



An
Coimisiún
Pleanála

Inspector's Report

ABP-320514-24

Development

PROTECTED STRUCTURE:

Construction of 6-7 storey, 30 bedroom hotel, with demolition of side extension, elements of preservation and restoration and all associated works.

Location

73 Lower Baggot Street, Dublin 2

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3725/24

Applicant(s)

The Kilcolman Partnership

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

The Kilcolman Partnership

Observer(s)

1. Irish Georgian Society
2. R. John McBratney
3. Karyn & Mark Harty
4. Philip O'Reilly

5. South Georgian Core Residents
Association

Date of Site Inspection

11th April 2025

Inspector

Frank O'Donnell

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	8
3.3. Prescribed Bodies	9
3.4. Third Party Observations	10
4.0 Planning History.....	10
5.0 Policy Context.....	12
5.1. Development Plan.....	12
5.3. Natural Heritage Designations	27
5.4. EIA Screening	27
6.0 The Appeal	27
6.1. Grounds of Appeal	27
6.2. Planning Authority Response.....	35
6.3. Observations.....	35
6.4. Further Responses	36
7.0 Assessment.....	36
8.0 AA Screening.....	54
9.0 Water Framework Directive	55
10.0 Recommendation	56
11.0 Reasons and Considerations.....	56

1.0 Site Location and Description

- 1.1. The subject appeal site is located on the northeast side of Baggot Street Lower at its intersection with Herbert Place to the north of Baggot Street Bridge (McCartney Bridge) and the Grand Canal (pNHA). The subject corner site has a stated site area of 0.1007 hectares (1,007 sqm) and comprises an existing 4 storey over basement end of terrace house with a 3 storey original return, a single storey extension/ part over basement corner-sited three-bay former carriage-archway and an original detached 2 storey carriage house to the rear which is accessed via an existing gated entrance and shared courtyard to the rear from Herbert Lane. The existing buildings on the subject site are estimated to have an overall floor area of 476 sqm.
- 1.2. The existing 4 storey end of terrace house is the last of a row of 9 no. terraced houses which face onto Baggot Street Lower. There is an existing car park on the adjacent site to the rear/ northeast, which is accessed from Herbert Lane. Beyond that, further to the northeast, there is a terrace of 24 no. predominantly 3 storey over basement Georgian houses which form Herbert Place.
- 1.3. The main house is listed as a Protected Structure (Ref. 384). Both the main house and the single storey extension/ part over basement corner-sited three-bay former carriage-archway are listed on the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance (see NIAH Ref. no's 50100135 and 50100136). The site is located within a red hatched Georgian Conservation Area as shown on the Land Use Zoning Map (Map E) attached to the Dublin City Development Plan, 2022 to 2028.

2.0 Proposed Development

- 2.1. The Proposed Development comprises the Construction of a 6-7 storey, 30 bedroom Hotel, with demolition of the side extension, elements of preservation and restoration and all associated site works. The proposals include the following main elements:
 - **Demolition** of an existing single storey over (part of) basement flat roofed side extension positioned along the southeast elevation of the main 4 Storey over basement Protected Structure. The existing extension measures 12.4 metres in length by 5.3 metres in width by a maximum height of 5 metres at

street ground level. The proposed demolition is stated to have an overall floor area of 78 sqm and includes demolition works at both basement and ground floor level.

- Retention, Restoration and Modification of the existing carriageway entrance façade which fronts onto Baggot Street Lower. The proposed modification works include the introduction of a new window to the blocked up carriageway entrance.
- **Change of use** and conversion of existing offices within the existing Protected Structure to Hotel. It is proposed to introduce a total of 2 no. Suites within the existing Protected Structure (Suite no. 13 (2 rooms) and Suite no. 19 (3 Rooms)).
- The Construction of 2 no. new Hotel Blocks A & B to the side (southeast – Block A) and rear (northeast – Block B) of the existing main 4 Storey over basement Protected Structure. The 2 no. Blocks are proposed to be linked at Lower Ground Floor Level where, in addition to the main Kitchen/ Storage/ Dishwashing area and circulation space, it is proposed to provide 4 no. Hotel Bedrooms (Room No's 1 to 4). At the same Lower Ground Floor Level, within the main 4 Storey over basement Protected Structure building, it is proposed to provide Laundry, Plant and Storage spaces. At the same Lower Ground Floor Level, to the rear (northeast) of the site, it is proposed to **Change the Use** of the existing Carriage/ Coach House (Mews Building) from a disused store to a Laundry Facility for the Hotel. It is proposed to provide a new double door opening on the northwest elevation of the Coach House to provide access to the existing courtyard to the north from where access for deliveries to the Hotel is proposed to be accommodated.
- At Upper Ground Level it is proposed to provide the main Breakfast Room within Block A to the immediate southeast of the Protected Structure. A linked corridor to Block B looks out onto an Upper Courtyard/ Garden between the Blocks which are proposed to be positioned c. 11.6 metres apart. At the same Upper Ground Floor Level, in addition to circulation space it is proposed to provide 3 no. Bedrooms (Room No's 5, 6 & 7) with Block B.

- At First Floor Level it is proposed to provide rooms 8 and 9 within Block A and rooms 10, 11 and 12 within Block B. The First Floor of the Protected Structure is shown to contain the main Lounge/ Bar area with associated toilet facilities within the rear return.
- At Second Floor Level it is proposed to provide rooms 14 and 15 within Block A and rooms 16, 17 and 18 within Block B. The Second Floor of the Protected Structure is shown to contain Suite no. 13.
- The Third Floor Plan includes rooms 20 and 21 within Block A and rooms 22, 23 and 24 within Block B. The Third Floor of the Protected Structure is shown to contain Suite no. 19.
- The Fourth Floor Plan includes room 25 within Block A and rooms 26, 27 and 28 within Block B.
- The Fifth Floor Plan includes rooms 29 and 30 in Block B.
- The part 6 storey and part 7 storey elements are stated to have matching parapet heights.
- The internal works to the Protected Structure include the removal of some non-original internal walls, the creation of new links from the original house to new extension at basement, ground, 2nd and 3rd floors, the provision of an internal glass box lobby at the front door, the retention and restoration of wall murals at 1st floor rooms, alterations at 2nd floor level including removal and flooring over of original stairs to 3rd floor, closing of archway in hall and provision of door linking 2 no. front rooms, the provision of a ramp to main entrance with removal of part of original ironwork entrance at entrance landing to facilitate access for all and sundry alterations, repairs and renewal works including roof repair, decorative plaster and ceiling repairs, sash window restorations.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Local Authority issued a decision to Refuse permission on 15th July 2024 for 2 no. reasons, as follows:

- 1. Having regard to the scale, bulk, height and design of the proposed development, and the consequent nature of the proposed interface with the protected structure no. 73 Baggot Street Lower, it is considered that the development, as proposed, would detract from the setting, character and appearance of the adjacent protected structure and the Conservation Area and would seriously injure the amenities of the area. The proposed development would contravene Policy BHA2 and BHA9 of the Dublin City Development Plan 2022-2028, which seeks to protect the special interest and character of Dublin's Protected Structures and Conservation Areas, where development within or affecting a Conservation Area must contribute positively to its character and distinctiveness. The proposed development would create an undesirable precedent for similar type development, would likely devalue property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. The development, by itself and by the precedent for which a grant of permission for it would set, would be contrary to the stated provisions of the City Development Plan 2022-2028 where the core principles of the Dublin Housing Strategy, Policy QHSN38 and the Z8 zoning are to encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the Housing Need Demand Assessment (HNDA). It is considered that the proposed change of use to hotel is contrary to the aim of the Z8 zoning objective, Policy SC3, Policy QHSN7 and Section 15.14.1 of the 2022-2028 Dublin City Development Plan which seeks to promote a mixed-use land policy in the city centre including the provision of high quality, sustainable residential development. It is considered that the proposed change of use is not in accordance with development plan policy and does not*

represent the best use of this city centre site. The proposed development would set an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considered that the site is located on a prominent corner site, adjacent to two historic terraces of protected structures, that the aim of the Z8 zoning is to increase residential use within this zone and that therefore the proposed change of use to hotel could contribute to a lack of variety of uses in the vicinity. The Local Authority Planner considered the proposal to be contrary to Policy SC3, Policy QHSN7 and Section 15.14.1 of the Dublin City Development Plan, 2022 to 2028 which seeks to promote a mixed-land use land policy in the city centre including the provision of high quality, sustainable residential development.
- Additional concerns of the Planning Authority are referenced in the Local Authority Planner's Report to include the height, scale and massing of the proposed development, its impact on the historic setting of the two adjacent terraces of Protected Structures on Baggot Street Lower and Herbert Place and increased overshadowing of the amenity space of adjoining properties, as a result of the proposed development.

3.2.2. Other Technical Reports

- The **Transport Planning Division** recommended that a Request for Further Information be issued in relation to cycle parking and potential traffic conflicts/ lack of visitor cycle parking/ inclusion of cycle parking within the proposed red line boundary, welfare facilities, the submission of Service Delivery/ Access Strategy/ Operational Waste Management Plan and a Preliminary Construction Management Plan (including a Construction Traffic Management Plan).
- The **Drainage Department** recommended that a Request for Further Information be issued in relation to Policy SI23 (all new developments with

roof areas in excess of 100 sq. metres shall provide for a green blue roof)/ reconsideration of design proposals to incorporate an integrated green and blue roof, that facilitates storage and controlled release of rainwater (attenuation) at roof level, a Basement Impact Assessment (See Appendix 9 of the Development Plan), a revised Drainage Layout to address the proposed location of private manholes in a public laneway/ all private drainage (eg. manholes, gullies, Armstrong junctions, etc.) to be located within the final site boundary, with the exception of the outfall pipe connecting to the public sewer.

- The **Environmental Health Officer** raised no objection to the proposed development subject to 7 no. relatively standard conditions.

3.3. Prescribed Bodies

- **An Taisce:**
 - The Local Planning Authority is urged to Refuse this application.
 - The proposed design, siting and nature of the proposed development is inappropriate for this prominent and sensitive corner site location within the South Georgian Core and containing a Protected Georgian House, garden and street setting.
 - The principle of the proposed development is not acceptable and, if permitted, would create an intrusive and disharmonious form of development and would result in an adverse and fundamental change to the established Georgian setting.
 - The proposals fail to have regard to the established Protected Structure, would serve to impact on other established Protected Structures and would set an undesirable precedent for similar proposals into the future.
 - The proposals do not comply with Policy BHA2 of the Dublin City Development Plan, 2022 to 2028 or the Architectural Heritage Protection Guidelines, 2011.

3.4. Third Party Observations

- 3.4.1. A total of 11 no. Third Party Observations/ Submissions were received in opposition to the proposed development, mostly from local residents and residents in the wider community. The issues are similar to those referenced in the Local Authority Assessment and Decision and in the Observation submissions to the Appeal.
- 3.4.2. Additional concerns are raised in relation to a lack of regard to the adjacent decision to refuse permission as appeal ref. no. ABP-311122-22 refers, the omission of certain supporting information including a townscape/ Landscape Visual Impact Assessment as per Section 15.15.2 of the Development Plan, signage and lighting details and a basement impact assessment as per requirements set out in Table 15.1 of the Development Plan. Other issues raised include potential building subsidence, the presence of invasive species in the area, inappropriate backland development and a conflict with Section 15.5.2 (Infill Development) of the Development Plan.

4.0 Planning History

4.1. Planning History on the subject Appeal site

- **EXPP0229/07:** Exemption Certificate for 'works through building and internal and external fabric repair. GRANTED.
- **0476/96:** Permission to erect a new fence. Permission was GRANTED subject to 2 no. conditions.
- **2388/92:** Permission to erect an external fire escape to rear and carry out internal alterations to improve the means of escape. Permission was GRANTED subject to 3 no. conditions.

4.2. Planning History on the adjoining site to the northeast:

- **3253/24:** Permission comprising of a 4 storey residential building (including lower ground floor) abutting the adjacent dwelling on Herbert Place (protected structure) fronting onto Herbert Place comprising of 4 no. two bedroom apartment units and 2 no. three bedroom townhouses. Permission was GRANTED in September 2024 subject to 13 no. conditions.

Planning reg. ref. no. 3253/24 relates to the existing car park site located to the immediate northeast of the subject appeal site. The permitted development is shown to have a parapet height of 25.18 metres consistent with that of the adjacent dwelling on Herbert Place.

- **4007/20 (Appeal Ref. No. ABP-311122):** Permission for 5 storey office development with terrace at top floor, two 2-bed apartments over 2 storeys with private and communal open courtyards. Permission was REFUSED in April 2023 for the following reason:
 1. *Having regard to the bulk, height and siting of the proposed development, the forward positioning of the structure from the existing terrace along Herbert Place and the consequent nature of the proposed interface with number 4 Herbert Place, it is considered that the development, as proposed, would detract from the setting, character and appearance of this Conservation Area and would seriously injure the amenities of the area. The proposed development would fail to satisfy Policy BHA9 of the Dublin City Development Plan 2022-2028, which seeks to protect the special interest and character of Dublin's Conservation Areas, where development within or affecting a Conservation Area must contribute positively to its character and distinctiveness. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- **3710/19 (Appeal Ref. No. ABP-305818-19 (Appeal Withdrawn)):** Permission for the construction of a new 5-storey 2,050 sqm office building with a relocated vehicle access off Herbert Lane to 3 no. parking spaces and 20 cycle spaces, including a new sub-station at lower ground floor and with new railings, signage and a pedestrian access off Herbert Place to the upper ground floor, on a site within a Conservation Area currently used as a car park. Permission was REFUSED in October 2019 for the following reasons:
 1. *The design of the proposed development is not considered to be of adequate architectural quality, is considered to be visually obtrusive and together with the form, scale, height and proportions of the new development, would be seriously injurious to the special character and*

setting of the adjoining terrace of protected structures along Herbert Place. As a consequence, the proposal would depreciate the value of property in the vicinity and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2. *Given the significant depth and scale of the proposed building, the proposal will overshadow and have an overbearing impact on neighbouring properties. In addition, it is considered the windows and outdoor terrace to the rear of the building will overlook neighbouring rear private open space. As a consequence, the proposed development will have detrimental impact on the privacy and amenity of adjoining properties, would depreciate the value of neighbouring property and would be contrary to the provisions of the Dublin City Development Plan 2016-2022.*

4.3. Planning History on the adjoining site to the west/ northwest:

- **2476/15:** PROTECTED STRUCTURE: Internal works, Insertion of new rooflight in existing roof at first floor level (rear return) and all ancillary works. Permission was GRANTED in September 2015.
- **3612/14:** PROTECTED STRUCTURE: Refurbishment and general Conservation works. Permission was GRANTED in February 2015.

4.4. Planning History on the Mews site further to north.

- **2783/97:** Permission to alter front elevation. Permission was GRANTED in January 1998.

5.0 Policy Context

5.1. Development Plan

- *Dublin City Development Plan, 2022 to 2028*

- 5.1.1. The Appeal site is **zoned Z8 Georgian Conservation Areas**. The relevant zoning objective for Z8 lands is: *'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation*

objective'. The stated aim of Z8 zoned lands is *'to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city.'* Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged. It is stated that *'where residential levels are low, it is the aim to encourage more residential use in the area, to include support for sub-division and universal access that do not impact negatively on the architectural character and setting of the area (for example in line with the South Georgian Townhouse Re-Use Guidance Document commissioned by Dublin City Council in March 2019).'* Permissible uses on Z8 (Georgian Conservation Areas) zoned lands include bed and breakfast, hostel (tourist), hotel, live-work units and residential.

5.1.2. **Chapter 3** relates to **Climate Action**.

5.1.3. **Chapter 4** relates to the **Shape and Structure of the City** and seeks to achieve a high quality, sustainable environment, which is attractive to residents, workers and visitors. Relevant Sections and Policies from this chapter include:

- **Section 4.5.1 Approach to the Inner City and Docklands** - Consolidation and development of brownfield lands
- **SC1: Consolidation of the Inner City:** *To consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing and proposed public transport by linking the critical mass of existing and emerging communities such as Docklands, Heuston Quarter, Grangegorman, Stoneybatter, Smithfield, the Liberties, the North East Inner City and the south and north Georgian cores with each other, and to other regeneration areas.*
- **SC2: City's Character:** *To develop the city's character by:*
 - *cherishing and enhancing Dublin's renowned streets, civic spaces and squares;*
 - *developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating*

further new streets as part of the public realm when the opportunities arise;

- *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;*
 - *revitalising the north and south Georgian squares and their environs and realising their residential potential;*
 - *upgrading Dame Street/College Green as part of the grand civic spine;*
 - *promoting the development of Moore Street and the Parnell Quarter as major new cultural and historical attractions for the city.*
- **SC3: Mixed Use Development:** *To promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.*
 - **SC5: Urban Design and Architectural Principles:** *To promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.*
 - **Section 4.5.3. Urban Density**
 - **SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix.**
 - **Section 4.5.4. Increased Height as Part of the Urban Form and Spatial Structure of Dublin**
 - **SCA14: Building Height Strategy, SC15: Building Height Uses, SC16: Building Height Locations, SC17: Building Height, SC18: Landmark/ Tall Buildings**
 - **Section 4.5.5. Urban Design and Architecture**

- **SC19: High Quality Architecture, SC20: Urban Design, SC21: Architectural Design**
 - **SC22: Historical Architectural Character:** *To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.*
 - **SC23: Design Statements.**

5.1.4. **Chapter 5** relates to **Quality Housing and Sustainable Neighbourhoods** and includes the following policies:

Policies

- **QHSN7: Upper Floors:** *To resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative.*

Dublin City Council will actively engage with property owners and other stakeholders at a national level to investigate other alternative measures in addition to the Living City Initiative to expedite bringing upper floors into residential use and will be actioned by the City Recovery Task Force and its successor.

- **QHSN37: Housing and Apartments:** *To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.*
- **QHSN38: Housing and Apartment Mix:** *To encourage and foster the creation of attractive, mixed use, sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities.*

Further detail in regard to unit mix is set out in Chapter 15: Development Standards. Unit mix requirements for the Liberties and the North Inner City

are set out in Section 15.9.1 and Table 37 of the Housing Strategy in Appendix 1.

5.1.5. **Chapter 6** relates to **City Economy and Enterprise**.

- **Section 6.5.6 Key Economic Sectors - Tourism, Hotels and Events -**
Avoid overconcentration of hotel development in areas of the city which currently have high levels of existing hotel development or where there is a significant number of planning applications for such development, and have regard to the existing and proposed mix of uses in the vicinity, in order to achieve wider city objectives such as to create a rich and vibrant range of uses in the city centre.

Policies

- **CEE26: Tourism in Dublin:**
 - (i) *To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions.*
 - (ii) *To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors and to promote Dublin as a setting for conventions and cultural events.*
 - (iii) *To improve the accessibility of tourism infrastructure to recognise the access needs of all visitors to our city.*
- **CEE28: Visitor Accommodation:** *To consider applications for additional hotel, tourist hostel and aparthotel development having regard to:*
 - *the existing character of the area in which the development is proposed including local amenities and facilities;*
 - *the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development;*

- *the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development;*
- *the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;*
- *the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas;*
- *the opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities – see also Chapter 12, Objective CUO38.*

Objectives:

- **CEE01: Study on Supply and Demand for Hotels, Aparthotels and Hostels:**

- *To carry out an analysis of the supply and demand for tourism related accommodation including hotels, aparthotels, hostels, Bed and Breakfast Accommodation and other short-term letting in the Dublin City area.*

5.1.6. **Chapter 11** relates to **Built Heritage and Archaeology** and includes the following relevant Sections, Policies and Objectives.

Policies

- **BHA2: Development of Protected Structures:**

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

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

- (b) *Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
 - (c) *Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
 - (d) *Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
 - (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.*
 - (g) *Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
 - (h) *Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
 - (i) *Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
 - (j) *Have regard to ecological considerations for example, protection of species such as bats.*
- **BHA3: Loss of Protected Structures:** *That the City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances.*

- **BHA4: Ministerial Recommendations:** *To have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.*
- **Section 11.5.3 Built Heritage Assets of the City - 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.

Policies

- **BHA9: Conservation Areas:** *To protect the special interest and character of all Dublin's Conservation Areas – identified under Z8 and Z2 zoning objectives and denoted by red line conservation hatching on the zoning maps. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*

Enhancement opportunities may include:

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

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

- **BHA10: Demolition in a Conservation Area:** *There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of a Conservation Area, except in exceptional circumstances where such loss would also contribute to a significant public benefit.*
- **BHA11: Rehabilitation and Reuse of Existing Older Buildings**
 - a) *To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.*
 - b) *Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts*

(including signage and associated features), pub fronts and other significant features.

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

- **BHA14: Mews:** *To promote the redevelopment and regeneration of mews lanes, including those in the north and south Georgian core, for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible, and that removes inappropriate backland car parking areas.*

Objectives

- **BHA05: Mews:** *To prepare a best practice design guide regarding appropriate mews development in the city, including for the north and south Georgian cores.*

5.1.7. **Chapter 14** of the Plan relates to **Land Use Zoning**. Section 14.7.8 relates to Georgian Conservation Areas (Zone Z8) where the Land Use Zoning Objective (Z8) is stated to be 'to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.' Hotel is a use identified as being 'Permitted in Principle' on lands zoned Z8.

5.1.8. **Chapter 15** of the Plan relates to **Development Standards**. Section 15.4.2 relates to Architectural Design Quality and provides a number of Key Design Principles which include the following which are considered to be of relevance to the subject proposals:

- *The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.*
- *The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.*

- *The suitability of the proposed design to its intended land use and the wider land-use character of the area, along with its relationship with and contribution to the public realm.*
- *The design of new development should respect and enhance the Dublin's natural assets such as river and canal frontages, the River Liffey and many quality open spaces that contribute positively to the cityscape and urban realm, the settings of protected structures, areas of special interest and important views and that the design incorporates high quality detail, materials and craftsmanship.*
- *The need to protect and enhance natural features of the site, including trees and any landscape setting.*
- *The context and orientation in relation to daylight, sunlight and overshadowing and environmental performance including climate impacts such as downdraft or wind tunnelling.*
- *The main routes which should be distinguished by exploiting vistas, key buildings and landmarks with the activities and functions of the places made visible, thus bringing a sense of liveliness to spaces.*
- *Landmark features which can be used to give treatment to main entrances to a development, complement open spaces and assist in place-making and identity.*
- **Section 15.4.3 relates to Sustainability and Climate Action.** The importance of the early consideration of waste and emissions reduction which contribute to climate change as part of the design process is emphasised and a number of Key Sustainable Design Principles are provided.
- **Section 15.5.2 relates to Infill Development –**
 - *Infill development refers to lands between or to the rear of existing buildings capable of being redeveloped i.e. gap sites within existing areas of established urban form. Infill sites are an integral part of the city's development due to the historic layout of streets and buildings.*

- *Infill development should complement the existing streetscape, providing for a new urban design quality to the area. It is particularly important that proposed infill development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.*
- As such Dublin City Council will require infill development:
 - *To respect and complement the prevailing scale, mass and architectural design in the surrounding townscape.*
 - *To demonstrate a positive response to the existing context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area.*
 - *Within terraces or groups of buildings of unified design and significant quality, infill development will positively interpret the existing design and architectural features where these make a positive contribution to the area.*
 - *In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest.*
 - *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts in the surrounding neighbourhood.*
- **Section 15.5.4 relates to Height** - Appendix 3 identifies the height strategy for the city and the criteria in which all higher buildings should be assessed. **Sections 15.5.4 (Height), 15.5.5 (Density), 15.5.6 (Plot Ratio and Site Coverage), 15.5.7 (Material and Finishes), 15.5.8 (Architectural Design Statements)** are of relevance.
- **Section 15.7** relates to **Climate Action** and includes **Section 15.7.1 (Re-use of Existing Buildings)** *Where development proposal comprises of existing buildings on the site, applicants are encouraged to reuse and repurpose the buildings for integration within the scheme, where possible in accordance with Policy CA6 and CA7. Where demolition is proposed, the applicant must*

submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures.

Existing building materials should be incorporated and utilised in the new design proposals where feasible and a clear strategy for the reuse and disposal of the materials should be included where demolition is proposed.

- **Section 15.13** relates to **Other Residential Typologies** and includes **Section 15.13.3 Infill/ side Garden Housing Developments, Section 15.13.4 Backland Housing and Section 15.13.5 Mews.**
- **Section 15.14** relates to **Commercial Development/ Miscellaneous** and includes the following sections which are of relevance.
- **Section 15.14.1 Hotels and Aparthotels:**

To ensure a balance is achieved between the requirement to provide for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses, there will be a general presumption against an overconcentration of hotels and aparthotels.

Pending the outcome of an analysis of the supply and demand for tourism related accommodation in the Dublin City area (to be carried out by Dublin City Council), hotels and aparthotels will be considered on a case by case basis having regard to the location of the site and existing hotel provision in the area.

In all instances, where the planning authority deems there to be an overconcentration of such facilities in an area, the applicant will be requested to submit a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment providing a justification that the development will not undermine the principles of achieving a balanced pattern of development in the area, and demonstrating that the proposed

development fully complies with the criteria set out in Policy CEE28 and in Section 15.14.1.1 and 15.14.1.2 below.

- **Section 15.14.1.1 Hotel Development**

Hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. Hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity.

Applications for roof top uses will be assessed having regard to the impact on neighbouring properties in terms of noise levels and overlooking.

Hotel development should also be accompanied by operational management plans that demonstrate how the hotel will be serviced and traffic / drop off managed. All loading, waste collection and servicing must be provided off road in a designated loading area where feasible. Pick up and drop off services can be accommodated on street subject to adequate space being provided.

Hotel room size and layout should be designed and to ensure a high level of amenity is obtained to accommodate both short and long stay durations. Adequate provision should also be provided for the storage of laundry facilities and materials.

5.1.9. **Appendix 3 - Achieving Sustainable Compact Growth Policy for Density and Building Height in the City**

- **Section 3.1 Height, Section 3.2 Density**
- **Section 6.0 relates to Guidelines for Higher Buildings in Areas of Historic Sensitivity.** It is stated that the Urban Development and Building Heights Guidelines for Planning Authorities Guidelines state that appropriate identification and siting of areas suitable for increased densities and height will need to consider the environmental sensitives of the receiving environment as appropriate throughout the planning hierarchy. It is further stated that developments of significant height and scale are generally not

considered appropriate in historic settings including conservation areas, architectural conservation areas, the historic city centre, the River Liffey and quays, Trinity College, the Cathedrals, Dublin Castle and medieval quarter, the Georgian core and historic squares and the canals or where the setting of a protected structure would be seriously harmed by the inappropriate locating of such a proposal. In relation to Protected Structures it is stated that a balance must be struck between protection and enhancement of our protected structures/national monuments whilst ensuring appropriate and sustainable development. New development must respond to local character and protect and enhance the built heritage. New development should not have an adverse impact on a protected structure or its curtilage or on a national monument in terms of scale, height, massing, alignment and materials. Impact on protected structures/national monuments are included in the performance based criteria set out in Tables 3 and 4.

Other Appendices which are considered to be of relevance to the subject proposals include the following:

- Appendix 1 (Annex 1 – Housing Need Demand Assessment), Appendix 4 - Development Plan Mandatory Requirements, Appendix 5: Transport and Mobility: Technical Requirements, Appendix 6 - Conservation, Appendix 7 - Guidelines for Waste Storage Facilities, Appendix 9 - Basement Development Guidance, Appendix 10 - Infrastructure Capacity Assessment, Appendix 11 - Technical Summary of Dublin City Council Green & Blue Roof Guide, Appendix 12 - Technical Summary of Dublin City Council Sustainable Drainage Design & Evaluation Guide (2021), Appendix 13 - Surface Water Management Guidance, Appendix 14 - Statement Demonstrating Compliance with Section 28 Guidelines, Appendix 16 - Sunlight and Daylight, Appendix 18 - Ancillary Residential Accommodation

5.2. Guidelines

- Site Layout Planning for Daylight and Sunlight, A good Practice Guide, BR 209, 2022, 3rd Edition
- Urban Development and Building Heights, Guidelines for Planning Authorities, 2018

- Architectural Heritage Protection Guidelines, 2011
- Urban Design Manual, 2009

5.3. Natural Heritage Designations

5.3.1. The site is an urban brownfield site and is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:

- South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210) located c. 2.1 km to the east.
- South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) located c. 2.1 km to the east.

5.3.2. The site is also located c. 23 metres to the northwest of the Grand Canal proposed Natural Heritage Area (pNHA) (Site Code 002104).

5.4. EIA Screening

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of the First Party Appeal can be summarised as follows:

- Hotel Accommodation Availability in Dublin City Centre (including Viability and Occupancy)
 - The Applicant submits there are 9 no. Hotels rated 9+ with a combined total of 525 bedrooms. The Applicant refers to a select date (midweek in

November 2024) where between 97% and 98% of the said Hotels are unavailable. The Applicant submits this demonstrates a shortage of high quality hotel accommodation in Dublin and considers that it is against this backdrop that the proposed development should be appraised.

- The Applicant also refers to 2 no. instances of Hotel sites being redeveloped for non-hotel purposes within 800 metres of the subject appeal site which represents a loss of 500 no. hotel bedrooms in the City. The Applicant omitted a nearby 4 star hotel which is stated to have a very high occupancy rate and is regularly booked out.
- In order to be viable a hotel of the type proposed requires a minimum of 30 bedrooms. Most of the 9 no. hotels selected have in excess of 40 no rooms with 2 no. in excess of 142 no. rooms. Only one of the 9 no. hotels selected has less than 30 no. bedrooms. The proposed development, which comprises 30 no. bedrooms, would serve to increase the number of 9+ rated hotels in the City by 5.7%.
- In the absence of suitable 9+ rated hotel accommodation not being available, the city will lose out to other locations where such accommodation is more abundant. This will serve to have a knock on effect to other supporting service providers, e.g. restaurants, retail services.
- Change of Use/ Conservation/ Protected Structures
 - The most recent use of the building as Offices is not viable for a number of reasons. The proposed development, if permitted, would bring the building back into use and, in doing so, would contribute to the retention of this important building within this Conservation Area.
 - Conservation requirements can be dealt with by way of condition. There is an onerous level of conservation information sought at planning application stage.
- Assessment of Local Authority Planner
 - The Applicant submits the proposals, in short, comply with Policy BHA2 (Parts A to H) (Development of Protected Structures), Policy BHA3 (Loss

of Protected Structures), Policy BHA4 (Ministerial Recommendations) and Policy BHA9 (Conservation Areas) and also refers to the accompanying Appeal Appendices.

- The Applicant submits BHA14 (Mews) is not relevant to the proposed development.
- In reference to Policy CEE26 (Tourism in Dublin), the Applicant submits that as the proposal is to provide a four star, 9.5 guest rated hotel of exceptional world class quality.
- In reference to Policy CEE28 (Visitor Accommodation), the Applicant refers to the character of the area, submits that the proposed hotel has no existing competition in the area as it is proposed to cater for high net worth individuals seeking exceptional quality accommodation whereas other establishments in the area seek to cater for a significantly different lower income profile. Of the 9 no. existing hotels in the 9+ guest rating, all are within a maximum distance of 1.6 km from the subject appeal site. As per the Development Plan, it is valid to distinguish between the types of visitor accommodation when considering any individual development. The proposals, which serve to increase the number of 9+ visitor rated rooms in the city will not serve to significantly alter the pattern of development in the city. The proposals will not serve to impact the residential quality of the area and will add to the vibrancy of the area and will generate street level activity.
- Policy SC3 (Mixed Use Development). The Applicant submits the property is not suitable for residential use but will promote similar activity to that of a residential use.
- Section 6.5.6 of the Plan includes reference to Tourism, Hotels and Events. The Applicant submits there are no significant hotel developments in the area, that there are only 2 no. four Star 9.0+ Guest rated Hotels in the City and that there is a shortage of high quality hotels in the city. The subject proposal is not speculative, will be a family run hotel and will cater for a currently underserved high end market.

- Section 4.5.1 of the Plan relates to the Approach to the Inner City and Docklands. The Applicant submits the proposals will serve to maintain the commercial aspect of the development while adding to the vibrancy of the city and making the building an architectural asset.
- In reference to Policy QHSN38 (Housing and Apartment Mix), the Applicant submits, as supported by the Conservation Officer, that the building is not suitable for residential use. Although the adjacent dwelling is in single residential use, it previously was in use as a dentist surgery and the remaining building on Baggot Street are in use as Apartments and Bedsits.
- In reference to Section 15.14.1 (Development Standards – Commercial Development/ Miscellaneous) Hotels and Aparthotels, the Applicant submits that although there are 20 hotels within 1 km only 2 no. have a guest review rating of 9+ and this increases to 3 no. such hotels if the area of Dublin 4 is included. There is a severe shortage of this type of hotel in the city.
- The design of the planters could be conditioned.
- The varying height of premises along Lower Baggot Street to the northwest within the same terrace.
- The design of the proposed development mimics the variation in heights with 1 no. bedroom overlooking the canal set back from Baggot Street Lower façade.
- Height Strategy (Appendix 3 of Dublin City Council Development Plan)
 - The Applicant quotes from Section 4.0 of Appendix 3 (The Compact City – How to Achieve Sustainable Height and Density?) in relation to the Building Height Guidelines and, in particular, the encouragement of buildings of at least 6 storeys within the canal ring or greater heights by application of certain criteria.
 - The Applicant submits the subject appeal site is appropriate for the consideration of a building of increased height.

- The Applicant refers to the Criteria set out in Table 3 of Appendix 3 of the Development Plan and considers the proposed hotel development by reason of the infilling of a dead gap site which will serve to introduce vibrancy adjacent to the Canal, will improve public safety, will provide variety of scale and form, will make a positive contribution to the legibility of the area and will present a more pleasant walking environment, particularly at night. The proposed street width to building height ratio of 1:1.11 is considerably below the 1:1.5-1.3 guideline. Including the landscaped area to the front as part of the street width and by omitting the small plant room, serves to reduce the height to 18.13 metres which results in a ratio of 1:0.96. The proposals will serve to enhance passive surveillance. Disabled access can be facilitated by means of one of the proposed fire escape doors. The proposed building positioned on the north side of the street will not impact sunlight or daylight in the adjacent public spaces (see IES Report in Appendix VIII of the Appeal). The microclimate, by reason of the proposed development and the trees in the public realm, will not be altered. The street pattern will similarly not be altered and will not impact upon the mobility impaired. The proposals will not serve to compromise the existing quality of the outdoor space. The proposed hotel will enhance the mix of development in the area, will increase footfall and public interaction with a building which was not previously in use. The proposals contribute to the sustainability of the area and add to the mix of building typologies in the area.
- Height, Scale & Massing

 - The extension is continuous at the lower levels and separated by c. 12 metres at the upper levels. The view to the north is maintained.
 - Floor to ceiling heights in the proposed extension are proposed to be 2.4 metres.
 - The rear of the building on Haddington Road to the south on the opposite side of the public road is c. 43 to 45 metres from the proposed development. There are intervening trees along the canal.

- Building heights vary within the immediate location of the subject appeal site along Baggot Street and on the opposite side of the road.
- Along Baggot Street, the proposed extension has a comparable parapet height to the existing (four storey over basement) and a fifth floor set back above that. On Herbert Place, matching heights are proposed.
- As per the Building Height Guidelines, 2018, increased building height is a key factor in modern placemaking and improving the overall quality of our modern urban environments.
- The Applicant submits there is sufficient space for the proposed development at Herbert Place and in the area to absorb the proposed height, scale and massing of the building and that they have demonstrated the proposed development does not present an adverse impact on the established Georgian surroundings.
- The proposed building height is not significantly higher than the existing streetscape.
- The existing black side gable will be masked by the proposed development. The said bare gable detracts significantly from the visual appeal of this corner (excluding existing graffiti), see Appendix II D of the Appeal (Proposed Photomontages Viewpoints).
- Sunlight, Daylight and Overshadowing
 - As per Appendix VIII of the Appeal, the Applicant submits a Report from IES which deals with Sunlight, Daylight and Overshadowing. The Applicant accepts there is some impact on adjacent properties but considers this is quite small in the overall context of the proposal.
- Overlooking
 - Overlooking of Private Open Space, as referred to in the Planning Officers Report can be mitigated for by way of condition. The Applicant does not intend to Overlook the Private Open Space of the adjoining Neighbour.

- Service Entrance
 - The proposed hotel is small. It is proposed to provide breakfast and afternoon tea only. Ingredients will be sourced locally.
 - At most it is anticipated there will be 1 no. van delivery per week either to the back gate or the loading bay on Herbert Street opposite the entrance to Herbert Lane, within 80 metres of the service entrance. The Applicant refers also to Appendix X (Extract from the Rules of the Road, Response to Planning Application Transportation Comments, Drawing no. 7141-01 Proposed Set Down/ Pick Up Bay on Herbert Street), Drawing no. 24_027 – CSE – GEN – XX – DR – C – 2100 Proposed Site Layout).
 - Bed Linen is proposed to be laundered in house and there will therefore be no linen deliveries.
- Proposed Use of First Floor Reception Rooms in the Original House (Protected Structure)
 - There is a lounge area shown within the existing house which will not be open to the public and should be more appropriately referred to as a resident's drawing room. Pre-dinner drinks will be served at this location as well as teas and coffees. A photograph of a similar arrangement is provided in Appendix II.
- Guest Set Down/ Pick Up
 - The Applicant considers that a set down/ pick up bay can be provided adjacent to the existing bike stands on Herbert Place and 5 metres from the pedestrian crossing/ traffic lights. The Applicant refers to the Drawing (Drg. No. 7141-01) and Photos presented as part Appendix X of the Appeal.
- Car Parking
 - The Local Authority Roads Engineer accepted that Car Parking was not a requirement. There is no Car Parking proposed as is common in City Centre locations. It is commonplace for City Centre Hotels to direct

patrons to separate Car Parks in the general area and to on-street Car Parking.

- The Applicant refers to his experience of Hotel Car Parking in London whereby he was directed to a Car Park 700 metres away. There was no on-street Car Parking available at the said location.
- There is on-street Car Parking within a 10 minute walk of the subject appeal site within Dublin 2.
- The Applicant provides a table which shows available Car Parking within 700 metres (10 minute walk) of the subject appeal site. In total, the Applicant estimates there are 892 Car Parking Spaces, excluding 8 no. EV Charging Car Parking Spaces and 22 no. Mobility Impaired Car Parking Spaces.
- Bike Parking
 - The Local Authority does not raise any issued in relation to 6 no. bike spaces proposed in the Service yard.
 - Within 10 minutes of the subject appeal site there are a total of 416 Bikes to hire, and 26 no. Sheffield Stands with a capacity for 52 no. bikes.
 - The site is also 960 metres from the Luas, 850 metres from the DART and proximate to Bus services on Baggot Street.
- Conclusion:
 - The proposed development does not contravene Policy BHA2 (Development of Protected Structures), or Policy BHA9 (Conservation Areas) of the Dublin City Development Plan, 2022 to 2028.
 - Under the Z8 Zoning of the site, the proposed development is permissible. The proposals cannot therefore be considered to be contrary to Policies QHSN38, SC3, QHSN7 and Section 15.14.1 of the Development Plan.
 - The proposals meet the mixed use land policy.
 - The proposals will provide job opportunities.
 - The proposed development is the only viable option for the site.

- The Board is requested to Grant planning permission for the proposed development subject to planning conditions deemed to be appropriate.
- The Appeal is accompanied by a total of 10 no. Appendices.

6.2. Planning Authority Response

6.2.1. A Response from the Local Authority dated 16th August 2024 states the following:

- *The Planning Department would request that the Bord uphold our decision to issue a Refuse Permission.*
- *The Planning Department would request that if permission is granted that the following condition(s) be applied:*
 - *A condition requiring the payment of a Section 48 development contribution.*

6.3. Observations

6.3.1. 6 no. Observations were received, as follows:

- Irish Georgian Society c/o Donough Cahill
- R. John McBratney
- Karyn and Mark Harty
- An Taisce, c/o Kevin Duff
- Philip O'Reilly
- South Georgian Core Residents Association c/o Fergus Fahy

6.3.2. All Observers oppose the proposed development. The issues raised by Observers can be summarised as follows:

- Impacts on Architectural Heritage, Georgian Conservation Area, Protected Structures and the Character of the Area
- Excessive Height, Scale and Intensity
- Hotel Needs Assessment
- Track record of Applicant is irrelevant

- Potential for Office use
- Impacts on Residential Amenity
- Traffic and Servicing Impacts
- Depreciation of Property Values
- Undesirable Precedent

6.4. Further Responses

- None

7.0 Assessment

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

- Principle of the Proposed Development
- Height, Scale, Bulk and Design
- Architectural Conservation
- Residential Amenity
- Access and Servicing
- Sustainable Residential Communities
- Hotel Needs Assessment
- Other Matters
 - *Devaluation in Property*
 - *Precedent*
 - *Bat Survey*
 - *Invasive Species*

7.2. Principle of the Proposed Development

7.2.1. The subject appeal site is zoned Z8 Georgian Conservation Areas in the Dublin City Development Plan, 2022 to 2028 (the Development Plan). The relevant zoning objective is *'to protect the existing architectural and civic design character, and to allow for limited expansion consistent with the conservation objective.'* Hotel is included in the list of permissible uses on lands zoned Z8 Georgian Conservation Areas.

7.2.2. I note the guidance provided in Section 14.7.8 (Georgian Conservation Areas – Zone Z8) of the Development Plan where it is stated, inter alia, that *'the aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged.'* The guidance proceeds to emphasise the aim is to maintain and enhance these areas as active residential streets. Offices or the expansion of existing office use is encouraged subject to maintaining the architectural character and setting of the area and the avoidance of an over-concentration of offices within the Z8 zoned area. The guidance finally notes that more residential development will be encouraged in areas where residential levels are low subject to not impacting negatively upon the setting and architectural character of the area. Reference is also made to the details and policies and objectives set out in Chapter 11: Built Heritage and Archaeology and Chapter 15: Development Standards.

7.2.3. Having regard to the foregoing, it is my opinion that the principle for a Hotel on the subject appeal site is acceptable subject to compliance with the aforementioned Z8 Georgian Conservation Areas zoning objective *'to protect the existing architectural and civic design character, and to allow for limited expansion consistent with the conservation objective'* and subject to normal planning and environmental considerations.

7.3. Height, Scale, Bulk and Design

7.3.1. I note reason for refusal no. 1 is partly concerned with the scale, bulk, height and design of the proposed development. I note the indicative Plot Ratio and Site Coverage standards for Conservation Areas, as set out in Table 2 of Appendix 3

(Height Strategy) of the Development Plan, where an indicative plot ratio of 1.5-2.0 and an indicative site coverage of 45-60% is recommended. I note as per question 10 g) and h) of the submitted planning application form that the proposed plot ratio is indicated to be 2:1 and that the proposed site coverage is indicated to be 0.7. The proposed development therefore, as presented, exceeds the indicative plot ratio and site coverage standards for conservation areas as set out in the Development Plan. I note the guidance makes allowances for higher plot ratio and site coverage in certain circumstances, none of which, in my view, are applicable to the subject appeal site located within a Conservation Area. The proposed plot ratio and site coverage, in my opinion, is indicative of an excessive scale of proposed development on the subject appeal site.

- 7.3.2. I estimate the proposed new build, which has a stated floor area of 1,722.5 sqm, is almost 4.5 times the size of the floorspace proposed to be retained, which includes the existing Protected Structure (no. 73) for the most part and an existing detached rear mews building.
- 7.3.3. I note as per the proposed West Elevation Drawing (Drg. No. 2301), that the parapet height of Block A (5 Storeys over basement/ 6 storeys in total) is shown to be consistent with that of the existing Protected Structure (no. 73). The fourth floor of Block A, at roof level, is set back c. 3.5 metres from the front west elevation of no. 73 and Block A itself is stepped off the front west elevation of the no. 73 by c. 2 metres. The overall height of Block A along the west elevation, although set back at roof level, is estimated to be c. 2.4 metres above the parapet height of no. 73 and c. 1 metre above the roof level of no. 73.
- 7.3.4. As shown on the Contiguous Elevations Rendered Drawing (Drawing no. 2311) and the South & West Elevations Rendered Drawing (Drawing no. 2312), Block B is proposed to be c. 5.4 metres higher than the parapet height of the permitted building on the adjacent site to the immediate northeast (Car Park), as planning reg. ref. no. 3253/24 refers. The building permitted under planning reg. ref. no. 3253/24 has a parapet height and building line which is consistent with that of the existing Protected Structures along Herbert Place to the northeast. The proposed building line of Block B at this location is estimated to be at least 7 metres forward of the building line of the building permitted under planning reg. ref. no. 3253/24. I note the reason for refusal under appeal ref. no. ABP-311122-21 (planning reg. ref. no. 4007/20) on that

same said adjacent site to the northeast, in addition to its excessive height, scale and bulk, was also concerned with the proposed building line forward of the existing terrace of Protected Structures further to the northeast along Herbert Place, see Section 4.0 Planning History above.

- 7.3.5. I note the guidance set out in Appendix 3 (Achieving Sustainable Compact Growth) of Volume 2 of the Development Plan. In particular, I note it is stated that *'All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.'* As per said Guidance, I consider the subject appeal site, located within the Canal Ring to be within a key sensitive area within the Georgian Core. In such areas, proposals must demonstrate they make a positive contribution to the historic context. It is stated that proposals for *'heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3.'*
- 7.3.6. As part of the Appeal submission, the Applicant refers to the criteria set out in Table 3. The Applicant states *'I am of the opinion the proposal satisfies the criteria in Table 3'*. The Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale set out in Table 3 comprises 10 no. distinct categories. The Applicants' Appraisal does not follow the same 10 no. categories.
- 7.3.7. In my opinion, the proposed building heights, are out of scale and character with the prevailing established height of surrounding Protected Structures within the subject Georgian Conservation area and, if permitted, would serve to create an undesirable precedent for similar development proposals into the future.
- 7.3.8. I consider the proposed design and, in particular, the proposed horizontal emphasis of the proposed balconies along Herbert Place to be out of character with the setting and context of the subject site within the Georgian Conservation Area, positioned between 2 no. existing Georgian Terraces.
- 7.3.9. In conclusion, it is my opinion that the proposed development by reason of the proposed Height, Scale, Bulk and Design, is such that it does not serve to suitably protect the surrounding historic environment and sensitive setting of the subject appeal site within the Georgian Conservation Area. The proposed development will, in my opinion, if permitted, serve to present an adverse impact on the historic

environment and would serve to create an undesirable precedent for other similar proposals into the future.

7.4. Architectural Conservation

- 7.4.1. The subject former dwelling structure, no. 73 Baggot Street Lower, is listed as a Protected Structure (RPS Ref. No. 384). Both the main house and the single storey extension/ part over basement corner-sited three-bay former carriage-archway are listed on the National Inventory of Architectural Heritage (NIAH) as being of Regional Importance (see NIAH Ref. no's 50100135 and 50100136). The site is also located within a red hatched Georgian Conservation Area as shown on the Land Use Zoning Map (Map E) attached to the Development Plan.
- 7.4.2. The Applicant has submitted a Conservation Method Statement prepared by a Grade III Conservation Architect wherein it is concluded that *'the proposal as presented has no impact on the character of the existing protected structure.'*
- 7.4.3. I note Policy BHA2 of the Development Plan, which relates to Development of Protected Structures. I further note the relevant Z8 Zoning Objective where the emphasis is to *'protect the existing architectural and civic design character, and to allow for limited expansion consistent with the conservation objective.'* Having regard to Policy BHA2 and the said zoning objective, it is my opinion that the proposed development, by reason of the proposed Height, Scale and Bulk, does not serve to suitably conserve and enhance the character of the protected structure or the Georgian Conservation Area nor indeed does it represent a 'limited expansion' of the existing site which is consistent with the Z8 zoning Objective.
- 7.4.4. I note point c) of Policy BHA2 seeks to *'ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation'*. I note the Report and recommendation of the Conservation Officer to refuse planning permission. In particular, I note the commentary in relation to the retention of appropriate Conservation Expertise in the case of proposals relating to a Protected Structure or a structure on the National Inventory of Architectural Heritage (NIAH).
- 7.4.5. In my opinion, the submitted Conservation documentation, which includes a Conservation Method Statement, a Photographic Record of the Existing Building and A Schedule of Methodology for Conservation Repairs, although detailed lacks

sufficient detail to enable a comprehensive appraisal of the conservation impacts arising and in this regard, I would share the comments and concerns of the Conservation Officer in relation to Architectural Conservation and the information presented in the respective Reports of the Applicant, as set out in the Conservation Officers Report.

- 7.4.6. I note Policy BHA9 of the Development Plan which relates to Conservation Areas. In my opinion, the proposed development by reason of its excessive Height, Scale, Bulk and forward building line, does not contribute positively to the character and distinctiveness of the subject Georgian Conservation Area and does not represent contemporary architecture which is of exceptional design quality.
- 7.4.7. I note there is an existing Mews building to the rear of the subject appeal site and that it is proposed to convert same for future use as a Laundry as part of the overall Hotel development. I further note the Applicant proposes to provide a new service yard to the immediate northwest of the said Mews building and that this is in turn proposed to be accessed via the adjacent Mews Lane (Herbert Lane). I therefore consider policy BHA14 (Mews) and the guidance set out in Section 15.13.5 (Mews) of the Development Plan, to be applicable in this instance. I further note recommendations in relation to the development of Protected Structures, the infilling of gardens and the importance of maintaining a formal relationship between the Protected Structure and its ancillary buildings as set out in Sections 6.8.6 (Infilling of Gardens) and Section 13.5.2 of the Section 28 Architectural Heritage Protection Guidelines, 2011 (the Guidelines).
- 7.4.8. Having regard to the foregoing concerns in relation to the overall excessive Height, Scale and Bulk of the proposed development in this sensitive conservation setting, it is my opinion that the proposed development, as presented, conflicts with policy BHA14 (Mews) as it does not provide for sensitively designed or appropriately scaled development. In addition, having regard to the above referenced recommendations set out in the Guidelines, it is my opinion that the proposed development serves to interrupt the relationship between the main Protected Structure and the associated Mews building and will serve to obscure the Mews building.
- 7.4.9. I note the recommendations set out in Section 6.8.2 of the Guidelines where it is stated that '*..the new work should involve the smallest possible loss of historic fabric*

and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.' Having regard to the above guidance, it is my opinion that the proposed development, as presented, in particular Block A, serves to obscure the principle features of the existing side elevation of the Protected Structure and is not sufficiently subservient to said Protected Structure.

7.4.10. The proposed development, as presented, is not, in my opinion, acceptable in terms of its impact on the Architectural Conservation of the Area.

7.5. Residential Amenity

- *Overlooking*

7.5.1. I note that all windows proposed on the rear (north) elevation of Block B comprise high level windows only. The windows serving all bedrooms in the proposed new build elements in Blocks A and B (i.e. Bedrooms no's. 1 to 12, 14 to 18 and 20 to 30) for the most part face south onto Herbert Place. Bedrooms no's. 8, 14, 20 and 25 face Baggot Street Lower to the west. None of the proposed bedrooms overlook adjoining properties to the rear (northwest).

7.5.2. There is a proposed glazed link between Block A and B at both lower and upper ground floor levels. Some views of the adjacent property to the northwest will be available from the said linked corridor at upper ground floor level. Such views would however be significantly obstructed by the existing rear return of the subject Protected Structure, no. 73. In my opinion, any such undue overlooking can be suitably addressed by way of condition in the event of a Grant of permission being issued. Amendments could, for example, include the installation of obscured glazing, the final details for which could be agreed.

- *Daylight and Overshadowing*

7.5.3. The Applicant has submitted a revised Daylight, Sunlight and Overshadowing Study as part of the Appeal documentation which is indicated to have been updated to address the concerns raised in the Local Authority Planner's Assessment. The

Applicant accepts there is some impact on adjacent properties but submits this is quite small in the overall context of the proposal.

- 7.5.4. The Executive Summary of the Applicants' revised Study indicates that it has been revised to include *'the current application for residential under 3253/24'* and that the VSC assessment has been amended to include the 2 no. properties to the immediate north which contain Protected Structures but that the Protected Structure on the subject appeal site has not been included as it forms part of the proposed commercial development.
- 7.5.5. Section 5 of the Study relates to Shadow Analysis. The analysis finds there will be additional shading on March 0800 – 1000, June 0800 and December 1000 for the subject appeal site, all of the 8 no. properties located to the northwest which front onto Baggot Street Lower and the properties to the north which front onto Herbert Lane. Minor additional shading was found to be visible in March, June and December for the adjacent property to the northeast which is the subject of permitted development, reg. ref. no. 3253/24. Similarly minor additional shading was found to be visible from the proposed development on 3 no. properties to the north, south and east. The Applicants' Shadow Analysis found no additional overshadowing throughout the rest of the year for these said properties. In relation to the permitted building, the Applicants' Shadow Analysis found no additional shading visible from the proposed development throughout the year. The potential shading impact is quantified in Sections 6 *'Sunlight to Amenity Spaces'* and 7 *'Daylight to Existing Buildings'* of the Study.
- 7.5.6. I note the Applicants assessment of Sunlight to Amenity Spaces as set out in Section 6 of the Study. I agree with the findings in relation to the 5 no. existing amenity spaces which are not currently receiving 2 hours of sunlight over at least 50% of their areas on March 21st in both the existing and proposed scenarios and that these said 5 no. amenity spaces are identified as not being within the 80% of the existing scenario. I further agree with the assessment of the Applicant which compared the existing and proposed scenarios for the summer months which finds that 3 no. of the relevant 5 no. existing amenity spaces will receive similar levels of sunlight when the sun is higher in the sky. The Applicant submits that the gardens directly neighbouring the proposed site will notice a reduction in sunlight. The Applicant states this is to be expected and unavoidable given the city centre location in an urban context and the

location of the site to the south of the gardens in question. Finally, in relation to Sunlight to Amenity Spaces the Applicant emphasises that the BRE Guide (3rd Edition) should be interpreted flexibly as *'natural lighting is only one of many factors in site layout design'*. The Applicant further submits that the BRE Guide (3rd Edition) *'...is purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location.'* The Applicant emphasises the high relevance of these points when considering the proposed development site.

- 7.5.7. In my opinion, as the 5 no. existing amenity spaces which are not currently receiving 2 hours of sunlight over at least 50% of their areas on March 21st in both the existing and proposed scenarios and given that that these said 5 no. amenity spaces are identified as not being within the 80% of the existing scenario, I consider, having regard to recommendations set out in the BRE Guide (3rd Edition) that the proposed development is acceptable as presented in terms of its impact on Sunlight to the referenced 5 no. Amenity Spaces.
- 7.5.8. Section 7 of the Applicants Study relates to Sunlight to Existing Buildings. I note the guidance set out in Section 3.2 of the BRE Guide (3rd Edition) which relates to Sunlight to Existing Buildings. I note the relationship between the subject appeals site, the development proposed thereon and existing surrounding properties, particularly the adjacent property to the immediate northwest. In particular, I note the Applicants assessment of the anticipated sunlight impact of the proposed development upon the adjacent property to the immediate northwest which includes a Protected Structure and Mews Building. The Applicant has dismissed this property from further assessment in terms of a loss of sunlight on the basis that there are no living rooms located in the selected south facing rear annex of the building. I further note the Applicants assessment does not consider the sunlight impact of the proposed development upon any of the rear northeast facing windows of the existing Protected Structure on the said adjacent site or the rear first floor southwest facing windows of the existing Mews building on the said adjacent site.
- 7.5.9. The Observation submission to the appeal received from the owners of the adjacent property to the immediate northwest notes that their initial concerns in relation to daylight and sunlight impacts have not been addressed in the appeal. The Observer submits the rear rooms of their property facing the proposed development comprise living rooms used as an office and music space. In addition, concern is also raised

that the Applicants' assessment has not included the existing first floor windows of the mews building on the same adjacent site to the immediate northwest. In my opinion, the Applicants' assessment of the impact of the proposed development upon Sunlight to the adjacent properties is incomplete as the impact of proposed development upon future sunlight for the adjacent property to the immediate west/northwest has not been fully assessed. I note, in particular, the proposed relationship and separation distances proposed to be observed between Block B and its surroundings as shown on proposed North Elevation Drawing no. 2303.

7.5.10. Section 8 of the Applicants Daylight, Sunlight and Overshadowing Study relates to Daylight to Existing Buildings. I note as per View 1 of the Applicants' assessment that of the 7 no. windows surveyed on the southeast elevation of the residential property to the immediate north of the proposed service yard, 6 no. windows were found to have a Virtual Sky Component (VSC) below 80% (0.8) ranging from 73% to 76%. The Applicant submits that openings 2 and 3 in View 1 are side windows for a space that has 3 windows above the recommendations on another elevation (View 2), and the remaining windows serve bedrooms and a kitchen area. The remaining openings are numbered 1, 4, 5, 6, 7. According to an available online property website, windows 1, 4 and 6 serve individual bedrooms and are the sole source of natural light to same and windows 5 and 7 serve the kitchen/ breakfast room and are similarly the sole source of natural light.

7.5.11. View 3 of the Applicants' Assessment relates to the rear of the adjacent Protected Structures on the nearest 2 no. properties located to the immediate west/northwest. Based on the Applicants findings set out in the table in Section 8.3.4, all windows on the rear northeast facing elevations of both properties indicate a proposed Virtual Sky Component (VSC) of between 82% and 100% of the existing situation and therefore within the acceptable range of over 0.8 or 80% of their original values. The Applicants assessment does not however include the existing southeast facing windows on the rear return of the adjacent property to the immediate west/northwest. The Applicant has dismissed the assessment of these windows of 3 no. floors on the basis of there being no living rooms located in that section of the building. The adjacent property to the immediate west/northwest was the subject of planning reg. ref. no. 2476/15. According to the floor plans which are available online, there is a bedroom (bedroom 10) at Basement Level, a Playroom at Ground

Floor Level and an Office/ Study at First Floor Level. These windows at Basement, Ground and First Floor Levels, owing to their respective uses, should also, in my opinion, have been assessed, see guidance set out in Section 2.2 of BRE Guide (3rd Edition).

7.5.12. Having regard to the foregoing, I am not satisfied that the Applicant has suitably demonstrated that the proposed development, as presented, would not result in a significant loss of Sunlight and Daylight for surrounding properties.

- *Overbearance*

7.5.13. Having regard to the excessive Height, Scale and Bulk of the proposed development, the setting and location of the subject appeal site within a Georgian Conservation Area, the proximity of the site to existing Protected Structures and the anticipated negative impacts associated with a loss of available Sunlight and Daylight for surrounding residents, it is my opinion, that the proposed development will appear overbearing and out of character with the prevailing scale and pattern of development in the area.

- *Conclusion re Impact on Residential Amenity*

7.5.14. It is considered that the proposed development, as presented, will result in an unacceptable negative impact upon the established residential amenities of the area.

7.6. Access and Servicing

- *Service Entrance*

7.6.1. The proposed Service Entrance is located to the rear of the subject appeal site via Herbert Lane. I note Section 2.4 of Appendix 5 (Transport and Mobility: Technical Requirements) of Volume 2 of the Development Plan, which relates to Service Delivery and Access Strategy where reference is made to a Delivery and Service Management Plan for larger developments. The Applicant has not provided such a Plan. I further note, as per recommendations set out in Table 15-1: Thresholds for Planning Applications of Chapter 15 Development Standards of Volume 1 of the Development Plan, that an Operational Waste Management Plan is required for Commercial developments of 1,000 sqm or more. As the proposed development,

which has a stated combined gross floor area of 2,118.5 sqm and exceeds this threshold, there is an onus upon the Applicant to provide such a Plan.

7.6.2. The Applicant submits that the proposed Hotel is small, that it is proposed to provide breakfast and afternoon tea only and that ingredients will be locally sourced. The Applicant further submits that, at most, there will be 1 no. van delivery per week either to the back gate or the loading bay on the opposite side (northwest) of Herbert Street located further to the northwest. Furthermore, no bed linen deliveries are proposed as it is proposed that bed linen will be laundered on site.

7.6.3. I note the Report from the Applicants' Consulting Engineers titled '*Response to Planning Application Transportation Comments*' which forms part of Appendix X of the Appeal. The Applicant states that in order '*to avoid any disruptions and ensure smooth operations, the Applicant will consider an coordinate with existing and potential future deliveries or operations related to the local mews dwellings and other relevant developments in the area.*' This, in my opinion, falls short of a suitably scoped and robust Delivery and Service Management Plan. In this regard, I consider the proposed development, as presented, to be deficient in terms of specific access arrangements to the rear via the proposed Service Entrance. The Swept Path Analysis Drawing (Drg. Ref. no. 24_027-CSE-GEN-XX-DR-C-2110) for a Refuse Vehicle accessing the proposed rear service yard is noted.

- *Guest Set Down/ Pick Up*

7.6.4. As part of the Appeal submission, the Applicant has submitted a revised 'Proposed Site Layout' drawings (Drg. Ref. No. 24_027-CSE-GEN-XX-DR-C-2100, Rev. PL01), which shows a proposed new set down area along the site frontage onto Herbert Place, to the west of the existing Dublin Bike Station and outside of the subject defined redline boundary of the subject appeal site. Section 2.3 of the Applicants' Consulting Engineers' Report titled '*Response to Planning Application Transportation Comments*' refers to Car Parking where the purpose of the proposed designated set down area is stated to accommodate guests' drop off and collection activities, keeping them away from Baggot Street Lower to avoid any obstruction to the bus corridor, including public bus routes and cycle traffic.

7.6.5. While there is, in my opinion, merit in providing a new designated Guest Set Down/ Pick up area in the location proposed, the proposals are outside the defined redline

boundary of the site and therefore, in my view, outside the scope of this Appeal. The full justification for such a designated space should, in my opinion, be supported by a suitably detailed and robust Delivery and Service Management Plan for the overall site.

- *Car Parking*

7.6.6. The subject appeal site, as shown on Map J (Existing and Future Strategic Transport and Parking Areas), is located within Parking Zone 1. As per the Car Parking Standards set out in Table 2 (Maximum Car Parking Standards for Various Land Uses) of Section 4.0 (Car Parking Standards) of Appendix 5 of Volume 2 of the Development Plan, the maximum Car Parking Standard for a Hotel is indicated to be 'none'. There is no Car Parking proposed on the subject appeal site which, in my opinion, is acceptable having regard to the location within Parking Zone 1.

7.6.7. I note the Local Authority Road Planning Division raise no objection to the proposed Car Parking arrangements. The said Division refer to Section 5 of the Applicant's Traffic and Transportation Assessment which relates to a Mobility Management Plan and measures, including an action plan. I agree with the recommendation of the Local Authority Road Planning Division that where, in the event of a Grant of permission being issued, a condition in relation to Mobility Management should be attached.

- *Bike Parking*

7.6.8. The Applicant is proposing to provide a total of 6 no. Covered Bike Parking Spaces in the rear Service Yard. As per the Bike Parking Standards set out in Table 1 of Section 3.0 (Cycle Parking Standards) of Appendix 5 of Volume 2 of the Development Plan, a standard of 1 no. Bike Space per 5 Staff is recommended. There total number of staff is anticipated to be 27 no. persons. The quantum of proposed Bike Parking is therefore, in my opinion, acceptable in principle.

7.6.9. I note the Local Authority Road Planning Division recommend that further Information be sought (See Point no. 1) in relation to the issue of Cycle Parking arrangements on site. In particular, a concern is raised in relation to a potential conflict between the proposed cycle parking arrangements and the proposed delivery/ service access arrangements. I note the Applicants' revised proposals presented as part of the Appeal submission for the relocation of the 6 no. Cycle

Parking Spaces at the rear service yard. The revised proposals are, in my opinion, acceptable.

7.6.10. As per Table 1 of Section 3.0 (Cycle Parking Standards) of Appendix 5 of Volume 1 of the Development Plan, the provision of the short stay/ visitor cycle parking is at the discretion of the planning authority on a case-by-case basis. I note the Applicants' revised proposals for the provision of 2 no. Sheffield stands for visitor cycle parking located to the front of the subject appeal site presented as part of the Appeal submission. The proposed visitor Cycle parking arrangements are, in my opinion, acceptable.

- *Conclusion on Access and Servicing*

7.6.11. In conclusion, the Application, as presented, is deficient in terms of proposed Access and Servicing arrangements. The proposals do not include a Delivery and Service Management Plan or an Operational Waste Management Plan which would assist in articulating the Applicants specific proposals. The Applicants proposal not to provide any on site Car Parking is acceptable and in accordance with Development Plan Guidance. The Applicants revised proposals for Cycle Parking are similarly considered to be acceptable and in accordance with relevant Development Plan Guidance. The provision of the proposed set down space is located on lands outside the scope of the subject application and appeal.

7.7. Sustainable Residential Communities

7.7.1. I note the second reason for refusal as issued by the Local Authority. The Local Authority consider the proposed development, as presented, would be contrary to the stated provisions of the Development Plan, where the core principles of the Housing Strategy, Policy QHSN38 (Housing and Apartment Mix) and the Z8 zoning are to encourage the establishment of sustainable residential communities of a wide variety are provided throughout the city in accordance with the Housing Need Demand Assessment (HDNA). The Local Authority further consider, as per the stated reason for refusal no. 2, that the proposed change of use to hotel (current use is offices) is contrary to the aim of the Z8 zoning, Policy SC3 (Mixed Use Development), Policy QHSN7 (Upper Floors) and Section 15.14.1 (Hotels and Aparthotels) of the Development Plan, all of which seek to promote a mixed use land policy in the city centre which includes the provision of high quality residential

development. The Local Authority is further concerned that the proposed development, if permitted, will serve to create an undesirable precedent for similar proposals into the future.

7.7.2. The subject appeal site is located within the canal ring and is described in the Local Authority Planners assessment as a prime city centre site. I note the 3 no. Core Principles of the Housing Strategy (Appendix 1 of Volume 2 of the Development Plan, 2022 to 2028) which are:

- *To ensure the provision of good quality housing across owner-occupied and rental housing tenures in sustainable communities.*
- *To ensure the planning and building of housing and residential space in the city contributes to sustainable and balanced development.*
- *To ensure adequate provision of social and affordable housing (i.e. social and cost rental and affordable purchase) for households unable to afford housing from their own resources.*

7.7.3. I also note Policy QHSN38 (Housing and Apartment Mix) seeks, inter alia, to promote mixed use, '*.. sustainable residential communities which contain a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA, with supporting community facilities and residential amenities...'*

7.7.4. The Housing Needs Demand Assessment (HNDA) anticipates in Section 6.3.3 (HDNA Forecasts) that '*..apartment development will be the predominant housing type in this sector over the Plan period..'*

7.7.5. I note as per Section 4.5.1 (Inner City) of Chapter 4 (Shape and Structure of the City) of the Development Plan, that the stated approach to the development of the Inner City is to '*...encourage a more liveable city, balanced economic investment and an increased focus on residential development ...'* The general objective for the Inner City includes the encouragement of '*...sustainable patterns of mixed use development...'* and the encouragement of '*...high quality, sustainable residential development in accordance with the principles of the 15 minute city....'* Following on from this, Policy SC2 in the same Chapter is concerned with the City's Charter which includes '*..revitalising the north and south Georgian squares and their environs and*

realising their residential potential..'. Policy SC3 relates to Mixed Use Development and seeks 'to promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.'

- 7.7.6. Chapter 14 of the Development Plan relates to Land Use Zoning where, in relation to Z8 (Georgian Conservation Areas) it is stated in Section 14.7.8 that *'the aim is to protect the architectural character/design and overall setting of such areas while facilitating regeneration, cultural uses and encouraging appropriate residential development (such as well-designed mews) in the Georgian areas of the city. Insensitive or inappropriate backland development in Z8 areas will be strongly discouraged.'* It is further stated that *'..the aim is to maintain and enhance these areas as active residential streets..'* and that *'where residential levels are low, it is the aim to encourage more residential use in the area, to include support for sub-division and universal access that do not impact negatively on the architectural character and setting of the area..'*
- 7.7.7. Section 15.14.1 of the Development Plan relates to Hotels and Aparthotels and notes that in order *'to ensure a balance is achieved between the requirement to provide for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses, there will be a general presumption against an overconcentration of hotels and aparthotels.'* The issue of Hotel Needs Assessment and an Overconcentration of Hotels is discussed further below in Section 7.8 where, in my opinion, the Applicant has not suitably demonstrated that there is not already an overconcentration of hotels in the area.
- 7.7.8. Having regard to the foregoing, including the location of the subject appeal site within the city centre and the abovementioned aims, policies and strategies, as set out in the Development Plan, the current office/ commercial use of the subject building and the proposed change of use of same to an entirely commercial hotel development, which does not include any mixed of uses or residential development, it is my opinion that the proposed change of use is not in accordance with the aforementioned provisions of the Development Plan, does not serve to encourage the establishment of sustainable residential communities and, if permitted, would likely create an undesirable precedent for similar proposals into the future.

- 7.7.9. I note that in one of the Appeal Observations it is stated that the proposals materially contravene Policy QHSN37 (Houses and Apartments) of the Development Plan. For ease of reference, the policy (QHSN37) states: *'Houses and Apartments: To ensure that new houses and apartments provide for the needs of family accommodation with a satisfactory level of residential amenity in accordance with the standards for residential accommodation.'* The Observer has quoted this policy in the context of their opinion in relation to an excessive Overbearance of the proposed development upon the established residential amenity of the adjoining property to the immediate northwest. As the proposed development is for a Hotel and does not include New Houses or Apartments, it is my opinion that the proposed development does not represent a Material Contravention of Policy QHSN37 (Houses and Apartments).
- 7.7.10. In reference to Policy QHSN38 (Housing and Apartment Mix) the Applicant submits that the building is not suitable for residential use and that this is supported by the Conservation Officer. In my opinion, the subject building could be returned to single residential occupancy without impacting negatively upon the established character of the Protected Structure. The subdivision of the subject Protected Structure into separate residential occupancy, e.g. 2 no. Apartments, where feasible, would, in my opinion, be preferable to the subject development as proposed.
- 7.8. Hotel Needs Assessment
- 7.8.1. I note Policy CEE28 of the Dublin City Council Development Plan, 2022 to 2028 which relates to Visitor Accommodation. In addition to other aspects of the policy in terms of the general impact of such a proposal in the area, there is an onus placed upon the Applicant to suitably demonstrate the type and extent of existing and proposed Visitor Accommodation in the vicinity and, in doing so, to suitably justify the principle for the Visitor Accommodation proposed.
- 7.8.2. The Applicant has provided a Market Research Assessment of the Hotel Market in the area titled *'Dublin Hotel Market in Baggot Street Area'*, which is prepared by Property Consultants. The assessment describes the proposed development as a 30 Bedroom Guest House and notes the proposed small family nature of same. The Assessment notes there are no hotels in the immediate area of the subject site, that there are 4 no. hotels within a 500 metre radius of the site and a total of 20 no. hotels within a 1 km radius of the site. I estimate the number of hotels within both 500

metres and 1 km of the subject appeal site to be significantly higher than the Applicants Assessment and I further note there is an existing 3 Star Hotel located on Baggot Street Lower within 115 metres to the northwest of the subject appeal site which has been omitted from the Assessment. In my opinion, the applicants Assessment is not fully representative of the existing extent of Hotels in the wider area. In the absence of a suitably robust and definitive Hotel Needs Assessment, it is my opinion that the Applicant has not suitably demonstrated that there is not already an existing overconcentration of Hotels in the area.

7.8.3. The Commission could seek clarity on this issue however owing to the more substantive reasons for refusal set out above, it may not be considered necessary to pursue the matter.

7.9. Other Matters

- *Devaluation of Property (New Issue)*

7.9.1. I note reference is made in Reason for Refusal no. 1 to an anticipated likely devaluation in property in the vicinity of the proposed development, were it to proceed. This issue is not raised or addressed in the Appeal but it is raised as part of 1 no. Third Party Observation to the appeal. The opinion of the said Third Party that the proposal will result in a depreciation in property values is supported by submissions from 2 no. Property Consultants. The first submission concludes that the proposed development would devalue the adjacent dwelling to the immediate west/ northwest, by between 20% and 25%. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out above, it may not be necessary to pursue the matter.

- *Precedent*

7.9.2. Both of the 2 no. reasons for refusal, as issued by the Local Authority refer, inter alia, to the creation of an undesirable precedent. In my opinion, the proposed development, if permitted, has the potential to create an undesirable precedent for similar proposals into the future.

- *Bat Survey (New Issue)*

7.9.3. Although an Ecological Consultant (Bat Survey) is referenced on page 34 of the Applicants' Planning Report and Design Statement, a Bat Survey is not attached to the appeal file. I note such a Bat Survey is similarly not attached to the online planning file. The Commission could seek further information in relation to this issue however, having regard to the other substantive reasons for refusal set out above, it may not be considered necessary to pursue the matter.

- *Invasive Species*

7.9.4. I note the Applicant has provided an Invasive Species Survey Report wherein it is concluded that direct inspection of the accessible part of the site has encountered no invasive species within a surrounding distance of 10 metres. I am satisfied that the Applicant has suitably appraised and addressed the issue of Invasive Species.

8.0 **AA Screening**

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European site. The closest European Sites, part of the Natura 2000 Network, is South Dublin Bay Special Area of Conservation (SAC) (Site Code: 000210), located approximately 2.1 km to the east of the proposed development and the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) also located approximately 2.1 km to the east of the proposed development site.

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.3. The reason for this conclusion is as follows

- the nature and scale of the proposed development;
- the location of the development in an urban area, the distance from European Sites and the absence of any ecological or hydrological pathways to any European Site.

- The Appropriate Assessment Screening Determination of the Local Authority.

- 8.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Water Framework Directive

- 9.1. The Grand Canal (IE_09_AVB_GCB) is located c. 23 metres to the southeast of the subject appeal site (Waterbody Status: Good). The River Dodder (Dodder_20) (IE_EA_09D010100) lies c. 1.4 km to the southeast of the subject appeal site (Waterbody Status: Good). The site lies above the Dublin Groundwater body ((EU Code: IE_EA_G_008) (Waterbody Status: Good). The proposed development is detailed in section 2.0 of my report. No water deterioration concerns were raised in the planning appeal or observations.
- 9.2. I have assessed the proposed development and associated works and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development;
- Location-distance from nearest water bodies and/or lack of hydrological connections;

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend permission be REFUSED for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to the proposed height, scale, massing, form and design of the proposed development within the curtilage of a Protected Structure, the proposed hotel development, located at a prominent corner, would result in a visually obtrusive and overly dominant feature resulting in an abrupt transition within the historic terrace which would detract from the prevailing height, scale and architectural character of the traditional streetscape which incorporates important protected structures and forms part of a conservation area. The development, as proposed, would seriously injure the amenities of the area and would fail to satisfy Policy BHA9 of the Dublin City Development Plan, 2022 to 2028, which seeks to protect the special interest and character of Dublin's Conservation Areas, where development within or affecting a Conservation Area must contribute positively to its character and distinctiveness. The proposed development would create an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature and location of the proposed hotel use, it is considered that the applicant has not appropriately addressed the stated provisions of Policies CEE28 (Visitor Accommodation), SC3 (Mixed Use Development), QHSN7 (Upper Floors), and Section 15.14.1 (Hotels and Aparthotels) of the Dublin City Development Plan 2022-2028 in relation to the mix of uses in the area, including the objectives to support the development of residential uses, to convert old office buildings to residential use, and in relation to levels of visitor accommodation in the area. The development

proposed would therefore be contrary to the proper planning and sustainable development of the area.

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.

Frank O'Donnell
Planning Inspector

19th February 2026

Form 1 - EIA Pre-Screening

Case Reference	ABP-320514-24
Proposed Development Summary	PROTECTED STRUCTURE: Construction of 6-7 storey, 30 bedroom hotel, with demolition of side extension, elements of preservation and restoration and all associated works.
Development Address	73 Lower Baggot Street, Dublin 2
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320514-24
Proposed Development Summary	PROTECTED STRUCTURE: Construction of 6–7 storey, 30 bedroom hotel, with demolition of side extension, elements of preservation and restoration and all associated works.
Development Address	73 Lower Baggot Street, Dublin 2
This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>The subject corner site has a stated site area of 0.1007 hectares (1,007 sqm) and comprises an existing 4 storey over basement end of terrace house with a 3 storey original return, a single storey extension/ part over basement corner-sited three-bay former carriage-archway and an original detached 2 storey carriage house to the rear which is accessed via an existing gated entrance and shared courtyard to the rear from Herbert Lane. The existing buildings on the subject site are estimated to have an overall floor area of 476 sqm.</p> <p>See Section 2.0 of the above report for a full Proposed Development Description, including the proposed Demolition.</p> <p>It is not anticipated that the development as proposed will serve to result in an excessive use of natural resources, or will result in the production of an excessive extent of waste or pollution such that it would give rise to nuisance or serve to increase the risk of accidents/ disasters or serve to significantly impact on human health.</p>
<p>Location of development</p> <p>(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</p>	<p>The subject appeal site is located within a Georgian Conservation Area on lands zoned Z8. The site is positioned to the northwest side of the Grand Canal (pNHA) at a prominent intersection between Baggot Street Lower and Herbert Place, to the north of Baggot Street Bridge. The site is currently in commercial use as offices.</p>

environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no likely significant environmental effects anticipated as a result of the proposed development.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-320514-24	Townland, address	73 Lower Baggot Street, Dublin 2
Description of project		PROTECTED STRUCTURE: Construction of 6-7 storey, 30 bedroom hotel, with demolition of side extension, elements of preservation and restoration and all associated works.	
Brief site description, relevant to WFD Screening,		The site is located in an urban location and is served by an existing combined sewer. The Grand Canal lies within c. 23 metres of the site to the southwest. The river Dodder lies c. 1 km to the southwest.	
Proposed surface water details		Existing connection to the existing combined system. It is proposed that the surface water run-off from the roofs and hardstanding areas will be collected via roof drains and surface gullies and directed to attenuation and soakaway tank. Discharge from the tank is proposed to be to a controlled rate of 2 litres per second. The proposals include the installation of a silt trap.	
Proposed water supply source & available capacity		Existing public water supply. No capacity issues raised.	

Proposed wastewater treatment system & available capacity, other issues		Existing wastewater connection. No capacity issues raised.				
Others?		Not applicable				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Groundwater Waterbody	Underlying site	Dublin: (EU Code: IE_EA_G_008)	Good	Review	No pressures identified	No apparent existing linkages to ground water in terms of surface water run-off, drainage or

						discharge to groundwater.
Canal Waterbody	Located c. 23 metres to the SE of the subject appeal site	Grand Canal Main Line (Liffey and Dublin Bay) (EU Code: IE_09_AWB_GCMLE)	Good	Not at risk	No pressures identified	No – best practice construction methodologies and surface water treatment systems incorporated into the design of the project, will prevent significant pollutants entering the water body.
Surface Water	c. 1.4 km to the east	Dodder_050 (EU Code: IE_EA_09D010100)	Good	Not at risk	No pressures identified	Not hydrologically connected to surface watercourse.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Groundwater Body	Dublin: (EU Code: IE_EA_G_008)	None	None	None	No	Screened out
2.	Canal Waterbody	Grand Canal Main Line (Liffey and Dublin Bay) (EU Code: IE_09_AWB_GCMLE)	None	None	None	No	Screened out
3.	Surface Water	Dodder_050 (EU Code: IE_EA_09D010100)	None	None	None	No	Screened out

OPERATIONAL PHASE							
4.	Groundwater Body	Dublin: (EU Code: IE_EA_G_008)	None	None	None	No	Screened out
5.	Canal Waterbody	Grand Canal Main Line (Liffey and Dublin Bay) (EU Code: IE_09_AWB_GCMLE)	None	None	None	No	Screened out
6.	Surface Water	Dodder_050 (EU Code: IE_EA_09D010100)	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
7.	NA						