



An  
Bord  
Pleanála

## Inspector's Report

ABP 319095-23

### Development

Protected Structure – Planning Permission for

(i) lowering of cills of 4 square headed and 1 arch headed window to ground floor front façade and the extension of the windows to fit the enlarged window openings

(ii) reinstatement of original 5 brass railings from original cill to new cill positions.

Retention of (i) recoating with paint of external surface of ground floor window and door frames in lieu of previous clear coating

ii) enlargement of opening and formation of opening in oak panelled wall between front lounge and entrance hall

iii) removal of lead comes to the ground floor windows and their reglazing with safety glass.

### Location

Clarence Hotel, 6-8 Wellington Quay and 6-8 Essex Street, Dublin 2.

### Planning Authority

Dublin City Council

### Planning Authority Ref.

4813/23

### Applicant(s)

Keywell DAC

### Type of Application

Retention and Permission

### Decision

Split Decision.

<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Keywell DAC
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	4 <sup>th</sup> June 2024
<b>Inspector</b>	Vanessa Langheld

## 1.0 Site Location and Description

The subject site, the Clarence Hotel, is a Protected Structure with frontages to Wellington Quay and Essex Street, Dublin 2 in Temple Bar. It is an established hotel fronting Wellington Quay, with rear access from Essex Street. The structure, on a site of 877sq m, comprises the Four Star Clarence Hotel a building of 4,809 sq m. It is adjoined on its western boundary Dollard House.

The hotel is an attached, seven bay, five storey over basement hotel. Following a fire in 1937, the structure was rebuilt to the designs by the Dublin-based architectural practice of Bradbury & Evans, opening to the public in 1939. The NIAH evaluation (Ref 50020034), records the building as being of regional importance and of architectural, artistic, cultural, historical, social interest.

The building has been expanded, upgraded and altered a number of times over its lifetime. Considerable alterations to the building occurred in 1994 when the main entrance was relocated centrally on the building and the copper clad penthouse level was added. (DCC Reg. Ref. 1231/94.)

## 2.0 Proposed Development

The works sought in a hybrid application relate to the frontage of the hotel on Wellington Quay as follows:

Permission for development is sought for:

- i) Lowering of cills of 4 no. square headed and 1 no. arch headed window at the ground floor, front (north) façade.
- ii) Extension of the original window and door frames to fit the new enlarged openings (incorporating redundant vent openings to the basement).
- iii) Reinstatement of 5 no. brass railings from the original cill to new cill positions.

Retention permission for development is sought for the following.

- i) Internally, the enlargement of the existing openings and the formation of a new opening in the oak panelled wall between front lounge and entrance hall
- ii) Recoating with paint of external surface of ground floor window and door frames in lieu of previous clear coating to the front (north) façade.
- iii) The removal of the lead comes<sup>1</sup> to the ground floor windows and their reglazing with safety glass.

### 3.0 Planning Decision

#### 3.1 Decision

Dublin City Council issued a split decision on 24 January 2024:

- Internally - Permission was granted for the retention of the enlargement of the existing opening, and formation of a new opening in oak panelled wall between the front lounge and entrance hall.
- Externally - Permission for development and retention permission for development were refused for the external changes sought as follows:

*'Having regard to the nature and scale of the proposed development and development proposed for retention, the established pattern of development in the area and the zoning provisions of the current Development Plan, it is considered that the proposed development and development proposed for retention does [sic] not accord with the 2022-2028 Dublin City Development Plan or with the proper planning and sustainable development of the area. It is therefore recommended that permission be refused for the following:*

- i) *Lowering of the cills.*
- ii) *Reinstatement of 5 no. brass railings*

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<sup>1</sup> Comes meaning H-shaped strips of lead used to assemble pieces of glass.

- iii) *Recoating with paint of external ground floor window and door frames in lieu of previous clear coating (retention refused).*
- iv) *Removal of lead comes (retention refused).'*

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Report**

The key items from the Planner's Report can be summarised as follows:

The Report states that *'whilst the proposed works appear relatively minor in nature and agreeable in principle the views of the Conservation Section must be considered given the subject is on the Record of Protected Structures and due to it being located within a red hatch conservation area'*.

The Conservation Report is the basis for the Planning Authority decision to issue a split decision on this application.

The retention of the internal alterations (enlargement of openings) is considered acceptable in accordance with the recommendations of the Conservation Department. The other elements of the proposed development, both proposed and those for retention are refused in accordance with the recommendations of the Conservation Department.

### **3.2.2 Conservation Report**

The key points in the Conservation Report are as follows:

- The Clarence Hotel is on the List of Protected Structures in the Dublin City Development Plan, 2022-2028 (Ref: 8361) and the building is located within a Z5 zone the objective of which is *'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'*. The Clarence Hotel is also within a red hatch Conservation Area.

- The hotel is an attached, seven bay, five storey over basement hotel. was rebuilt following a fire in 1937 to designs by Bradbury and Evans, opening in 1939. As evaluated by the NIAH (Ref 50020034) the building is of regional importance and architectural, artistic, cultural, historical, social interest.

The NIAH entry for the structure states:

*‘This prominent building was constructed on part of the site of three early nineteenth-century buildings, which themselves had been built on part of the site of Thomas Burgh’s Custom House. One of the buildings, No.6 had been in use as the Clarence Hotel from at least the mid-nineteenth century. The current hotel building was designed by a Dublin architectural practice, Bradbury & Evans, in a restrained style with Art Deco references. It was extensively remodelled in 1996 following acquisition by rock band U2. Limestone and brick detailing break down and enliven the large scale of its façade, lending tonal and textural variation to the red brick walls. Despite recent alterations, the building retains much of its early form and character and stands as an important example of an early twentieth-century commercial building, making a positive contribution to the quayside.’*

- The Conservation Officer (CO) states that the following Development Plan policies have been considered: BHA2 (Development of Protected Structures); and BHA9 (Conservation Areas).
- In conclusion, the Conservation Officer states that it is regrettable that unauthorised works to the Protected Structure have taken place, and that those works have significantly altered the presentation of the façade. Noting that the Applicant’s/Appellant’s Design Team’s Conservation Architect and independent Conservation Architect both support the changes to the fenestration and glazing, the CO states that they have inaccurately assessed the significance of the original windows.

- In this regard, the CO considers that there has been a detrimental impact arising from the unauthorised works and that further changes to fenestration would further alter this original architectural design for the early 20<sup>th</sup> Century.
- The Conservation Officer has addressed each element of the development in detail and sets out a detailed argument against supporting any of external changes, concluding that they contravene Policy BHA2 of the Dublin City Development Plan 2022-2028, in which it is stated that development should (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 on the curtilage or special character of the protected structure'*.
- The Conservation Officer notes the loss of character that has resulted from the darkening of the natural timberwork, and how this action has negatively impacted the overall presentation of the façade. Photographs are included in the Conservation Report contrasting the windows before they were altered and shows the impact the unauthorised works have had on the Protected Structure and Conservation Area generally.
- The Conservation Officer refers to a Report (prepared as part of the 2007 planning application for the hotel (granted by DCC and ABP, but never constructed)) that refers to the oak panelling interior on the ground and first floor.
- The CO states that although it is considered regrettable that the recent unauthorised demolition of sections of arts and crafts panelling were ill-informed, the changes have improved circulation and permeability. If the applicant were required to reconstruct the demolished sections of the wall this could lead to further damage of adjacent panelling and structural fabric and as such, the CO recommends the granting of retention of permission for development in relation to the internal changes.

- The CO's Report notes further unauthorised changes to the interior of the building that were not set out in the statutory notices:
  - Unauthorised changes to the Octagon Bar.
  - Alterations to the first floor dining room.
  - Significant alterations to the former tea rooms to the rear of the building on the ground floor.

The CO requested that the above works form part of this retention permission for development but notes they are not included in the current application.

The Conservation Officer recommended a split decision on the basis that the works recommended for refusal contravene DCC Development Plan, 2022-2028 Policy BHA2 e and f and BHA9 6 and sections 10.4.15, 10.4.16, 10.4.17 and 10.4.19 of the Architectural Heritage Protection Guidelines 2011.

It is noted in the Report that the Conservation Architect and Conservation Officer both visited the site and reviewed the unauthorised works.

### **3.3 Other Reports**

There were no objections from other internal departments or from prescribed bodies on this application.

## **4.0 Planning History**

(Enforcement Notices – E0699/20 – Unauthorised works to protected structures.)

3325/19 – Planning permission was granted for interconnection of second, third and fourth floors of Dollard House with the half landings of a late twentieth century internal staircase of the Clarence Hotel. Change of use of vacant offices to hotel on second, third and fourth floors (56 rooms), replacement of existing late 20<sup>th</sup> century aluminium windows with timber frames to north



elevation facing Wellington Quay and steel framed windows facing the internal light well on East Essex Street.

Reg Ref: 1394/07 (ABP 29S.226834) – erection of new and enlarged hotel (Dollard House, 2-5, the Clarence 6-8 and including 9, 10, 11 and 12 Wellington Quay). This was an application for the erection of a new and enlarged Clarence Hotel, involving the demolition of all the structures on the site with the exception of the facades on Wellington Quay. It comprised the construction of 141 hotel bedrooms and suites in five floors over ground (six storeys) and six storeys over ground (seven storeys) on Essex Street, an atrium (sky catcher) bringing light and natural ventilation to the interior. It included balconies overlooking Wellington Quay. The proposal was designed by the highly-regarded international Architectural Practice, Foster + Partners. Both DCC and the Board granted permission for the application.

The Board's Reasons and Considerations state the following:

*'Having regard to:*

- (a) The policies and provisions of the current Dublin City Development Plan, in particular the Z5 zoning of the site, for which the stated objective is 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic character and dignity,*
- (b) The planning history of the site, including the height and visual impact of the current hotel roofscape and the design and visual impact of the extant permission for an extension on the hotel at Essex Street under planning register reference 6000/04,*
- (c) The long established existing hotel used on this site and the proposed continuance, expansion and enhancement of that use,*
- (d) The high quality of design of the proposed development,*
- (e) The proposed retention of most of the external elements of the building which were referred to in the reasons for their inclusion in the Record of Protected Structures.*

- (f) *The urban regeneration benefits in relation to this section of Temple Bar and the Quays and the need to encourage the evolving regeneration in this part of the city, and*
- (g) *The Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government, 2005.*

*It is considered that the proposed development, subject to compliance with the conditions set out below, would provide a building of unique quality and architectural distinction at this quayside location, would not unduly detract from the Liffey Quays Conservation Area, would in time become a significant feature in vistas along the Liffey and would ensure the continued historic hotel use of a signature building which would add to the architectural legacy of the city of Dublin. Accordingly, it is considered that the proposed development constitutes exceptional circumstances for the purposes of section 57(10)(b) of the Planning and Development Act 2000 which make it appropriate to permit in part demolition of the protected structures, The proposed development, therefore, would not be contrary to the provisions of the development plan when taken as a whole and would be in accordance with the proper planning and development of the area.*

*In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the development proposed, which involves the part demolition of protected structures, is permissible because the exceptional quality of the design of the proposed development, allied to the continuation of the historic hotel use on the site constitute exceptional circumstances for the purposes of section 57(10)(b) of the Planning and Development Act, 2000 and that the Board was not, therefore, precluded from granting permission.'*

The permitted development was not undertaken.

It is noted that, like to the current proposal, the permitted 2007 design provided for the enlargement of the windows to the front of the hotel (i.e. the lowering of the cills of the existing windows to the street level and the extension of the original window and door frames to fit the new enlarged openings).

However, the removal of the lead comes (for which retention permission for development is now sought) did not form part of that permitted design.

Reg Ref: 1231/94 - erect a new copper clad penthouse level at roof level.

Reg Ref: 0635/93 – Permission granted for the relocation on the front entrance into the centre of the front elevation onto Wellington Quay. Also to provide 2 no. pairs of fire exit doors at the same front elevation of the hotel.

## **5.0 Policy and Context**

### **5.1 Dublin City Development Plan, 2022-2028**

#### **5.1.1 Zoning**

The site is zoned Z5 in the Dublin City Development Plan, 2022-2028. That zone is defined as ‘City Centre’ in the 2022-2028 Development Plan, wherein the objective is *‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’*.

Regarding development within this zone, the 2022-2028 Development Plan states:

*‘The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help to create a sense of community, and which sustain the vitality of the inner city both by day and night.....’*

An hotel is a *‘Permissible Use’* within this zone.

The zoning is overlain by a red line hatching to indicate that the appeal site is location with a Conservation Zone.

### 5.1.2 Heritage Policy

The Planning Authority's Refusal reasons refers to Policy BHA2 and BHA9 of the Development Plan, which state:

*'BHA2 – Development of Protected Structures*

*It is the policy of the Dublin City Council*

*Development of Protected Structures*

*That development will conserve and enhance protected structures and their curtilage and will:*

*(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*

*(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*

*(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*

*(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*

*(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*

*(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*

*(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*

*(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*

*(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*

*(h) Have regard to ecological considerations for example, protection of species such as bats.'*

*(My underlining.)*

#### *'BHA9 Conservation Areas*

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

*Enhancement opportunities may include:*

*Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.*

*Re-instatement of missing architectural detail or important features.*

*Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.*

*Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.*

*The repair and retention of shop and pub fronts of architectural interest.*

*Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.*

*The return of buildings to residential use.'*

In the context of the 'Built Heritage Assets of the City', the Development Plan states the following regarding the Red Hatched Conservation Areas:

*'Z2 and Z8 Zonings and Red-Hatched Conservation Areas*

*The Z8 Georgian Conservation Areas, Z2 Residential Conservation Areas and red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application. Designated Conservation Areas include extensive groupings of buildings, streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core, the 19th and 20th century city, and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals. The City Council will encourage development which enhances the setting and character of Conservation Areas. As with Architectural Conservation Areas, there is a general presumption against development which would involve the loss of a building of conservation or historic merit within the Conservation Areas or that contributes to the overall setting, character and streetscape of the Conservation Area. Such proposals will require detailed justification from a viability, heritage, and sustainability perspective.'*

*(My underlining.)*

### 5.1.3 Conservation Principles

Chapter 7 relates to Conservation Principles. The following extracts are considered important.

#### *7.8 Respecting Earlier Alterations of Interest*

*7.8.1 Alterations and additions to a structure can themselves be an irreplaceable part of a unique history. Different periods of alteration can inform the social and architectural history of the built heritage. For example, the subsequent addition of porches, balconies, shopfronts and returns can say much about changing fashions in architectural design and social aspiration, as can alterations or embellishments such as the addition of bargeboards, window and door surrounds or dormer windows.*

*7.8.2 In order to appreciate the integrity of a structure, it is important to respect the contribution of different stages of its historical development. Concentration on whether or not various parts of a building are 'original' can obscure the fact that later alterations and additions may also contribute to the special interest of the structure. Of course, there may be alterations or additions which have not contributed to the special interest of the building, and which may in fact have damaged it.*

*7.8.3 Where new alterations and additions are proposed to a protected structure, it should be remembered that these will, in their turn, become part of the structure's history and so it is important that these make their own positive contribution by being well designed and constructed'*

(My underlining.)

### 5.2 Architectural Heritage Protection, Guidelines for Planning Authorities, 2011

These Guidelines were initially issued in 2004 and were since re-issued in 2011 by the Department of Arts, Heritage & Gaeltacht. The following guidance relates to the proposed development of a protected structure and development within the curtilage of a protected structure:

- 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.
- Consider whether partial demolition of a protected structure would impact the special interest of the whole structure i.e. whether or not the part of the structure proposed to be demolished is original to the structure.
- Partial demolition of a protected structure may be permitted where it does not adversely affect the structure.
- Avoid adversely affecting the principal 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.
- Consider the impact of development within the curtilage of a protected structure on the character and setting of said structure.

The Guiding Principles taken from the Architectural Heritage Protection Guidelines are as follows:

'Conservation is the process of caring for buildings and places and managing change to them in such a way as to retain their character and special interest. Historic structures are a unique resource. Once lost, they cannot be replaced. If their special qualities are degraded, these can rarely be recaptured. Damage can be caused to the character of a historic structure as much by over attention as by neglect.' (My underlining.)

## **6.0 Natural Heritage Designations**

The appeal site is neither located in nor immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) nor a proposed NHA.



## **7.0 EIA Screening**

Having regard to the nature and scale of the development proposed, the site's location within an established built-up urban area, which is served by public infrastructure, the nature of the receiving environment and the existing pattern of development in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 The First Party Appeal**

The appeal is submitted by the Applicant's Architect, Cathal O'Neill + Company against the split decision from DCC. It is summarised as follows:

- The appeal is written by Garrett O'Neill who sets out his extensive experience working in Architectural Conservation and Protected Structures, acting for DCC, the OPW and Waterways Ireland. The Architect is an RIAI Conservation Architect.
- He has worked on the Clarence Hotel as assistant to Padraig Murray (CBM Design) since 2004 and was a senior member of the design team that obtained permission for the hotel in 2005 and in 2007.
- Mr O'Neill acted as assistant Conservation Architect on the successful 2007 application for the Clarence Hotel to the designs of Foster and Partners (to whom CMB Design acted as heritage consultants), and on the series of successful applications relating to surrounding buildings, including Dollard House as well as a number of well known redevelopments such as 43 Aungier Street and the Stella Cinema in Rathmines.

The individual elements of the design are addressed as follows:

### Internal changes

Granted retention permission by DCC; therefore no appeal against this part of the decision.

#### Brass railings

Should the Board consider the new lowered cills appropriate then the reinstatement of the brass railings to this location is sought.

#### Painting of the Window Frames

The ground floor windows have been painted to match the upper floors. They were previously a clear colour but were nonetheless painted. Therefore, it is submitted that there is no material change. It is further submitted that the painting of the frames as part of the architectural composition is of no significance.

There is no known reason for the that colour difference between floors, and this is not evident on any of other buildings designed by this Architect so it is not considered to be a signature motif.

It is possible to restore the varnish if required; however, there is no compelling reason for this to be done.

#### Extension of the windows to newly lowered cills and removal of lead comes

The reason for the removal of the lead comes relates to transparency and safety, providing air tightness and thermal insulation.

The lowering of the cills was already granted permission in 2007 by both DCC and the Board. This will provide for a more open and welcoming appearance to the front of the hotel and is essential to the success of the hotel. The Applicant operates 15 no. hotels in Ireland and are accurately aware of the impenetrability of the current street front.

With respect, it is noted that the Conservation Section of the DCC is adopting an increasingly rigid approach to alteration of historic structures, which the Appellant's agent considers at odds with the Guidelines.

A building should not be frozen in time because it's included on the list of Protected Structures. In the present case, the building is less than 90 years old and is not an outstanding example of 1930's architecture. The architect argues that the structure does not constitute high quality architecture, is heavy handed in its concept, and does not engage with the public.

The views outwards from the lounge are very restricted and the lowered cills will improve this and contribute to passive surveillance of the street. Photographs of the hotel prior to its replacement in show that the current hotel is not sympathetic in scale or detailing to the more traditional houses on the quay front.

This is exemplified by Nos. 9-12 Wellington Quay, for which the conservation works by the same appellant Architect was described as exemplary by the Planning Authority.

The Board is asked to uphold this appeal.

#### **8.1 Letter in support of the appeal from the Conservation Architect Pádraig Murray FRIAI (RIAI Grade 1)**

The Appeal includes a letter in support of the appeal from the noted Conservation Architect Pádraig Murray FRIAI (RIAI Grade 1), who has worked on the Clarence Hotel project for over thirty years.

The Conservation Architect, Mr Murray, is a founder of the noted architectural practice of Costello Murray & Beaumont (latterly CMB Design), with over 60 years' experience as an Architect, including serving as a former President of the Royal Institute of the Architects of Ireland (RIAI). He has considerable expertise working with historic buildings, including the Royal Hospital Kilmainham, the Four Courts, St. Patrick's Hospital etc. Mr Murray's extensive

and varied experience is set out in his attached CV. His letter is summarised below:

Lowering of cills:

The original hotel was destroyed by fire in 1937, and the basements are the only elements of that former building that remain.

This basements were originally lit with cast iron grills in the pavement through which small rubbish particles could still fall. These original pavement grills were subsequently replaced with the current pavement lights.

The hotel is a well-designed functioning hotel in the city centre that needs to keep abreast with the ever-changing requirements of the travelling public and tourist industry.

When the hotel was reconstructed on the site in 1939 its redesign involved the removal of pavement ventilation and the provision of air ducts into the external wall at ground level. The result of this is that the ground floor window cills were raised well above the eye level of seated customers, and even many standing customers.

Externally, the cills were at shoulder level. This design was a result of 'function' - i.e. the need to provide ventilation to the basement. Today that is no longer required and 'form' i.e. the provision of riverside views can take precedence as both form and function can be provided.

It is noted that Dollard House, to the immediate west of the hotel was the first structure to be completed after the original Georgian Terrace in the early 19<sup>th</sup> century. It is believed to be the first in Dublin with floor-to-ceiling windows. It is believed that the Bradbury and Evans could not have ignored this in designing the Clarence Hotel and would likely have intended to provide floor-to-ceiling windows.

However, they were restricted by the need to enable the provision of a discreet air duct to the basement. Floor-to-ceiling windows were also a feature on the building on the corner of Parliament Street and Wellington Quay.

Accordingly, the Conservation Architect is of the opinion that the use of floor-to-ceiling windows is the appropriate quayside fenestration as these would have been used in the first place were it not for the need to provide ventilation to the basement in 1939.

#### Reinstatement of the five brass railings from the new cills to the new cill position

If permission for the lowering of the cills is granted, then it would be appropriate to allow the reinstatement of the brass railings to the new position.

#### Reinstatement of gloss finish.

Permission sought for this, no argument is put forward.

#### Removal of the lead comes

Padraig Murray has stated that in his opinion the comes are out of character with the modern ethos of the hotel and their removal enhances the quality of the building as a statement of early Irish architecture.

## **8.2 Planning Authority Response**

Response from the Conservation Officer in support of upholding DCC's split decision is summarised as follows:

- The CO wishes to reiterate the Architectural and Artistic significance of the clear finished timberwork and multi-faceted glazing of the hotel's Art

Deco windows and highlight their importance to the hotel's façade. Their importance has been undervalued by the Applicant's professional advisors.

- The CO hopes the Board will strongly consider the fundamental and internationally accepted conservation principle of retaining original features that contribute to the special character of a Protected Structure.
- Reference is made to the recently published guidance document *'Improving energy efficiency in Traditional Buildings'* (Government of Ireland, 2023) which shows that energy efficiency can be achieved without replacing the windows in a building.

## **9.0 Assessment**

I have examined the application and appeal details, inspected the site, had regard to the relevant policies and objectives for this area including the Protected Structures status of the building, the zoning and the Red Line Conservation hatching of the area where the Clarence Hotel is located.

I consider the main issues of the appeal are as follows:

1. Internal Alteration for which retention permission for development is sought.
2. External Alterations for which retention is sought and new works are proposed.

(I note that the Conservation Officer has identified a number of works not included in the statutory notices that are considered unauthorised. I have not examined those issues.)

### **9.1 The internal alterations for which retention permission for development is sought**

This change relates to the opening up of the internal entrance area and the removal of the Austrian oak panelling. The DCC Conservation Officer has

concluded that these changes have improved the internal circulation and permeability of the hotel. The CO also noted that an attempt to reinstate the section of wall that has been removed could lead to further damage of the adjacent panelling and the structural fabric

I have visited the site and concur with the DCC Conservation Officer that the opening up of the reception and frontal bar area has considerably improved the permeability of this part of the hotel. Accordingly, it is considered appropriate to uphold the DCC granting of retention for this element of the development.

## **9.2 The External Alterations**

### **9.2.1 Lowering the cills of the windows and replacement of the comes with clear glass**

Permission is sought to lower the cills of the 4 no. square-headed windows and 1 arc- headed window to the ground floor façade and to extend the windows to fit the enlarged openings.

The DCC Conservation Officer considers that the Applicant's Conservation Architect and independent Conservation Architect have inaccurately assessed the significance of the original windows. The replacement of the comes with clear glass and the painting of the frames has already occurred (photos attached in the DCC Conservation Officer's Report.) The Conservation Officer considers that these changes have been detrimental to the building and that any further changes would exacerbate this.

I agree with the DCC Conservation Officer that the changes to the windows that have occurred have negatively impacted on the overall presentation of the front of the Clarence Hotel. However, I consider having reviewed the photographs on the file that the principal impact arises from the removal of the comes and their replacement with clear glass and not from the painting of the windows. I agree with the DCC Conservation Officer that the replacement clear glass has resulted in a loss of character to the front of the building.

The Applicant's Architect states that the camees were removed to improve transparency, and to provide air tightness and thermal insulation. No evidence is provided that this cannot be achieved with the original camees.

Notwithstanding this, I agree with the Applicant's Architect that a building should not be frozen in time because it is a Protected Structure. The Clarence Hotel is less than 90 years old, and it is not considered to be one of outstanding 1930's architecture.

Accordingly, having regard to the Architectural Guidelines I consider that some modification of its appearance is acceptable as it does not adversely affect the character of the building as a hotel. I agree that the front of the hotel at ground floor level does not effectively engage with the public street, and that it does not present a welcoming appearance when viewed from Wellington Quay.

The appearance of the hotel from the outside in particular is understated and are not sympathetic in scale and detailing with the adjoining buildings on Wellington Quay, all which have undergone sensitive upgrading and refurbishment. I note also that same Architect was involved in their upgrading and refurbishment, conservation and restoration, and that the Planning Authority has stated that this work was 'exemplary'.

I have read the supporting letter from an Independent Grade 1 Conservation Architect, Padraig Murray. He has worked on the Clarence Hotel for over 30 years and has over 60 years' experience working as an Architect with considerable experience working with historic buildings. His extensive experience is set out in his CV attached to his letter of support.

His explanation of the reason for the original pavement grills and the original shoulder height windows is that ventilation was required to the basement. I agree that as this is no longer a requirement there is no reason to keep the raised windows and lower level ventilation and that the use of the building as a functioning hotel should now take precedence. He notes also that Dollard House to the west of the Clarence Hotel, built in the early 19<sup>th</sup> Century, has



street level windows as does the building on the corner of Parliament Street and Wellington Quay.

#### **9.2.2 Relevance of 2007 Permission for the redevelopment of the Clarence Hotel and adjoining buildings**

I have reviewed in detail the 2007 application for the complete rebuilding of the Clarence Hotel and surrounding buildings. This was designed by the well-known and highly-regarded Architects, Foster and Partners, and was granted planning permission by Dublin City Council and An Bord Pleanála.

I note that the front façade of that permitted development involved the lowering of the windows of the Clarence Hotel to ground level. That application involved considerable conservation assessment and expertise relating to the front of the building and yet the lowering of the windows was not considered problematic and was granted permission. I note however that the permitted windows did not provide for the removal of the comes, for which retention permission is now sought.

I consider that the comes form an integral part of the original intended design of the building and contribute to the character of the building but I do not consider that the raised windows have the same importance. Accordingly, I consider that the comes should be reinstated but that the dropping of the windows should be permitted.

#### **9.2.4 The question of the painted finish on the windows v's the varnished finish**

As regards the painted finish, I'm inclined to agree with the Applicant's Architect that the use of either varnish or paint at the ground floor level is not integral to its character, intended design and appearance of the building. Accordingly, it is considered that the painted finish for which retention permission is sought should be granted.

### **9.2.5 The issue of the lowered brass railings**

Given that it is considered that the windows be lowered to ground level, the reinstatement of the brass railings to the lowered cill position is considered appropriate.

## **9.3 Conclusion on the proposed development**

I consider that the principal frontage of the Clarence Hotel to Wellington Quay would benefit from being more welcoming, and I consider that the dropping of the windows would enhance the permeability of the building and the impression that the hotel presents to the street.

The enlargement of the windows will involve the alteration of the existing stone cladding by specialist contractors and the amalgamation of the redundant ventilation openings in the basement with the lowered windows. The chamfered cills will be replaced at the lower level. The brass railings, which are in storage, will be reinstated at the lowered level, and the windows will be extended using a compatible wood to the new length. The frames will not be replaced; they will be protected and extended.

In my opinion, these proposals are in line with good conservation practice, and will contribute to the continuing use of the building as a thriving hotel within the city centre.

Over the last 13 years, the hotel's operating company has - from a wide block of disused buildings in Temple Bar, in some cases nearing dereliction - taken a group of adjoining buildings (Dollard House, Nos. 9, 10, 11 and 12 Wellington Quay and No. 9 East Essex Street) to the current vibrant buildings that they now are. In addition, a soon-to-commence doubling of the bedrooms in the hotel will occur by the amalgamation of the upper floors of adjoining buildings.

Based on the above, it is considered that with the exception of the window comes which should be reinstated, the retention and proposed development accords with the Z5 'City Centre' zoning *'to consolidate and facilitate the development of the central area, to identify, reinforce, strengthen and protect its civic design, character and integrity'*.

The Clarence Hotel has been established on the site since the mid 19<sup>th</sup> Century (originally occupying Nos. 6-7 Wellington Quay). The original building burnt down, and the replacement hotel is on the site since 1939. It is undergone a series of changes since that date, principally the relocation of the entrance centrally in the building and the construction of a new Penthouse level.

It is an important building in the city centre and in the Temple Bar area, and its importance is largely tied up with its use as a hotel. If there is a need to modify the front of the hotel in order to open it up and provide a more welcoming appearance, then I believe this should be permitted in order to ensure its continued use its viability as an hotel.

## **10.0 Recommendations**

I recommend a split decision

- a) refuse retention for the replacement of the window comes with clear glass.
- b) grant retention of the:
  - enlargement of the opening and formation of opening in oak panelled wall between front lounge and entrance hall
  - recoating with paint of external surface of ground floor window and door frames in lieu of previous clear coating
- c) grant permission for development for the lowering of cills of the 4 square headed and 1 arch headed window to ground floor front façade, and the

extension of the windows to fit the enlarged window openings, the reinstatement of the original 5 no. brass railings to the new cill positions.

For the reasons and considerations and subject to the Conditions set out below.

## **11.0 Reasons and Considerations**

The window comes are considered to be an integral component of the original design and their replacement with clear glass has eroded the character of the front of the hotel and is considered to be detrimental to the streetscape at this location. It also detracts from the character of the Conservation Area generally and sets an undesirable precedent for future development in the area.

It is considered that subject to compliance with the conditions set out below the other elements of the proposed development are compatible with the 2022-2028 Dublin City Centre Development Plan Z5 (City Centre) Zoning and would be generally acceptable in terms of the Protected Structure status of the building and the visual amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

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

of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

- 2 Prior to the commencement of development, the applicant shall submit and agree with the Planning Authority revised plans and elevational drawings of a scale of 1:50 showing the enlarged windows with the comes reinstated in place of the clear glass.

**Reason:** In order to protect the historic character of the original building and the visual amenities and character of the historic streetscape.

3. All works to the protected structure shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To ensure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

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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Vanessa Langheld

Planning Inspector, 10 July 2024