



An
Coimisiún
Pleanála

Inspector's Report

ABP-322735-25

Development

The demolition of the existing buildings and the construction of a 113 no. bedroom hotel with ancillary café/restaurant and retail unit, and all ancillary site development and excavation works above and below ground.

Location

15-16 Baggot Street Lower, Dublin 2,
D02 AV91

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

WEB 1604

Applicant(s)

Peachbeach ULC

Type of Application

Permission.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Permission.

Observer(s)

Philip O'Reilly.

Peter McCann.

Fergus Fahey.

Date of Site Inspection

31st August 2025.

Inspector

Kathy Tuck

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1.0 Site Location and Description

- 1.1. The subject site which has a stated area of 0.09 ha is a corner site situated at the junction of Baggot Street Lower and Baggotrath Place. Baggot Street is located approximately c.600m to the east of St Stephens Green and c.300m to the south of Merrion Square.
- 1.2. The site comprises of 2 no. 3 storey buildings, no. 15 and 16 Baggott Street, which extend the entire length of Baggotrath Place with their northern elevation addressing Fitzwilliam Lane. The building currently provides for a supermarket at ground floor level which addresses Baggot Street with a gym being located on the upper level with access being provided from Baggotrath Place.
- 1.3. The building reduces to two storeys in height along Baggotrath Place where it connects to a three-storey building which addresses Fitzwilliam Lane.

2.0 Proposed Development

- 2.1. Original Design
 - 2.1.1. This is an application seeking permission for the demolition of the existing one to three storey buildings at Nos. 15-16 Baggot Street Lower with a stated area of 2,619 sqm.
 - 2.1.2. The proposal also provide for the construction of a six-storey building over basement with roof level plant. The total gross floor area of the proposed building is stated to be 5,550 sqm.
 - 2.1.3. The proposed development will accommodate a mixed-use development comprising of a 113 no. bedroom hotel with associated terraces on the north and south elevations at fourth floor level and on all elevations at fifth floor level. There is a café/restaurant proposed fronting onto Baggotrath Place and Fitzwilliam Lane and retail unit at ground floor level accessed from Baggot Street Lower.
 - 2.1.4. The hotel is accessed from Baggotrath Place, with a secondary entrance from Baggot Street Lower.
- 2.2. Amended Plans

- 2.2.1. I note that the appellant has submitted amended plans as part of the 1st party appeal lodged with An Bord Pleanála on the 9th June 2025. The amended plans have amended the fenestration layout on the eastern elevation of the proposed building.
- 2.2.2. The amended plans have omitted window ops along the north-eastern elevation which previous served hotel rooms and the stairwell at 2nd 3rd and 4th floor level.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on the 13th May 2025 for the following reason:

The proposed scheme is inappropriate in terms of the extensive demolition of historic facades along Baggotroth Place and Fitzwilliam Lane. In addition, the significant increase in windows along the eastern site boundary would directly impact on the development potential of the adjacent site and would have a detrimental impact on the protected structure in terms of overlooking and historic character and setting. As a result, the proposed works would cause serious injury to the special architectural character and legibility of the Georgian conservation area, the adjacent Conservation Areas and the setting of the adjacent protected structures. The proposal would materially contravene Policies CA6, BHA2 (a), (e), BHA9 (4), (6) and BHA14 of the 2022-2028 Dublin City Council Development Plan. The proposed development would therefore create an undesirable precedent for similar type development, would devalue property in the vicinity 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 report of the Planning Authority sets out the site location, the proposed development, the site history, and all relevant national, regional, and local planning policy. In addition, details of all submission received have also been set out.

The assessment considers the principle of the development to be acceptable in terms of the land use zoning but identifies key issues which need to be considered in order to determine if planning permission should be granted.

The Planning Authority concluded with a recommendation to refuse permission which is in line with the decision issued by the Planning Authority on the 13th May 2025.

3.2.2. Other Technical Reports

Drainage Division: Recommends further information is requested.

Transportation Planning Division: Recommends further information is requested.

3.3. Prescribed Bodies

Transport Infrastructure Ireland - no objection to the proposed development subject to a condition. The submission notes the location of the subject site within the area for the adopted Section 49 Supplementary Development Contribution Scheme - Luas Cross City. As such the report request that in the event of a grant of permission that a condition be included requiring a Section 49 Financial Contribution.

Uisce Eireann – Requests that further information be submitted.

3.4. Third Party Observations

The Planning Authority received a number of observations relating to this application. Concerns raised were as follows:

- Proposed development for this site is in both scale and design wholly inappropriate for the location.
- The city development plan states that the aim of Z8 is to protect the architectural character/design and overall setting of such areas.
- Scale of the development at six-stories means that it is completely out place in its setting- Located as it is at the interface between an almost completely intact Georgian terrace and an historic 'urban village' if allowed to proceed this development will server to disassociate the largely intact urban village from adjacent conservation area.
- Documents submitted are confusing and symbols used not clear.

- The demolition of a structurally sound building is not sustainable.
- Concern at lack of residential in the proposal, the previous application proposed 23 apartments.

4.0 Planning History

PA Ref 4114/24: Planning permission was refused for the demolition of the existing one to three storey buildings at no's 15-16 Baggot Street Lower with a stated area of 2,619 sq. metres. It is proposed to construct a six-storey building over basement, which partially extends into the site of No. 17 Lower Baggot Street from first floor to fourth floor levels. The proposed development will accommodate a mixed-use development comprising of 23 no. apartments (14 No 1-bed units and 9 No. 2-bed units) accessed from Baggot Street Lower. A 66 no. bedroom hotel with reception and ancillary café will be accessed from Fitzwilliam Lane. A retail unit is proposed at ground floor level fronting onto Baggot Street and a gym is proposed at basement level with access from Baggotrath Place. The café/restaurant unit has a stated area of 131 sq. metres, the retail unit has a stated area of 500 sq. metres and the gym is stated to be 359 sq. metres. The residential element has a stated area of 2,149 sq. metres and the hotel is approximately 2,606 sq. metres.

The reasons for refusal are:

1. The proposed scheme is overly dominant, is inappropriate in terms of the proposed height and scale and would result in extensive and unjustifiable demolition of original historic fabric. As a result, the proposed works would cause serious injury to the special architectural character and legibility of the Georgian conservation area, the adjacent Conservation Areas and the setting of the adjacent protected structures. The proposal would materially contravene Policies CA6, BHA2 (a), (e), BHA9 (4), (6) and BHA14 of the 2022-2028 Dublin City Council Development Plan. The proposed development would therefore create an undesirable precedent for similar type development, would devalue property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

1. The proposed development by reason of its height, scale and massing is likely to have noticeable and detrimental overbearing and overshadowing impacts on neighbouring properties and taking into account the restricted nature of the subject

site, will negatively impact on the residential amenity of future occupants to the proposed units in terms of privacy and daylight provision. The proposed scheme would therefore constitute an overdevelopment of the subject site, would devalue property in the vicinity, would create a precedent for similar type undesirable development and would be contrary to the proper planning and sustainable development of the area.

PA REF 2714/12: Planning permission granted for the conversion to fitness centre use, at first and second floors of the existing building which is currently in office use at 15-16 Baggot Street Lower.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. There are 2 no. zoning objectives pertaining to the subject site. The southern part of the site, where it addresses Baggot Street Lower is zoned under objective Z4: To provide for and improve mixed-services facilities while the larger northern part of the site is zoned under objective Z8: 'To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.'
- 5.1.1. Chapter 4 '*Shape and Structure of the City*' includes guidance on urban density, increased height, landmark / tall buildings, urban design and architecture. In terms of urban density Chapter 4 recognises that RSES and Dublin MASP promotes greater densification and more intensive forms of development along strategic public transport corridors. Greater height at appropriate locations will be considered. Fig. 4:1: provides a map Key Views and Prospects.
- 5.1.2. The following policies are relevant to the proposed development.
- Policy SC11 – Compact Growth
 - Policy SC13 – Green Infrastructure
 - Policy SC16 – Building Height Locations
 - Policy SC17 – Building Height
 - Policy SC19 – High Quality Architecture

- Policy SC20 – Urban Design
- Policy SC21 – Architectural Design
- Policy SC22 – Historical Architectural Character

5.1.3. Chapter 6 '*City Economy and Enterprise*' refers to guidance on hotels, and this includes the avoidance of overconcentration of hotel development in areas of the city which currently have high levels of existing hotels given the wider objectives to create a rich and vibrant range of uses in the city centre. The following policy is relevant to the proposed development.

- Policy CCE28 – Visitor Accommodation

5.1.4. Chapter 11 '*Built Heritage and Archaeology*'. In accordance with Figure 11-2 'Dublin's Historic Core', the appeal site is located within the Georgian Core (Z8). The appeal site is also located within a designated area of Record of Monuments and Places (RMP). The following policy is relevant to the proposed development.

- Policy BHA26 – Archaeological Heritage

5.1.5. Chapter 14 '*Land-use Zoning*' as outlined above refers to the Z5 land use zoning objective, the subject of the appeal site, and the general role of the zone in land use terms. Chapter 14 also includes guidance in respect of Transitional Zone Areas (section 14.6), is relevant in respect of the proposed development given that the appeal site adjoins a land use 'Residential Neighbourhoods (Conservation Areas)' situated to the immediate north. This guidance specifically notes that it is important to avoid abrupt transitions in scale and land-use between zones and in cases abutting residential areas the predominantly mixed-use developments will pay particular attention to scale, density and design of development proposals, and to landscaping and screening proposals

5.1.6. Chapter 15 '*Development Management Standards*' includes guidance on hotel development. S. 15.14.1 advises it is a requirement to ensure a balance is achieved between providing for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses. The plan advises '*there will be a general presumption against an overconcentration of hotels and aparthotels*'. In cases where the Council considers there is overconcentration of hotel uses in the city the applicant will be required to demonstrate that the proposed development fully

complies with Policy CEE28. The Plan also advises on operational management including access and servicing.

- 5.1.7. Section 15, 15.2.2 'Conservation Areas' sets out guidance for all planning applications for development in Z2 (Residential Conservation Area) and Z8 (Georgian Conservation Area) which are both adjacent to the appeal site.
- 5.1.8. Appendix 3 'Height Strategy' recognises the role that height plays in the achievement of compact cities and refers to key factors that will determine height will be '*the impact on adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses and a legible, permeable and sustainable layout*'. The strategy includes guidance on plot ratio and site coverage and advises that the default height within the city within the canal ring is 6 storeys. In relation to more intensive development abutting lower intensity development, the Plan advises '*where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities*', and further that proposals for increased height in the city centre sensitive areas must demonstrate that they have no impact on these sensitive environments.
- 5.1.9. 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. Table 3 sets out the performance criteria in assessing proposals for enhanced height, density and scale.
- 5.1.10. Appendix 9 'Basement Development Guidance' sets out general guidance regarding basement developments, and in particular information to be contained in a Basement Impact Assessment.
- 5.1.11. Appendix 16 'Sunlight and Daylight' provides guidance to applicants carrying out daylight and sunlight assessments with the aim to offer clarity on the required technical approach, such that a standardised methodology and set of metrics are used by applicants completing daylight and sunlight assessments.

5.2. Regional Policy

- 5.2.1. **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES), 2019.**

The RSES supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development.

5.3. National Policy

- Project Ireland 2040 - National Planning Framework (NPF).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Climate Action Plan, 2024.
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010).

5.4. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c. 2.5km to the west of the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and Tolka Estuary SPA (site Code (004024).

6.0 EIA Screening

- 6.1. (See Form 1 and Form 2 attached). Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

7.0 The Appeal

7.1. Grounds of Appeal

This is a 1st Party Appeal against the decision of Dublin City Council. The grounds of the appeal can be summarised as follows:

- **Demolition Policy CA6**

- Demolition justification plan submitted which addressed 2 no. scenarios – (a) retention & re-use and (b) Demolition & rebuild.
- Report was prepared in line with development plan policy and concluded that demolition was ultimately found to be the optimal solution from an embodied carbon prospective.
- Desing statement illustrates design benefits such as:
 - Existing facades would need to be signifiably altered to allow for greater connection.
 - existing opes to the hotels would lead to poorer quality spaces with less daylight and sunlight.
 - presence of down stands beams and additional structure to retain the original building could prevent the servicing of the hotel rooms in the ceilings.
 - Temporary support steel for retaining building and/or facade will have limited re-use and lead to additional waste.
 - Ceiling heights dropped to 2450mm to allow for suitable ceiling void and additional depth in concrete floor slab to retain facade.
 - A consistent first and second floor level could not be implemented without changing the windows to the existing mews building on Fitzwilliam lane. An inconsistent first and second floor level would lead to accessibility issues and non-compliance with Part M.
- Policy CA6 promotes re-use/retrofitting where possible – demolition report has fully addressed the relevant policies and demonstrated retention is not suitable for proposed use.
- Section 9.2 of the Planning Officers report does not refute or take issue with the findings of the demolition report:
 - Reasonable to conclude that the Planning Officer is satisfied that the proposal to demolish has been sufficiently justified from a climate and embodied carbon perspective – despite the inclusion of Policy CA6 in the refusal decision.
- Key concern for the Planning Authority for the demolition relates to perceived heritage impacts.

- **Demolition and Built Heritage**

- Dublin City Council Conservation Officer did not provide any formal comments despite conservation being the central reason for refusal (Section 9.2 of the Planning Officers Report).
- Proposal has been designed in line with Policies CA6 and CA7 – key issues relate to heritage value of the building. The Planning Authority has not provided any reasoning/justification as to why it considers the structures to be of such heritage significance:
 - AHIA submitted clearly shows limited original fabric.
 - Not a protected structure or listed on NIAH.
- Red brick and mews are not original fabric – just because buildings are old does not of itself impact heritage value.
- Planning Officer seeking the retention for perceived contribution they make – character of conservation area again note red brick building and mews not original fabric.
- Existing building do not contribute positively to setting of conservation area – design as proposed will enhance street level activity and positive contribute through contemporary design.

- **Windows and Eastern Boundary**

- No. 17 Baggot street is within the ownership of the applicant – acknowledge long term future potential of the site and the concerns of the Planning Authority.
- Provided an assessment of the north-eastern elevation element as the only portion of the site with development potential.
 - Figure 2.1 of the 1st Party Appeal
- Protected Structure contains a residential dwelling with opes facing into the rear of the site – limits development potential given need for sufficient separation distances.
- Amended plans submitted – proposing to omit opes on the north-eastern element of the site – this will comfortably allow for any future development potential.
- Overlooking into the Protected Structure – no direct overlooking
 - Windows already exist on this elevation so no new overlooking.

- Inclusion of opes near the Protected Structure no way impact the integrity of the structure or its setting.

- **Conclusion on reason for refusal**

- Proposal is fully consistent with relevant Development Plan Policies and applicant has addressed concerns around overlooking into neighbouring site – wholly disagree that proposal would set an undesirable precedent.
- Proposal to demolish the building is fully justified from a carbon savings standpoint – consider that if the existing building on site were of significant value and worth retaining they would have been added to the Record of Protected Structures or NIAH.
- Planners report has not supported the contention in the reason for refusal relating to undesirable precedent – proposal will have minimal impact on the surrounding buildings and will make a significant improvement to the streetscape & area as a whole.

- **Planning Authority Reports.**

- Not one internal report made a recommendation to refuse permission.
- Recommendation for further information from Transportation and Drainage Department:

- A. Footpath Width

- Applicant not proposing to alter anything outside of their ownership and the proposing does not alter the existing building line.
 - Development is car free and no increase in traffic as a result of the development with the area being generally being a low traffic route.
 - Fitzwilliam lane – this is a cul-de-sac with no through traffic and therefore little need for an additional footpath in line with the opposing commercial premises.

- B. Cycle Parking

- Many constraints on developing a city centre site – 20 no. bike spaces have been provided on the lower ground floor in stacked and two tier bike racks allowing for staff associated with the hotel.

- Approximately 20m to the east of the site on Baggot Street there is on street cycle parking provision.

C. Service Delivery and Access Strategy

- Information could be provided by condition.

The 1st Party Appeal was accompanied by Addendum Architectural Heritage Impact Assessment which sets out the following:

- The Planning Officers Report states: *'It is considered that the provision of a significant number of windows on the boundary with no. 17 Baggot Street impacts on the curtilage of this protected structure.'*
 - Rear boundary of 17 Baggot Street contains with modern structures which are in use for light-industry and there are also older mews buildings in the middle of the modern structures.
 - Architects have made some alteration to the submitted design omitting some windows facing the rear curtilage of no. 17 and 17a, but some opes remain which mainly serve hotel bedroom and located at the south-east side and are relatively close to the rear of house no. 17 and 17a. – these windows do not look directly at the Georgian houses and their outlook is main over the roofs of the industrial buildings. This is already overlooked from the commercial gym.
 - AHIA submitted stated with regard to overlooking:

During the operational phase, the existence of the new development will give rise to some overlooking of the curtilage of No 17-17A. In the main this will be overlooking of the roofs of the light industrial buildings to the rear of the houses. There is already overlooking from the existing buildings at No 15-16. The likely effects on the heritage of No 17-17A arising from the existence of the new development during the operational phase are assessed as 'slight'.

7.2. Planning Authority Response

A response form the Planning Authority was received on the 3rd July 2025 and respectfully requests that the decision to refuse permission be upheld. It is stated

that in the instance that the decision is overturned and permission is granted that the following conditions be included:

- Condition for a Section 48 development contribution.
- Condition for a Section 49 development contribution in relation to the Luas Cross City project.
- Condition for the payment of a bond.

7.3. Observations

An Bord Pleanála received 3 no. observations in response to the 1st party Appeal received. The concerns raised are as follows:

Fergus Fahey

- Proposed development in both scale and design are wholly inappropriate for the location.
- Existing building is not historic, its standing at 3 stories on its frontage does not unduly impact the overall streetscape.
- Subject site is surrounded by protected structures and in a conservation area.
- The scale of the development is at 6 stories means that it is completely out of place in its setting.
- Located at the interface between an almost completely intact Georgian terrace and an historic urban village – if allowed to proceed this development will serve to disassociate the largely intact urban village from adjacent conservation area.
- This proposal is only seeking to provide for commercial floorspace – and redevelopment of this site should seek to provide residential development which would be supported by QHSN6, QHSN7, QHSN11, QHSN36 and SC3. Ideal for 15 minute city development.
- Proposal fails to comply with Z4 zoning - Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.

- Proposal is totally unsuited to this historic location – at odd with the city development plan and lacks residential development.

Philip O'Reilly

- Request that the decision of the Planning Authority be upheld.
- Proposal has no regard for historic part of the city.
- Proposal is too large, too tall, and its design has no regard for Georgian core of the city.
- Design has no regard for existing structures and important buildings on Baggorath Place and fails to take into account or recognise the importance of the extant buildings on this part of the site which are very significant Victorian architectural interest.
- Proposal should be refused to facilitate a more acceptable and sensitive development which incorporates existing streetscapes.

Peter McCann

- Deterioration in daylight infiltration.
 - Daylight assessment accepts there will be moderate impact on Merrion Hotel.
 - Commercial use of Merrion Hotel is used as a justification.
 - Climate Change – inexcusable for an over scaled development to avoid compliance with criteria of BRE Guidelines by referring to the ability of the neighbour to rely on artificial lighting.
 - Such a statement makes the assumption that the hotel use at the Merrion will remain into the perpetuity – right of the Merrion to change the use of the building in the future should not be stymied.
 - Redevelopment of the subject site should be respect the rights of the adjacent properties to operate without reliance on artificial lighting.
- Material Increase in Overlooking.
 - Separation distance of only 7.8m.
 - No design mechanisms introduced as a way of mitigation.

- Conservation impact resulting from demolition.
 - Roadmap was provided from DCC in their previous refusal – required the retention of the building which the developer chose to ignore.
 - AHA submitted accepts that the building to be demolished have heritage value and contribute to the character of Baggorath lane.
 - Concur with Planning Authority that overall design could be modified to incorporate historic facades while providing the proposed accommodation.
 - Applicant has simply chosen not to do so – eradicating the historic building is not necessary.
- Lack of set down – traffic hazard.
 - No plan to upgrade or widen pedestrian facilities along Baggotrath Place as was noted to be required by the Transportation Section of the Planning Authority.
 - If the Commission decide to grant permission request that applicant be required to provide safe and part M compliant pedestrian access.
- Right to service by Merrion Hotel must not be impacted.
 - Concern over the construction phase and impact on servicing of the Merrion Hotel.
 - Service basement and customer car park are vital to the running of the Merrion Hotel and 24 hours access 7 days a week is required.
 - Construction management plan submitted has provided insufficient details on managing construction traffic, especially given the congested nature of the site.
 - CMP does confirm that all site traffic will load and unload on Baggot Street Upper – how will the Merrion Hotel utilise its car parking when such loading and unloading is taking place.
 - Construction traffic queuing on Baggotrath Place should not be allowed – continually requested that be provided with an opportunity to comment a robust comprehensive plan.

- 3rd parties have not been afforded to comment on information that could have a significant impact on their ability to operate their businesses.
- If Commission decide to grant permission necessary to understand the impact of the construction phase and the legality of the decision could be questioned.
- Service Strategy for Proposed Hotel not provided.
 - Deficit of such information was acknowledged by DCC Planners Report for previous application and reiterated in this report.
 - Appellant notes that this report can be submitted via a compliance condition – there would be no opportunity for 3rd parties to comment on this document.
 - Servicing strategy directly affects how the development will function – making it a legitimate concern.
 - Residents and businesses have a right to understand how waste will be collected, deliveries will operate and utility services will be managed.

8.0 Assessment

Having reviewed the 1st party appeal and all other documentation on file including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Demolition.
- Built Heritage.
- Height.
- Impact on Adjoining Properties.
- Other Matters.

8.1. Principle of Development

- 8.1.1. There are 2 no. zoning objectives pertaining to the subject site. A small section of the site which addresses Baggot Street is zoned under objective Z4 - Key Urban Villages /Urban Villages which seeks *“To provide for and improve mixed-services facilities”* while the larger northern part of the site is zoned under objective Z8-Georgian Conservation Areas which seeks *“To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”*.
- 1.1.1. The applicant is seeking permission for the provision of 113 no. bedroom hotel with ancillary cafe/restaurant and a retail unit. All uses proposed are listed as being permissible uses under the Z4 - Key Urban Villages/urban villages zoning objective.
- 8.1.2. With regard to the Z8 Georgian Conservation Areas zoning objective, the use of a hotel and restaurant use are listed as being permissible uses while the use for the shop (local) is listed as being open for consideration.
- 8.1.3. The Dublin City Development Plan 2022-2028 notes with regard to Objective Z8 Georgian Conservation Areas 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. Where residential levels are low, it is the aim to encourage more residential use in the area, to include support for subdivision and universal access that do not impact negatively on the architectural character and setting of the area. This is discussed further within section 8.3 of my report below.
- 8.1.4. I note that, The City Plan seeks to avoid overconcentration of visitor accommodation in areas of the city centre but at the same time recognises the importance of tourism industry and the need to provide for much needed additional accommodation for tourists visiting the city. There is an overarching aim within the City Plan to promote a mix of uses within the City Centre Area and this is encapsulated within Policy SC3 which 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.”* Furthermore, Section 4.5.1 of the City Plan states that *‘a focus of the strategy for the*

inner city will be to encourage a more liveable inner city, balanced economic investment and an increased focus on residential development.'

- 8.1.5. In this context, the applicant prepared and submitted a Visitor Accommodation Audit. The report assesses the existing visitor accommodation within 1km of this city centre site, as well as potential future provision, with regard to permitted and proposed visitor accommodation, and whether the proposed development of tourist accommodation has the potential to result in any overconcentration. In addition, an analysis of demand for additional visitor accommodation within Dublin City is also provided, with particular regard to the subject site's location. I note that there are a number of contradictions within the report submitted where a reference is made to the proposed development providing for a residential element. I consider that this relates to a previously proposed scheme for the subject site which was refused under PA Ref 4114/24. However, this does not have an impact on the findings or assessment methodology of the report.
- 8.1.6. The report has identified 70 premises within a 1 km radius of the site, which amounts to 6,493 bedrooms. Approximately 15% of these rooms are provided within 500 metres of the site. The report states that the survey shows no clustering of accommodation and therefore it is considered that no over concentration exists. The submitted report also states that there is a significant need for tourist accommodation. It is stated that there are 10 extant planning permissions for new visitor accommodation within the study area, two of which are located within 500 metres.
- 8.1.7. The Planning Authority within their assessment notes that the lack of residential development is regrettable and fails to adequately address policy SC3, the delivery of compact growth and the principle of the 15-minute city. Notwithstanding, the comments of the Planning Authority I note that the retail unit proposed at ground floor level addressing Baggot Street will provide animation to the streetscape and retain an active street frontage. The Visitor Accommodation Audit has demonstrated clearly that there is a requirement at this location for additional guest accommodation and this is supported by the uses being permissible under both the Z4 and Z8 zoning objectives which pertain to the subject site. I therefore consider that the proposed development is acceptable in principle on the subject site.

8.2. Demolition

- 8.2.1. The Planning Authority have cited within their reason for refusal that *proposed scheme is inappropriate in terms of the extensive demolition of historic facades along Baggotrath Place and Fitzwilliam Lane*. In the first instance, I consider that the reason for refusal needs to be separated and discussed under two topics. The first being the proposed demolition and its impact on the climate and secondly the impact the proposal will have upon the built heritage of the area, this is discussed under Section 8.3 of my report.
- 8.2.2. The 1st Party Appellant stated that the Planning Officers report does not refute or take issue with the findings of the demolition report and as such it is therefore reasonable to conclude that the Planning Officer is satisfied that the proposal to demolish has been sufficiently justified from a climate and embodied carbon perspective, despite the inclusion of Policy CA6 in the refusal decision. It is further contended that the key concern for the Planning Authority appears to be the impact the demolition will have upon the perceived heritage impacts of the area.
- 8.3.1 Policy CA6 of the City Plan relates to Retrofitting and Reuse of Existing Buildings and seeks to promote and support the retrofitting and reuse of existing buildings rather than their demolition and reconstruction, where possible. In addition, Section 15.7.1 of the City Development Plan requires that “*Where demolition is proposed, the applicant must submit a demolition justification report to set out the rational 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.*”
- 8.3.2 The applicant submitted a demolition justification report to the Planning Authority. The assessment presented mitigation measures to overcome any issues of embodied carbon, a rationale for the need for demolition works, and a justification study based on a whole life carbon comparison between two scenarios: one where the building was retrofitted which required only partial demolition and second being full demolition.
- 8.2.3. Both justifications found that in scenario A, where partial demolition of the building followed by major renovation was proposed, that this would give rise to a 15-20% increase in embodied carbon due to the need to enhance the sutural integrity of the

building to provide for an improved thermal performance. In the instance of scenario B, which provided for full demolition, it acknowledged that new steel and concrete which will be required have a high embodied carbon but that the enhanced operation of a new building, over a period of 11 years make it more sustainable. I note that the City Plan within Policy CA6 recognises that it may not always possible to retain the building and as such flexibility is afforded to developers in the use of the term 'where possible'.

- 8.2.4. I consider that the applicant has demonstrated in accordance with Policy CA6 and Section 15.7.1 of the Dublin City Development Plan 2022-2028 that the demolition of the proposed building would be the more sustainable approach to the development of the site in terms of sustainability. However, having regard to my comments in the reason for refusal set out by the Planning Authority, consideration needs to be given to the impact of the proposed demolition in terms of Built Heritage.

8.3. Built Heritage

- 8.3.1. As previously stated, the appellant is relying on and reiterates the current status of the subject buildings, No.s 15-16 Baggot Street as not having any level of conservation preservation or protection by either Dublin City Council or the NIAH. It is stated that the Architectural Heritage Impact Assessment undertaken found that the mews building, and the red brick building are not original historic fabric. It is further stated by the appellant that the Conservation Officer of the Local Authority did not provide any formal comments despite conservation being the central reason for refusal and that the Planning Officer did not provide any reasoning or justification as to why it considers the structures to be of such heritage significance.
- 8.3.3 The Planning Officer within their assessment did recognise that No. 15-16 Baggot Street Lower were not protected. However, it was considered that the architectural heritage value of these historic building remains significant along its façade to Baggotrath Place, and in the mews building to Fitzwilliam Lane and as such these elevations should be retained, refurbished and extended in order to comply with the Z8 Zoning Objective pertaining to the site.
- 8.3.4 A number of observations have been received by the Commission which also raise grave concerns over the impact the proposal would have upon this part of the historic

core of the city. It is asserted that the design, even in its amended form, fails to have regard to the sensitivity of this area by way of height, design and the material pallet proposed. It is stated that no building should exceed 4 stories in height at this location and that the elevation treatment should reflect the character, design and scale of adjoining buildings.

- 8.3.5 Policy BHA2 (a) of the Dublin City Development Plan 2022-2028 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. Policy BHA2 (d) of the Dublin City Development Plan 2022-2028 seeks to “*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.*” In addition, Policy BHA2 (e) states “*ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure*”.
- 8.3.6 As previously stated, the subject site immediately adjoins a Protected Structure – namely no. 17 Baggot Street Lower. This Protected Structure is typical of most Georgian buildings found in the city in that it presents as a 4 storey building with the original fenestration pattern. The proposed development, even in its amended form, would sit c.5.6m higher than the adjoining building, albeit set back in nature, and has been designed with a front elevation treatment that is at odds with the traditional Georgian buildings which dominate this section of Baggot Street Lower.
- 8.3.7 I consider that the front elevation has failed, as while it has mimicked the proportions of the opes, it has not succeeded in the symmetry and fenestration layout proposed. The deviation of such against the adjoining building is at odds. As such, I consider that the proposed building as presented to Bagot Street Lower would have a detrimental impact in terms of the proposed scale, mass, height and fenestration layout upon the adjoining building no. 17 Baggot Street Lower which is a protected structure and as such would not be in keeping with Policy BHA2 (a), (d) and (e) of the Dublin City Development Plan 2022-2023 .
- 8.3.8 Policy BHA9 of the Dublin City Development Plan 2022-2028 seeks 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.” Point 4 of this policy states that *“enhancement opportunities may include Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area”* while Point 6 seeks to ensure the *‘retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.’*

- 8.3.9 While the subject site is not located within a conservation area as designated on the zoning maps, the majority of the site, that being the area of the site addressing Baggotrath Place and Fitzwilliam Lane, is zoned under Objective Z8. Having undertaken a site visit and from review of the updated Architectural Heritage Impact Assessment submitted with the appeal documentation, I note that the facades which address the Baggotrath Place and Fitzwilliam Lane presents some level of architectural heritage value of the historic building which is evident in the wider area. In addition, while some of the opes along Baggotrath Place have been amended for what I consider to be security measures, it is evident that the original openings still remain which could easily be reinstated.
- 8.3.10 As such, while I welcome the contemporary design idiom of the proposed scheme, it is considered to grant permission for the amended proposed scheme would be detrimental to the surrounding character of the area and distinctiveness of the Georgian Core which would be lost along Baggotrath Place and Fitzwilliam Lane and as such would not be in keeping with Policy BHA9.
- 8.3.11 Policy BHA14 of the Dublin City Development Plan 2022-2028 seeks 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.’*
- 8.3.12 The rear elevation of the subject site currently addresses Fitzwilliam Lane and comprises of a 3 storey building which appears to be derelict at ground floor with residential/office accommodation above. Fitzwilliam lane comprises of a number of building types which range in height from single to 4 storeys. While I Acknowledge that

there is a significant mix of development types along this lane way, I consider that the insertion of a building which has a ridge level that is considerable higher than that of the tallest building on this laneway cannot be considered to have been sensitively designed or of an appropriately scaled development. While the contemporary design is welcomed, as previously stated, I consider that to permit this infill will not restore the historic fabric which the existing building maintains and as such would not be in keeping with the ethos of Policy BHA14 of the Dublin City Development Plan 2022-2028.

- 8.3.13 Overall, I consider that the development of this site needs to represent a balance between the location of the site proximate to the city centre and its location within the Georgian Core of the city. The appeal site forms its eastern elevation with a Protected Structure and directly abuts a designated conservation area and has failed to respect its proximity to such in its design response. While the demolition of the building may have been justified in terms of sustainability and climate impacts, the loss of historic fabric and structures, with particular reference to the building addressing Fitzwilliam Lane and the positive contributions both the southern and western facades offer to the Georgian Conservation Area has not been demonstrate^{4d}. Therefore, I consider that to permit the proposed development would be contrary to policy BHA2 (a),(e) and (d), Policy BHA9 and BHA14 of the Dublin City Council Development Plan 2022- 2028.

8.4. Height

- 8.4.1. A number of observers to this appeal have raised concern over the height of the proposed development which they consider is a significant deviation from the established height of the surrounding area and would be detrimental to the adjoining Protected Structure and Georgian Core area.
- 8.4.2. The proposed development is 6 stories in height and has a finished ridge level of c.22.29m from the finished ground floor level to that of the ridge. The 4th floor sits c. c.1.42m above the ridge level of the adjoining Protected Structure no.17 Baggot Street Place. However, if one considers the set back of the 5th floor, the highest point of the building sits c.5.63m above the ridge level of the adjoining Protected Structure. The building provides for a c.0.75m set back at 4th floor level and a c.8.8 at 5th floor level.

- 8.4.3. The Planning Officer within their assessment of the proposed height, design, and visual amenity note that the contemporary design of the proposed front elevation is considered to be an improvement on the current façade to Baggot Street Lower. I would accept this statement and consider same. However, the assessment further states that the proposed development does not respond to the existing and established surrounding structures due to the wholesale demolition of historic buildings on site and that having assessed the proposed height, scale and density of the proposal against the performance criteria set out in table 3 of appendix 3 of the development plan, it is considered that the wholesale demolition of historic structures is of a major concern.
- 8.4.4. I note that while reference to the performance criteria set out in table 3 of appendix 3 of the Dublin City Development Plan is referenced within the Planning Officers report, the report does not set out a full assessment of these criteria. I consider that the plans submitted by the appellant should now be considered in the context of Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028 in order to establish if the enhanced height proposed would contribute positively to the surrounding area. I have therefore applied the relevant performance criteria to the amended scheme submitted to the Commission in Table 1 below.

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

<p><i>Criteria 1 – To Promote Development with a Sense of Place and Character</i></p>	<p>The subject site is located at a prominent corner location at the junction of Baggot Street Lower and Baggotrath Place. The adjoining property located to the east is a Protected Structure and is identified as being within a conservation area on the Land Use Zoning map. There are two zoning objectives which are pertaining to the subject site:</p> <p>Objective Z4 - Key Urban Villages / Urban Villages which seeks “To provide for and improve mixed-services facilities”</p>
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	<p>pertain to the a small proportion of the front of the site where it addresses Baggot Street Lower while the larger northern part of the site is zoned under objective Z8-Georgian Conservation Areas which seeks <i>“To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”</i>.</p> <p>While I note that the subject site is not located within a conservation area and is not afforded any level of protection, the Z8 zoning objective which applies to the majority of the site affords some level of protection in terms of conservation.</p> <p>While the applicant has made some effort to amend the building in terms of omitting windows which may give rise to overlooking of the adjoining Protected Structure, I would still have concern over the visual impact it would have upon the streetscape in terms of the proposed height and elevational treatment with a particular emphasis on ope ratio and scale.</p> <p>I do not consider that the amened design has considered the sense of place in which it is located. As such, I do not consider that the proposal has complied with the requirements of Policy BHA2 (a) of the Dublin City Development Plan</p>
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	2022-2028. This is addressed further in Section 8.3 of my report.
<i>Criteria 2 – To Provide Appropriate Legibility</i>	<p>The inclusion of retail floor space with access from Baggot Street would retain the street function and the mix of uses proposed strengthen the city centre function of the site.</p> <p>While I note the location of the subject site at the junction of Baggot Street Lower and Baggotrath Place I consider that the design, which requires the demolition of the entire building, has failed to positively contribution to legibility of this Georgian Area. It is considered that the loss of the façade addressing Fitzwilliam Lane and partly on Baggotrath Place fails to strengthen the legibility of the area.</p>
<i>Criteria 3 - To provide Appropriate Continuity and Enclosure of Streets and Spaces</i>	<p>While the hotel use will increase passive surveillance and pedestrian footfall onto Baggotrath Place and Fitzwilliam Lane, the deviation in height, even with the set backs provided, would be overbearing upon the surrounding street networks and give rise to a feeling of enclosed space. The maximum ridge level of the building is c.22.2m with a plot ratio of 5:62, The plot ratio would significantly exceeds that of 2.5-3.0 as identified in Table 2.</p>

<p><i>Criteria 4 - To provide well connected, high quality and active public and communal spaces.</i></p>	<p>Given the proposed use of the development there is no requirement to provide any public open space. Significant microclimate impacts in terms of wind would not be anticipated on a building of this scale and as such surrounding streets would not be expected to experience negative impacts in this regard.</p>
<p><i>Criteria 5 - To Provide High Quality, Attractive and Useable Private Spaces</i></p>	<p>All of the proposed hotel rooms are provided with access to natural daylight. While observations received have raised concern over issues of overlooking to the opposing hotel which also addresses Baggotrath Place I do not consider this to be an issue as the hotel is not a residential use.</p>
<p><i>Criteria 6 - To Promote Mix of Use and Diversity of Activities</i></p>	<p>The proposed development provides for a mix of activities. The uses proposed are considered acceptable in term of the land use zoning and support its city centre location.</p>
<p><i>Criteria 7 - To ensure high quality and environmentally sustainable buildings.</i></p>	<p>The proposal seeks to demolish the entire existing building. The quantum of demolition needs to be discussed further. This is addressed in section 8.2 of my report.</p> <p>The building materials are considered to be of high quality and there are energy efficiencies proposed in the new build which is welcomed.</p>

<p><i>Criteria 8 - To Secure Sustainable Density, Intensity at Locations of High Accessibility</i></p>	<p>The development is appropriately located in a central, highly accessible area with excellent access to frequent public transport.</p> <p>However, I consider that the development of this site needs to represent a balance between the location of the site proximate to high-quality transportation corridor and to the historic character of the adjoining buildings and within the Georgian Core of the city.</p>
<p><i>Criteria 9 - To Protect Historic Environments from Insensitive Development</i></p>	<p>The proposed development site adjoins a protected structure and abuts a conservation area. The Planning Authority in their assessment notes concern over the demolition of historic buildings and references the zoning of the site in terms of the Z8 conservation zoning.</p> <p>The appellant contends that the subject site is not afforded any level of protection and is not located within a conservation area. It is contended within the Architectural Heritage Impact Assessment that the mews and red brick building are not original historic fabric.</p> <p>Policy BHA9 of the Dublin City Development Plan 2022-2028 seeks to protect the special interest and character of all Dublin's Conservation Areas – identified under Z8. It states that</p>

	<p>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. Point 4 of the objective specifically states that:</p> <p><i>‘Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area’,</i></p> <p>While I do consider that the contemporary design of the proposed front elevation is considered to be an improvement on the current façade to Baggot Street Lower, I consider that the proposal in terms of the deviation from the established height and proximity to a conservation area have a negative impact on the established historic character of this part of the Georgian Core of the city.</p> <p>The height, even with the setbacks provided, together with the fenestration layout of the southern elevation is jarring with that of the established pattern along Baggot street and this is evident on the contiguous elevation (drawing no. 1303-A) submitted to the Planning Authority on the 21st March 2025.</p>
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	<p>While I note that the ground floor design has retained similar proportions to the adjoining buildings to the east, the fenestration layout of the upper floors has ignored the established symmetry of the adjoining properties. The design of the opes have replicated the dimensions of the adjoining property in terms of height and width, however the overall fenestration layout is incongruous with the adjoining buildings which are afforded protection.</p> <p>Overall, I consider that the amended design would need to go one step further by reducing the scale and amend the elevation treatment further in order for the scheme to accord with the requirements of Policy BHA2 (a), (e), BHA9 (4), (6) and BHA14 of the Dublin City Development Plan 2022-2028 and that meets a balance between the location of the subject site and the historic context of the surrounding buildings.</p>
<i>Criteria 10 - To Ensure Appropriate Management and Maintenance</i>	<p>Matters of security, management of public/communal areas, waste management, servicing and delivery can all be satisfactorily addressed by condition in the event that the Board grant permission.</p>

8.2.10 Overall, I consider having regard to the location of the majority of the site within the Z8 Zoning Objective - Georgian Conservation Areas, the eastern boundary of the site being formed with a protected structure, namely no. 17 Baggot Street, and the juxtaposition of the site directly to a designated conservation area, that the proposed development would have a detrimental impact on the established historic character of this section of the Georgian Core of Dublin City in terms of height.

8.4.5. The quantum of development being proposed, which significantly exceeds the established height of the surrounding area, represents overdevelopment of the site and does not meet the performance criteria as set out within Table 3 of appendix 3 of the City Development Plan. Furthermore, the proposal having regard to the elevational treatment with specific reference to the fenestration layout would be incongruous with the streetscape and negatively impact upon the historic context of the adjoining buildings. Having regard to the foregoing I recommend that permission be refused.

8.5. Impact on Adjoining Properties

8.5.1. The Planning Authority raised concerns over the impact the proposed development would have upon the adjoining property in terms of overlooking. The reason for refusal has made reference to the significant increase in windows along the eastern site boundary which would directly impact on the development potential of the adjacent site (the rear of no. 17 Baggot Street) and therefore it was considered that the proposal would have a detrimental impact on the protected structure in terms of overlooking.

8.5.2. The 1st Party Appellant noted that 17 Baggot Street is within their ownership but acknowledge the long-term future potential of the site and the concerns of the Planning Authority in that instance. The 1st party appeal has been accompanied by amended plans which omit a number of the original opes which were proposed to be located along the eastern elevation. It is further contended that the existing eastern elevation of the building already contains a number of opes which currently serve the gym facility and so the amended plans do not introduce any further issues of overlooking.

8.5.3. Having reviewed the amended plans submitted I consider that the omission of the opes previously proposed at 2nd, 3rd, 4th and 5th floor has now overcome the concerns raised by the Planning Authority with regard to issues of overlooking. However, in omission

of the opes along this rear section of the eastern elevation, the building now presents a blank façade to the rear of no. 17 Baggot Street and furthermore to the streetscape of Fitzwilliam Lane. If one was travelling in an east to west direction along Fitzwilliam Lane, I consider that this blank elevation would be visually obtrusive and therefore overbearing upon the streetscape of this narrow laneway.

8.5.4. Furthermore, the over reliance of zinc cladding on the rear and eastern elevation would only exacerbate the visual dominance. So, while I consider the appellant has overcome the issues of overlooking through the omission of some of the window opes along the eastern elevation, they have in-turn given rise to issues of visual overbearance upon the streetscape of Fitzwilliam Lane and the rear of no. 17 Baggot Street, which is a Protected Structure.

8.5.5. Concern was also raised within an observation reived over issues of overlooking from the western elevation of the proposed hotel on the adjacent hotel, the Merrion Hotel, which operates on the opposing side of Baggotrath Lane.

8.5.6. Having regard to the commercial nature of the building on Baggotrath Place I do not consider issues of overlooking to be of concern and welcome the increased presence of window opes together with balconies on this elevation which will allow for an increase in passive surveillance of this laneway.

8.6. Other Issues

8.6.1. Daylight/Sunlight.

An observation received has raised concern that commercial properties should not have to rely on artificial light to compensate loss of daylight given current climate situation. The concerns raised consider that in the event that the proposal was permitted that it would have a detrimental effect upon the operations of the Merrion Hotel and that it would restrict the development potential of the Hotel to seek permission for a change of use from commercial to residential.

The Planning Application was accompanied by a Daylight and Sunlight report. In terms of the impact on the existing surrounding building windows, the report has included for 11 no. surrounding buildings in the assessment. The results show that the proposed development will have a moderate impact on 5 no. surrounding existing buildings, the Merrion Hotel being one. The assessment concluded that the windows of the Merrion

Hotel that will be impacted represent a small portion of the total windows of the building. Additionally, hotel guests typically spend little time in their rooms during daylight hours, and therefore the level of daylight is less important than a residential dwelling. The impact is assessed as Moderate.

I consider that the levels of daylight/sunlight serving the existing Hotel, which is a commercial entity that does not provide for permanent habitable accommodation, are not as sensitive as residential properties. As such a reduction in the level of daylight/sunlight available as a direct result of the re-development of the subject site would be acceptable again having regard to the location of the site within an urban city centre context.

Furthermore, with regard to development potential I note that there is currently no development proposed at present in relation to any re-development of the Merrion Hotel. Having regard to the location of the subject site within the urban context of Dublin City Centre and the built-up nature of such, I consider that a reduced separation distance as proposed in this instance is acceptable. Some level of overlooking is inevitable in a built up area such as Baggot Street.

8.6.2. Service Strategy for Proposed Hotel

An observer to this appeal has raised concern over the lack of detail submitted with the subject application relating to the operations of the hotel in terms of how waste will be collected, deliveries will operate and utility services will be managed. The observer further notes that any business owner within the vicinity should be afforded an opportunity to comment on this plan as it may impact their own operations.

This concern was also raised within the report prepared by the Transportation Planning Section of the Planning Authority, who sought that further information be submitted in this regard.

The appellant in response to this concern has stated that this issue could be dealt with by way of condition.

I would accept the concerns of the Observer and consider that a service strategy should have been included within the application documentations. However, this is not a statutory document which is required under the provisions of Section 22 of the Planning and Development Regulations 2001, as amended.

9.0 AA Screening

- 9.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Commission is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 9.2. The Applicant has submitted an Appropriate Assessment Screening Report as part of the planning application documents. This report considers the potential impacts arising from the project, the location of the Natura 2000 sites and pathways between the development and the Natura 2000 network and evaluates and screens the proposed development to assess if full Appropriate Assessment is required, with all European sites screened out and no direct pathways identified. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.
- 9.3. The Applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects.
- 9.4. The proposed development is not located within or immediately adjacent to any European site. In my opinion the nearest European sites of relevance are the South Dublin Bay SAC (site code 000210) and the South Dublin Bay and Tolka Estuary SPA (site Code (004024) which are both located 2.5km to the east of the subject site.
- 9.5. There are no watercourses running through the site and the operational development would connect to existing municipal services in terms of water supply and

wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

- 9.6. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.
- 9.7. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.
- 9.8. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.
- 9.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- 9.10. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been

concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including (but not limited to) European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) European Site No. 000210 (South Dublin Bay SAC) and North-West Irish Sea SPA (004063) in view of the sites' Conservation Objectives, and Stage II Appropriate Assessment is not, therefore, required.

10.0 Water Framework Directive

10.1. The subject site is located approximately c.6.9m to the west of the Grand Canal Main Line (Liffey and Dublin Bay) and c.1.04km to the south of the Liffey Estuary Lower. The proposed development comprises the demolition of the existing buildings on site and the construction of 113 no. bedroom hotel with all associated site works. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the proposed development 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. 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.

10.3. The reason for this conclusion is as follows:

- The nature of the development in an urban environment.
- There are no waterbodies within the site.
- The location of the site approximately c.6.9m to the west of the Grand Canal Main Line (Liffey and Dublin Bay) and c.1.04km to the south of the Liffey Estuary Lower and the lack of a hydrological connections to either.

10.4. 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.

11.0 Recommendation

I recommend that the Board uphold the decision of Dublin City Council and refuse planning permission for the reasons set out below.

12.0 Reasons and Considerations

Having regard to the scale and massing of the proposed development and its proximity to the Protected Structure and designated Conservation Area, it is considered that the proposed development would be overbearing on the Protected Structure, would be injurious to its special architectural character, setting, significance, and legibility of the area. Furthermore, it is considered that the proposed development would be incongruous with the established streetscape of Baggot Street Lower and be visually detrimental to the adjoining protected conservation area.

It is therefore considered that the proposal fails to comply with the Dublin City Council Height Strategy (Appendix 3) and policy BHA2 (a)(d) and (e) which seek to restrict development that will be detrimental to Protected Structures, Policy BHA9 relating to development within conservation areas and zonings, and of the Dublin City Council Development Plan 2022- 2028 which relates to mews developments and would 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.

Kathy Tuck
Planning Inspector

03rd September 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322735-25
Proposed Development Summary	The demolition of the existing buildings and the construction of a 113 no. bedroom hotel with ancillary café/restaurant and retail unit, and all ancillary site development and excavation work 15-16 Baggot Street Lower, Dublin 2, D02 AV91 s above and below ground.
Development Address	15-16 Baggot Street Lower, Dublin 2, D02 AV91
	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,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>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.</p>

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)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322735-25
Proposed Development Summary	The demolition of the existing buildings and the construction of a 113 no. bedroom hotel with ancillary café/restaurant and retail unit, and all ancillary site development and excavation works above and below ground.
Development Address	15 -16 Baggot Street Lower, Dublin 2
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposed development site has a stated area of 0.09ha and currently comprises of a 4 storey building which provides for a number of commercial uses. It is proposed to demolish the existing building and construct a part 4/part 5 story building above basement which has proposed area of 5,550 sq.m. The ProSales would provide for a 113 bed hotel, a retail unit and a cafe/restaurant. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development site is located within the inner city in an area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	Having regard to the location of the subject site within the city centre which is removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p>

Inspector: _____ Date: _____

Appendix 3

Screening the need for Appropriate Assessment

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

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

The proposed development comprises the demolition of a 4-storey commercial building and the construction of a part 4/part 5 storey above basement mixed use building providing for 23 no. apartment units, a 62 bedroom hotel, a café/restaurant, a retail unit, and a gym and all associated site works.

The applicant submitted an Appropriate Assessment Screening Report as part of the planning application documentation which concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites. The Planning Authority, within their assessment, accepted the findings of the screening report submitted.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 15 km or 5 no. of European sites are located within a potential zone of influence of the proposed development. These are:

- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)

- North Bull Island SPA (004006)
- North-West Irish Sea SPA (004063).

There are no direct natural hydrological connections from the subject site to Dublin Bay.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

Likely impacts of the project (alone or in combination)

Surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP. I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. I also note that evidence shows that negative effects to European sites are not arising.

Having regard to the distance separating the site to the nearby Natura 2000 site there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPA/SAC's identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natira 2000 sites located within the zone of influence.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development;
- The location of the subject site within the urban context of Dublin City Centre;
- The lack of any direct connections to the nearest Nature 2000 site; and
- Taking into account appropriate assessment screening report submitted with the application.

Inspector: _____ Date: _____