mitigation measures for noise, dust, air quality and vibration, and monitoring of such levels, in line with the relevant guidance documents;

- (i) The location of any generators in the least intrusive location, and provision of acoustic barriers/enclosures around said generators.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

**Reason:** In the interest of amenities, public health and safety and environmental protection.

- 14.** Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

- 15.** Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

- 16.** The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, groundworks and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS). Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of

appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 19.** The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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Conor Crowther  
Planning Inspector

12<sup>th</sup> February 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>	<b>ABP-319086-24</b>		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: PERMISSION: Restoration and refurbishment of the B&B buildings, change of use of the existing and extended building to the rear from health to B&B use, construction of a new extension. The proposed development will provide for 27 B&B rooms.		
<b>Development Address</b>	21 Ormond Quay Upper, Dublin 7, D07 X76K & the 2nd and 3rd floors of No. 20 Ormond Quay Upper, Dublin 7, D07 TK75		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>		<b>Yes</b>	<input checked="" type="checkbox"/>
(that is involving construction works, demolition, or interventions in the natural surroundings)		<b>No</b>	Tick if relevant. No further action required
<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)?</b>			
<b>Yes</b>	<input checked="" type="checkbox"/>	Class 10(b)(iv) [Urban Development]	Proceed to Q3.
<b>No</b>	<input type="checkbox"/>		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	<input type="checkbox"/>		

No	✓	Urban development which would involve an area greater than 10ha.	Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	✓	Stated site area is 186m <sup>2</sup> (0.0186ha). The site is therefore well below the relevant threshold of 10ha.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: **Conor Crowther**      Date: **12<sup>th</sup> February 2025**

**Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference Number</b>	<b>ABP-319086-24</b>
<b>Proposed Development Summary</b>	PROTECTED STRUCTURE: PERMISSION: Restoration and refurbishment of the B&B buildings, change of use of the existing and extended building to the rear from health to B&B use, construction of a new extension. The proposed development will provide for 27 B&B rooms.
<b>Development Address</b>	21 Ormond Quay Upper, Dublin 7, D07 X76K & the 2nd and 3rd floors of No. 20 Ormond Quay Upper, Dublin 7, D07 TK75
<p><b>The Board carried 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></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	The development has a modest footprint, comes forward as a standalone project, confines demolition works to the interiors and the rear of the site, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	The development is situated in an urban area on a brownfield site consisting of a protected structure located within the historic city core. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan.
<p><b>Types and characteristics of potential impacts</b></p>	Having regard to the relatively modest nature of the proposed development, its location removed from sensitive



(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>	

Inspector:

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

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

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

(only where Schedule 7A information or EIAR required)