



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323570-25

### Development

PROTECTED STRUCTURE:

Retention for the use of ten  
apartments as short term  
lettings/tourist accommodation.

### Location

Dublin Castle Suites, 1-3 Parliament  
Street, Dublin 2, D02 AN28 and 81  
Dame Street, Dublin 2, D02 VW57

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB2412/25

### Applicant(s)

Olympia Real Estate Limited

### Type of Application

Retention Permission

### Planning Authority Decision

Refuse Retention Permission

### Type of Appeal

First Party

### Appellant(s)

Olympia Real Estate Limited

### Observer(s)

None

### Date of Site Inspection

20<sup>th</sup> January 2026

**Inspector**

Patricia Byrne

## 1.0 Site Location and Description

1.1. The appeal site relates to:

(a) No. 1-3 Parliament Street Dublin 2, a prominent four storey building, with curved frontage sited at the junction of Parliament Street and Dame Street. The ground floor is occupied by The Beer Temple public house, and the property is a Protected Structure RSP 6321.

(b) No. 81 Dame Street, a four-storey over basement building with a contemporary metal and glazed structure set back at roof level. The property fronts both Dame Street and Crane Lane, and the ground floor is occupied by The Oak public house. No. 81 is also a Protected Structure RSP 2132.

1.2. The upper floors of the properties contain 10 no. apartments accessed from three separate entrances on Crane Lane, Parliament Street and Dame Street. Each of the three cores contains a stairwell. No lift infrastructure is provided. A centrally located rooftop plant area accommodates building services.

1.3. The surrounding area is commercial in nature with a variety of retail, services, restaurants and civic uses. Parliament Street is pedestrianised.

1.4. The appeal site extends to an area of 0.029Ha. with the area of the floor space to be retained stated as 521.20sq.m.

## 2.0 Proposed Development

2.1. Permission is sought to retain the use of 10 no. apartments as short-term lettings/tourism accommodation.

2.2. The description of development does not include works previously undertaken to the interior or the properties and as such, the appeal centres only on the use of the floor space in question.

2.3. Stair A from Parliament Street serves apartments A1, A2 and A3 (one bed) all extending to a stated floor area of 52.1sq.m. Stair B from Dame Street serves units B1, B2, B3 (one bed) all extending to 45.4sq.m. Stair C from Crane Lane provides access to apartments C1, C2, C3 and C4 over four floors. All apartments off this core

extend to a stated floor area of 57.4sq.m. and comprise a bedroom and an office (in use as a bedroom)

2.4. The apartments currently operate as short-term lettings/tourist accommodation.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.2. Dublin City Council by Order dated 8<sup>th</sup> August 2025 refused permission for the subject development for 2 no. reasons set out below:

##### **Reason No. 1**

*'The proposed development by itself and by the precedent for which a grant of permission would set would be contrary to the provisions of the City Development Plan 2022-2028 where the core principles of the Dublin Housing Strategy and Policy QHSN38 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). The HNDA recognises a high demand for long term residential rental properties such as apartments in Dublin City where the emerging trend shows an increase of rental demand for this type of residential accommodation. Furthermore, Section 15.14.3 Short Term Tourist Rental Accommodation of the Dublin City Development Plan 2022-2028 states that there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. It is considered that the applicant has not provided a sufficient justification for the provision of short lease apartments at this location. The proposal would therefore would not be in accordance to the provisions of Section 15.14.3 of the Development Plan, would 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.'*

## **Reason No. 2**

*'In terms of architectural conservation, the information (drawings, photographic survey and architectural heritage impact assessment) submitted to support this retention permission is wholly inadequate and has not demonstrated that the unauthorised work had regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht and the requirements therein; that the unauthorised work has not negatively impacted the special character and appearance of the Protected Structure nor that the work was carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation. No evidence has been provided to provide comfort that the unauthorised work has shown respect for 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. The proposed retention of short-term residential use is not considered to be compatible with the architectural character, historic fabric and special interests of the protected structure. Therefore the proposed development which includes the retention for use of 10 no. apartments as short-term lettings / tourist accommodation, is considered to contravene Chapter 11 Policies BHA2, (a), (b), (c), (e), (f), (g) of the Dublin City Council Development Plan 2022-2028 and Article 23 (2) of the Planning and Development Regulations, 2001 (as amended) and Chapter 6 and Appendix B of the 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011). The proposal 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'.*

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- 3.3.2. The planning report is reflective of the planning authority's decision and recommended that permission be refused. The report referenced the Z5 City Centre zoning applicable, stating that the use is neither permitted nor open for consideration. Reference is also made to Section 15.14.3 of the Dublin City Development Plan 2022-

2028 and the general presumption against short-term tourist rental accommodation given the impact on housing stock.

3.3.3. The concerns raised by the Conservation Officer regarding the inadequacy of the supporting documentation were also examined.

3.3.4. Shortcomings with regard to the Acoustic Noise Assessment provided with the application were identified, including the restriction of testing to first floor apartments and the omission of internal noise insulation testing undertaken.

3.3.5. The planning report noted the location of the appeal site within the South Inner City-a sub-area of the Housing Need Demand Assessment (HNDA), its location within a Rent Pressure Zone and the high demand for rental properties in the area. The development was determined to be contrary to the HNDA and to provisions of the Development Plan resulting in a loss of housing stock and constituting a non-conforming use within Zone Z5. Reason No. 2 related specifically to the internal works to the protected structures.

### 3.3.6. **Other Technical Reports**

#### 3.3.6.1. **Drainage Division**

No objections raised.

#### 3.3.6.2. **Conservation Report**

Report refers to the inadequacy of the architectural conservation information provided, failing to comply with the Architectural Heritage Protection Guidelines for Planning Authorities 2011; the requirements of the Planning and Development Regulations 2001, as amended; and Chapter 11 of the Development Plan. The Conservation Officer was not satisfied that the works were carried out in compliance with the Guidelines; have not negatively impacted the protected structures or are in line with best conservation practices. The occupation of the properties for short-term lets/tourism accommodation is not viewed as the optimum use, and a preference is expressed for long term residential. Refusal recommended.

### 3.3.6.3. **Roads Streets and Traffic Department- Road Planning Division**

The report notes the city centre location of the site and that no existing or proposed car or cycle parking pertain. The availability of on-street cycle parking and proximity to shared bike schemes was noted. No objection to the development is raised, and a condition to recoup costs in the event of repairs to the public road and services as a result of the development is recommended.

### 3.4. **Prescribed Bodies**

#### Transport Infrastructure Ireland (TII)

The development falls within the adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line). While noting exemptions to the scheme, TII requires that a Section 49 Financial Contribution be levied where the application is successful and found not to benefit from such exemptions.

No further submissions from Prescribed Bodies on file.

### 4.0 **Planning Enforcement**

The planning report refers to Planning Enforcement under S0062/25.

### 4.1. **Third Party Observations**

2 no. third party submissions were received. Matters of concern raised relate to the following:

- The application arises from unauthorised use and breach of planning legislation.
- The loss of 10 no. long-term residential units conflicts with national housing priorities and government strategy. Development Plan policy presumes against short-term tourist rental due to impacts on housing stock.
- The acoustic justification does not disqualify residential use and if accepted would extend to justify the loss of housing elsewhere in the city. Consideration

should be given to offering the units for sale to the local authority or to private buyers where works cannot be undertaken by the owner.

- An undesirable precedent would be established contributing to the oversaturation of short-term rentals in the area.
- Noise mitigation measures are available, and long-term tenants are capable of adjusting to urban noise.
- Licensed premises have a legal responsibility to manage excessive noise.
- Protected status does not excuse buildings from contributing to housing supply.
- National and Development Plan policies support the adaptive reuse of protected structures for residential use.
- No fire safety certificate accompanies the application.
- Precedent established under Ref: ABP-319436-24 supports refusal.
- Status of Parliament Street as a residential neighbourhood should be protected.

## 5.0 Planning History

### Section 5 Referral 0252/15

Reference relating to internal works at basement and ground floor levels at 1-3 Parliament Street, 81-82 Dame Street and 1 Crane Lane, Dublin 2.

**Decision Date:** SPLIT DECISION issued on the 27<sup>th</sup> of August 2015.

### Reg. Ref. 1804/95

Permission sought for (a) alterations to doorways and conversion of upper floors from residential to hostel accommodation at 1-3 Parliament Street. (b) alterations to doorways and conversion of upper floors from residential to hostel accommodation at 81 Dame Street. (c) refurbishment of shopfront at rear of 4 Parliament Street.

**Decision Date:** Permission GRANTED on the 1<sup>st</sup> of May 1996.

## **Reg. Ref. 2114/95**

Permission sought for a change of use from access staircase of existing apartments to bar accommodation at 1-3 Parliament Street.

**Decision Date:** Permission GRANTED 1<sup>st</sup> of May 1996.

## **6.0 Policy Context**

### **6.1. Architectural Heritage Protection Guidelines for Planning Authorities October 2011**

6.1.1. Chapter 6 Development Control refers *inter alia* to documentation required to accompany an application for works to a protected structure or exterior of a building within an ACA. In addition to detailed drawings and photographic surveys, supporting documentation may extend to a Written Statement; Architectural Heritage Impact Assessment; Method Statement and Specification and Fire Risk Analysis.

6.1.2. Section 6.8.8 refers to Material Change of Use within a protected structure where the guidelines state *'the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. A planning authority should carefully consider any proposed change of use and its implications for the fabric and character of the structure. A new use may have many implications for the structure which may not be immediately obvious, for example with regard to compliance with the Building Regulations'*.

### **6.2. Delivering Homes, Building Communities 2025-2030- An Action Plan on Housing Supply and Targeting Homelessness**

6.2.1. Section 7.8 Rebalancing the Short Term Lets Sector indicates that planning permission for new short-term lets will be generally precluded in cities and large towns, ensuring that homes are available for residential use where the need is greatest. Local

authorities will be required to develop policy on short-term let planning applications which must consider factors such as housing need in an area, urban regeneration benefits and the requirement for tourist accommodation.

### **6.3. Circular on Short-Term Letting and the Planning System SPI01/2026**

Circular requires that in assessing planning applications for change of use in the case of a new proposal for short-term letting or retention of change of use in seeking to continue an existing short-term letting operation, planning authorities must make a planning decision on the merits of the particular application, having regard to any relevant policies set out in the local authority development plan for the area in question.

### **6.4. Planning Design Standards for Apartments – Guidelines for Planning Authorities 2025**

- 6.4.1. Provides guidance, standards and policy requirements in relation to the design of apartment developments to take account of current Government policy and economic, social and environmental considerations.

Specific Planning Policy Requirement (SPPR) 2 sets out minimum apartment floor areas which apply. Appendix 1 relates to Minimum Floor Area and Standards.

Section 6.1: Planning Authorities are requested to practically and flexibly apply the general requirements of these Guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and ‘over the shop’ type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.

### **6.5. National Inventory of Architectural Heritage (NIAH)**

**1-3 Parliament Street: Ref: 50020032 Regional Importance**

*‘Corner-sited attached L-plan five-bay four-storey former shop, built 1900, having bull-nosed corner bay and four bays to Dame Street. Now in use as public house and offices’.*

**81 Dame Street Ref: 50020057 Regional Importance**

*‘Corner-sited attached two-bay four-storey former house over basement house, built c.1865, having wraparound shopfront to front (south) and east elevations, six-bay elevation to east and recent top floor extension. Now in use as public house with offices and apartments above’.*

**6.6. Dublin City Development Plan 2022-2028**

6.6.1. The Dublin City Development Plan 2022-2028 is the operative Development Plan for the area and came into effect on the 14<sup>th</sup> of December 2022.

**6.6.2. Volume 1: Written Statement**

**6.6.3. Chapter 11 Built Heritage and Archaeology**

- **Policy BHA2 Development of Protected Structures**
- **BHA9 Conservation Areas** seeks *inter alia* 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’.

**6.6.4. Chapter 5 Quality Housing and Sustainable Neighbourhoods**

- **Policy QHSN3 Housing Strategy and HNDA**  
*‘(i) To secure the implementation of the Dublin City Council Housing Strategy (Appendix 1) in accordance with the provision of national legislation. (ii) 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 provisions of the Housing Need Demand Assessment and any future Regional HNDA’.*

- **Policy QHSN7 Upper Floors**

Resist and where the opportunity arises, reverse the loss of residential use on upper floors.

- **Policy 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’.*

#### 6.6.5. Chapter 6 City Economy and Enterprise

- **Policy CEE8 The City Centre**

Support development of a mix of office, retail, tourism related and cultural activities in the city centre.

- **Policy CEE26 Tourism in Dublin**

(i) Promote and facilitate tourism and support appropriate balanced provision of tourism facilities and visitor attractions.

- **Policy CEE28 Visitor Accommodation**

Consider applications for additional hotel, tourist hostel and aparthotel development having regard to a number of specific factors.

- **Objective CEE01 Study on the Supply and Demand for Hotels, Aparthotels and Hostels ‘**

- **Section 6.5.6 Key Economic Sectors I**

In referring to the requirement to analyse supply and demand for tourism related accommodation in the city, Section 6.5.6 indicates there will be a presumption against the use of houses or apartments for short term lets in all areas.

#### 6.6.6. Chapter 14 Land Use Zoning

- The appeal site is within Zone Z5 City Centre as per Map E where the objective seeks to *‘consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic character and dignity’.*

- The related strategy, as set out in Chapter 14 Land-Use Zoning, Volume 1 Written Statement, states *inter alia* that the *‘primary purpose of this use zone is*

*to sustain life within the centre of the city through intensive mixed-use development'. It is also stated that the strategy is to 'provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night'. 'Ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. 'A general mix of uses, e.g. retail, commercial, residential, will be desirable throughout the area and active, vibrant ground floor uses promoted'.*

- Short-Term Tourist Rental Accommodation is not listed as a distinct use class within the zone.

- **Section 14.3.1 Permissible and Non-Permissible Uses**

*'There will be a presumption against uses not listed under the permissible or open for consideration categories in zones Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15. Other uses will be dealt with in accordance with the overall policies and objectives in this plan'. The appeal site is within Zone Z5 City Centre.*

#### 6.6.7. **Chapter 15: Development Standards**

##### **Section 15.14.3 Short Term Tourist Rental Accommodation.**

*'There is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night/time noisy activity where standard residential development would be unsuitable'.*

#### 6.7. **Volume 2: Appendix 1: Housing Strategy Annex 1**

6.7.1. Dublin City Council's Housing Strategy informs housing policies and objectives of the Development Plan; provides detail in relation to housing provision, location, requirement for house types, sizes and tenures and requirements for zoned land.

6.7.2. **Volume 2: Appendix 1: Annex 1: Housing Need Demand Assessment (HNDA)**

6.7.3. The historic composition of the dwelling stock in the city is presented in Table 3.13 indicating a growing proportion of apartments and flats as part of the housing stock. Based on the identified intercensal changes, Dublin City Council forecasts an increase in apartment type units and an almost equal reduction in house type dwellings. By the end of the Development Plan period this trend would see just over 40% of all dwellings in Dublin City Council being apartments. Section 4.1 forecasts an increase in the proportion of 2-person and 3-person households and states that the Plan should provide for *'a dwelling mix appropriate to future household need and wider policy goals of securing a broad mix of housing types and sizes'*.

6.8. **Volume 3: Zoning Maps**

- The appeal site is located on Map E where Zone Z5 'City Centre' pertains.
- The appeal site is located within a designated Conservation Area identified in red hatching on Map E.
- 1-3 Parliament Street and 81 Dame Street are listed on the Record of Protected Structures (RPS) contained in Volume 4 to the Plan.
  - 1-3 Parliament Street RPS 6321 *'Upper floors, but not including entrance door, fanlight and window on Dame Street'*.
  - 81 Dame Street RPS 2132 *'Licensed premises (The Oak)'*

6.8.1. The appeal site is within a Zone of Archaeological Notification Ref. DU018-020.

6.9. **Natural Heritage Designations**

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 3.0km

North Bull Island SPA (Site Code 004006) c. 6.0km

South Dublin Bay SAC (Site Code 000210) c.3.7km

## 6.10. EIA Screening

The proposed development, comprising the retention of use of 10 no. apartments as short term lettings/tourist accommodation, does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

7.1.1. The decision of the Planning Authority to refuse retention permission made on the 8<sup>th</sup> of August 2025 is the subject of a First Party appeal by Olympia Real Estate Limited. The matters raised may be summarised as follows:

- Dublin City Development Plan indicates a presumption against short-term tourist lettings rather than a full prohibition in policy terms.
- Section 15.14.3 of the Development Plan is supportive of this use where specific circumstances render standard residential development unsuitable. Compliance with S15.14.3 has been demonstrated and exceptional reasons exist to render the properties unsuited to permanent residential use.
- Tourism infrastructure, leisure and employment are supported in the Plan.
- The proposal is not contrary to Policy QHSN38 as the area cannot provide a sustainable long-term residential community.
- Short-term letting was previously considered appropriate and planning permission approved for the conversion of residential to hostel use. A planning condition limiting the use of the premises to tourism is acceptable.

- Pedestrianisation of Parliament Street has increased noise, facilitated the hosting of events which increase activity/noise levels in summer and gives rise to access restrictions to Dame Street and Parliament Street.
- An updated Acoustic Assessment has been undertaken for additional units and across all building facades demonstrating exceedance of BS8233 noise levels. Surveys indicate little difference between day and night over sustained periods.
- Reference is made to Strategic Noise Maps for Dublin City and the Agglomeration of Dublin 2022 and to World Health Organisation (WHO) findings linking noise exposure and serious health outcomes.
- Planning Authority examples of long term lets above public houses are not relevant given the surrounding noise environment pertinent to the appeal site.
- The internal works raised as a concern by the Planning Authority do not form part of the appeal and were not referenced in the Warning Letter/Enforcement Notice.
- An Architectural Heritage Impact Assessment is submitted.
- The fitting of secondary or double glazing would present only a partial solution and would not address noise ingress via required ventilation.

Architectural Heritage Impact Assessment (AHIA) prepared by Dr. Jason Bolton

- The report evaluates the impact of works undertaken within the properties, noting the policy and legislative context in which the buildings are protected; the methodology and limitations of inspection; architectural/historical background and includes a photographic survey providing a representative view of the interiors and external elevations.
- The report acknowledges the fit-out and decoration of the structures without reconfiguration following purchase in 2020 (purchase of the property in August 2021 is also referenced) was carried out without the benefit of professional advice. Photographs are provided in Appendix 1 while Appendix 2 contains a Sales Brochure (BDM Property Brochure).
- Table 5 entitled '*Assessment of Impact of Previous Works to the Protected Structures*' sets out the works undertaken and the authors interpretation as to their impacts.

- Provided the fabric is not altered and the special interest is not compromised, a change from short-term to long-term residential is not considered to impact special interest, noting the interiors are in good condition and actively maintained.
- The AHIA expresses concern that the removal of 70 no. sash windows and replacement with replicas to modern thermal and acoustic requirements would be contrary to Architectural Heritage Protection Guidelines and S 7.7 Promoting Minimal Intervention, resulting in a loss of historic fabric.

#### Allegro Acoustics- Acoustic Testing and Assessment 2<sup>nd</sup> September 2025

- Assessment conducted of break-in noise levels within the apartments.
- Report references initial measurements carried out in 3 no. units from the 8<sup>th</sup> to 10<sup>th</sup> and from 13<sup>th</sup> to 14<sup>th</sup> May (2025). A further 5 no. units on all floors were assessed between 21<sup>st</sup> and 30<sup>th</sup> August 2025.
- Measurements in units A2 and A3 are not included due to equipment/data issues and room availability.
- Section 2 provides a description of the noise environment
- Section 6 Discussion and Assessment examines measured ambient levels noting they do not achieve levels outlined in BS 8233. Levels recorded above recommended levels in all spaces during daytime hours (07:00-23:00) and above recommended levels in bedrooms during the night (23:00-07:00). In all bedrooms tested the recorded  $L_{Aeq,30\text{ min}}$  levels did not drop below 30dB criteria during the night and were consistently high until 03:00-03:30 in most spaces.
- Noise levels remained consistently high outside of public house operating hours with road noise and pedestrians found to be the dominant sources.
- Further insulation works between the public house and apartments is not likely to significantly reduce ambient noise levels.
- Report states that as the building façade is protected the potential for remedial works or upgrades is limited, with secondary glazing for acoustic purposes understood to have the potential for ventilation and overheating concerns.
- Internal noise levels are not considered suitable for long-term residential occupation and noise criteria outlined in BS8233 cannot be achieved without significant alteration to the façade and glazing.

### Allegro Acoustics - Acoustic Testing dated 10<sup>th</sup> October 2023

- Report was commissioned to carry out acoustic testing at the appeal properties to verify sound insulation performance of the buildings.
- Table 3 sets out Airborne Sound Insulation criteria for partition walls and floors. Table 5 relates to Impact Sound Insulation criteria for partition floors.
- Section 6 Discussion finds *inter alia* that the airborne sound insulation between the apartments and the public house achieve the benchmark criteria in Table 3. Impact sound insulation results between apartments are above benchmark criteria in Table 5. Overall, the sound insulation performance of the building does not meet criteria outlined in Technical Guidance Document E (1) noting the age of the building and that TGDE(1) only applies to structures built after 2014. The sound insulation can be considered reasonable for an older building.

## 7.2. **Planning Authority Response**

The Planning Authority requests the Commission to uphold its decision to refuse retention permission. Should the Commission award permission, the authority requests conditions are included requiring the payment of contributions under Section 48 Development Contribution Scheme and under Section 49 Luas C1 Development Contribution Scheme. Further conditions concerning naming and numbering and payment of a bond are also specified.

## 7.3. **Observations**

None on file.

## 8.0 **Assessment**

- 8.1.1. I consider that the main issues for consideration in this appeal relate to the following:
- Principle of Development and Compliance with the Provisions of the Dublin City Development Plan 2022-2028

- Suitability for Residential Use
- Other Matters

## 8.2. Principle of Development and Compliance with the Provisions of the Dublin City Development Plan 2022-2028

- 8.2.1. The appeal site is located within Zone Z5 'City Centre' as per Map E Volume 1 of the Dublin City Development Plan 2022-2028. The objective seeks to *'consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic character and dignity'*. The related strategy, set out in Chapter 14 Land-Use Zoning, Volume 1, states *inter alia*, that the *'primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development'* and to *'provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night'*. The strategy finds that ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage and that a general mix of use is desirable.
- 8.2.2. Short-term tourist rental accommodation is not listed as a distinct use class within Z5. A variety of accommodation types including bed and breakfast, guesthouse, hostel (tourist) and hotel are listed as permissible and open for consideration uses. In this context, I consider that whilst other policies of the Development Plan address short-term letting separately to other forms of accommodation, the use for retention is comparable to these permissible and open for consideration uses. I note also Section 14.3.1, Volume 1, of the Development Plan relating to Permissible and Non-Permissible Uses states *'there will be a presumption against uses not listed under the permissible or open for consideration categories in Zones Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15. 'Other uses will be dealt with in accordance with the overall policies and objectives in this plan'*. As the appeal site relates to Zone Z5 City Centre, the use must be assessed against the overall policies and objectives of the Plan as indicated.
- 8.2.3. Chapter 6 City Economy and Enterprise recognises the importance of tourism to the city economy and contains numerous policies supportive of the sector, including

Policies CEE26 and CEE28 and Objective CEE01. While noting the intent of the Planning Authority to carry out analysis of the supply and demand for tourism related accommodation in the city, Section 6.5.6 of the Plan also refers to a presumption against the use of houses or apartments for short term lets in all areas of the city.

- 8.2.4. I refer also to Section 15.14.3 of the Plan referring to Short Term Tourist Rental Accommodation which states *‘there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city due to the impact on the availability of housing stock. Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable’.*

Accordingly, while there is a general presumption against the provision of short-term rental accommodation, the use is not entirely prohibited by policy within the Plan. In this regard, while not listed as either permissible or open for consideration in Z5, it must be assessed *‘in accordance with the overall policies and objectives in this plan’* as per Section 14.3.1 Volume 1. The Development Plan acknowledges, as set out under Section 15.14.3, instances within the city where conventional residential development is unsuited. Such constraints may arise due to the physical nature of a site where appropriate levels of amenity cannot be achieved or at locations susceptible to high concentrations of nighttime noise/activity incompatible with standard residential use. The appeal site will therefore be assessed against Section 15.14.3 of the Plan to determine if specific circumstances present which would negate standard/longer term residential use within the properties.

### **8.3. Suitability for Residential Use**

- 8.3.1. Plans and particulars provided do not demonstrate the previous configuration of accommodation on the upper floors. While permitted under a different policy context and market conditions, I note the planning history of the site refers to Reg. Ref.

1804/95 which sought the conversion of the upper floors from residential to hostel accommodation. The Architectural Heritage Impact Assessment (AHIA) prepared by Dr. Jason Bolton refers to the purchase of the property in 2021 with available plans at that time limited to those of the estate agent c.2020 (AHIA Appendices). The report states that the building appears to have been set out as apartments when purchased and fitted out/decorated without reconfiguration soon after. The AHIA also states that the previous configuration may only be confirmed with an opening up inspection which has not been undertaken.

8.3.2. Accordingly, the previous use of the floor space as residential accommodation does not appear to be in question.

8.3.3. In refusing permission for the development, the Planning Authority raised concerns regarding the existing housing shortage as well as the location of the site within a rent pressure zone with a high demand for long term rental properties as well as the siting within the South Inner City, a sub-area of the HNDA. The HNDA conducted by the Planning Authority in preparing the 2022-2028 Development Plan forecast under Section 4.1, an increase in the proportion of 2-person and 3-person households and required that the Plan provide for *'a dwelling mix appropriate to future household need and wider policy goals of securing a broad mix of housing types and sizes'*. The findings of the HNDA are in turn supported by Development Plan policies, including those contained in Chapter 5 Quality Housing and Sustainable Neighbourhoods such as Policy QHSN3 Housing Strategy and HNDA; Policy QHSN7 Upper Floors and Policy QHSN38 Housing and Apartment Mix. While I note that the Planning Authority's Conservation Officer raises concerns in relation to short-term letting as opposed to longer term residential use of the properties, it is unclear as to the nature of the specific impacts which arise.

8.3.4. It is contended by the appellants that the floorspace is best suited to short-term letting and that exceptional circumstances arise which render the accommodation unsuited to conventional residential use. The appellants point to policy within the Plan to support tourism infrastructure, leisure and employment and also refer to Section 15.14.3 Volume 1 relating to short-term tourist rental accommodation, arguing that such circumstances apply to the appeal site. The First Party refers to high concentrations

of nighttime activity and noise in the immediate environs of the site, including from traffic noise on Dame Street, as well as from surrounding land uses including late night venues including a club on Crane Lane adjacent. The appellants refer to the pedestrianisation of Parliament Street which while prohibiting vehicular use, has seen increased activity and congregation, including the hosting by the local authority of civic and cultural events. This contributes to increased noise intrusion and access concerns. Reference by the Planning Authority to successful examples of residential use above public houses is not viewed as directly comparable as such examples are unlikely to encounter large civic, cultural or leisure events as occur in proximity to the appeal site.

8.3.5. The First Part has engaged Allegro Acoustics Limited to conduct an assessment of break-in noise levels within the apartments. An initial assessment was conducted in 3 no. units from the 8<sup>th</sup> to the 10<sup>th</sup> and from the 13<sup>th</sup> to the 14<sup>th</sup> of May 2025. Additional testing was undertaken in 5 no. units across all floor levels between the 21<sup>st</sup> and 30<sup>th</sup> of August 2025. (Measurements for units A2 and A3 are not included due to equipment issues and room availability). The report indicates that while noise sources, including from surrounding late night venues and mechanical/electrical services are audible in some areas, traffic noise from Dame Street continues to be the dominant noise source. The report states that the units assessed- no.'s A1, B1, B2, B3, C1, C2, C3, C4 all recorded levels above recommended indoor ambient noise levels and internal noise levels which exceeded British Standard Guidance BS 8233 2014 between the hours 07:00-23:00hrs and 23:00-07:00hrs. The First Party also states that ambient noise did not meet BS Guidance during the night at any time with measured noise levels above criteria for bedrooms and living rooms during the day and night, and substantially so for the period 01:00 to 07:00.

8.3.6. I note from site inspection that numerous window opes within the apartments comprise a traditional sash design and do not appear to benefit from measures to counter noise intrusion or thermal loss. The Architectural Heritage Impact Assessment (AHIA) prepared by Dr. Jason Bolton states on page 22 that '*I would be very concerned at suggestions to remove c.70 original sash windows in good and serviceable condition and replace these with replicas to meet modern thermal and acoustic expectations (regardless of whether these are for long-term or short-term residential use)*'. The

report also states on Page 22 that *'while it has been possible in recent years for homeowners to seek replacement of existing historic sash and other windows with replica windows to allow thermal and acoustic upgrade- this has been carried out on a case by case basis and requires careful consideration, a conservation-based justification, and planning authorities normally require a great [deal] of detail before permitting such work'....The replacement of c.70 windows to the Parliament Street, Dame Street and Crane Street facades (however good the replicas may be) would be a significant loss of original fabric to the Protected Structures and should not be considered without careful consideration and conservation based justification'.*

- 8.3.7. I refer also to the report prepared by SSA Architects lodged with the application which refers to the windows as integral to the buildings' heritage value but presenting practical challenges such as minimal acoustic insulation, failing to significantly suppress external noise intrusion and heat loss. The report concludes by expressing a reluctance to replace existing windows with modern double or triple-glazed alternatives and that *'while the installation of secondary internal glazing could potentially address some of the acoustic and thermal issues, it is likely to compromise the historic fabric of the buildings and create practical difficulties—particularly with respect to natural ventilation'.*
- 8.3.8. The Planning Authority's Conservation Officer under paragraph entitled *Conservation Repair* refutes the contention expressed in the application that planning permission would not be possible for upgrading historic windows for acoustic purposes. The report further states that the *'Conservation Section regularly grant S5 (exemption) applications for window upgrades to historic windows – both from a thermal / energy efficiency perspective and also for acoustic purposes.'* Noting that *'there are many ways that the fabric of historic windows can be preserved by sensitive and careful upgrading as required'.*
- 8.3.9. I have reviewed the Acoustic Testing and Assessment undertaken in support of this appeal and note the findings under Section 6 that *'the measured ambient noise levels do not achieve the levels outlined in BS 8233 with noise levels above recommended levels in all spaces during the day time hours (07:00-23:00) and above the recommended levels in bedrooms during the night (23:00-07:00)'. I also note the*

finding under Section 6 that the *'the building facade is protected and the potential for remedial works or upgrades is limited & restricted. Installation of measures such as secondary glazing for acoustic purposes are also understood to have potential for ventilation & overheating issues'*. The report concludes by stating that *'it is not expected that the noise criteria outlined above and in BS8233 can be achieved without significant alteration to the façade and glazing'*.

While the acoustic reports provide a baseline of the current noise environment experienced, I note an absence of in-depth analysis as to the potential improvements which could occur if window upgrades were to occur. I note in this regard comments from the Planning Authority's Conservation Officer that *'there are many ways that the fabric of historic windows can be preserved by sensitive and careful upgrading as required'*. While I note the expanse of window opes within the properties, stated as c. 70 in number, it does not follow that the works to ameliorate and improve thermal loss and improve noise insulation would involve the complete replacement of all windows or indeed any, given that no investigations to determine all options available appear to have been conducted. Additionally, while the appellants raise concerns that adjustments to window insulation would have a counter requirement for ventilation, (thereby introducing a noise path) ventilation must be viewed as a basic requirement irrespective of any intended window upgrades.

8.3.10. I am not satisfied that measures to enhance the internal environment of the apartments by sensitive enhancement of existing window opes has been sufficiently investigated and the appellants have not satisfactorily demonstrated that improvements to fenestration insulation could not be carried out without detriment to the appearance of the protected structures or that following such works, the subject floor space could not otherwise facilitate standard residential use.

8.3.11. I am also of the view that the permanent loss of long-term accommodation in the form of 10 no. apartments in favour of short-term occupancy accommodation would have a detrimental impact on the availability of housing stock in the city centre. Noting the findings of the HNDA and the demand for rental property, the loss of residential use at this location has the potential to set a precedent contrary to Section 15.14.3 of the Development Plan, and where it has not been satisfactorily demonstrated that the

subject floor space could not otherwise facilitate longer term residential development, as was previously the situation. I do not consider the units unsuitable for long-term occupancy, and I do not consider the location unviable owing to the noise environment/activity.

- 8.3.12. The residential floor space is broadly in compliance with the requirements of the Planning Design Standards for Apartments- Guidelines for Planning Authorities, and I refer in this regard to Specific Planning Policy Requirement (SPPR) 2 and Appendix 1 which set out minimum floor areas and standards. The application of both SPPR 2 and SPPR 3 provide for general flexibility and relaxation in terms of refurbishment schemes. I also refer to Section 6.1 which stipulates a practical and flexible approach in relation to refurbishment, referencing in particular historic buildings, 'over the shop' type or other existing building conversion or refurbishment projects, where property owners must work with existing building fabric and dimensions.

#### **8.4. Other Matters**

- 8.4.1. The second reason for refusal issued by the Planning Authority relates in particular to the perceived inadequacies of the application documentation in terms of architectural conservation.
- 8.4.2. While I note the content and findings of the AHIA undertaken by Dr. Jason Bolton in support of the appeal, the nature and extent of the works undertaken within the properties is not in scope for this appeal. In this regard, the decision before the Commission is to determine the appropriateness of retaining 10 no. apartments for the purpose of short-term lettings/tourist accommodation.

### **9.0 Appropriate Assessment Screening**

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

The appeal site is located within Dublin City Centre on zoned, serviced lands and relates to an existing three storey over basement property. The separation distances

between the appeal site and Natura 2000 sites situated in the wider area are set out below:

South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) c. 3.0km

North Bull Island SPA (Site Code 004006) c.6.0km

South Dublin Bay SAC (Site Code 000210) c.3.7km

North Dublin Bay SAC (Site Code 000206) c.6.0km

- 9.2. The proposed development comprises retention of use of the upper floors of the buildings to short-term lettings/tourist accommodation. The appeal does not relate to internal or external alterations. The development concerns existing buildings in a city centre location benefiting from existing connections to public infrastructure.
- 9.3. The Planning Authority undertook Appropriate Assessment Screening, determining that there was no likelihood of significant effects on a European Site.
- 9.4. No nature conservation concerns were raised in the planning appeal.
- 9.5. 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. The reason for this conclusion is as follows:
- Nature of the works i.e. retention of use of floor space within existing historic properties for short-term letting/tourist accommodation.
  - Location and distance from the nearest European site and lack of connections.
  - Taking into account determination of the Planning Authority.
- 9.6. 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.

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

## 10.0 Water Framework Directive

10.1. The subject site concerns 1-3 Parliament Street and 81 Dame Street and relates to the retention of use of the upper floors of these properties as short-term letting/tourist accommodation. The appeal site is separated by a distance of approximately 140m from the River Liffey IE\_EA\_090\_0400 and is approximately 1.9km from the Grand Canal Basin (Liffey and Dublin Bay) IE\_09\_AWB\_GCB and approximately 1.6km from the Grand Canal Main Line (Liffey and Dublin Bay) IE\_09\_AWB\_GCMLE. The site is within the Liffey and Dublin Bay Water Framework Directive Catchment ID09.

10.2. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and 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. The reason for this conclusion is as follows:

- Nature of works concerned, providing for the retention of 10 no. apartments for short-term letting/tourist accommodation within existing city centre structures and noting existing connections to public wastewater, water supply and surface water systems.
- 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.

## 11.0 Conclusions

Having regard to the above, I consider that the development, seeking the retention of 10 no. short-term tourist rental units would be contrary to Section 15.14.3 of the Dublin City Development Plan 2022-2028 where there is a general presumption against the provision of such use, and where it has not been satisfactorily demonstrated that the subject floor space could not otherwise facilitate longer term residential development, as was previously in situ. The proposal would also be contrary to the provisions of Policy QHSN3 and Policy QHSN38 of the Development Plan which seek to secure the implementation of the Dublin City Council Housing Strategy and to encourage sustainable residential communities containing a variety of housing in accordance with the Housing Strategy and the HNDA.

## 12.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below:

## 13.0 Reasons and Considerations

The proposed development, seeking the retention of ten apartments for use as short-term letting / tourist accommodation, would be contrary to the Section 15.14.3 (Short Term Tourist Rental Accommodation) of the Dublin City Development Plan 2022-2028 which stipulates a general presumption against the provision of short-term tourist rental accommodation due to its impact on the availability of housing stock and where it has not been satisfactorily demonstrated that the subject floor space could not otherwise facilitate longer term residential use. The proposal would also contravene Policy QHSN3 and Policy QHSN38 of the Development Plan which seek respectively, to secure the implementation of the Dublin City Council Housing Strategy and to encourage sustainable residential communities containing a wide variety of housing and apartment types in accordance with the Housing Strategy and the Housing Need Demand Assessment. The granting of permission for retention would set a precedent

for similar type of development 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Patricia Byrne  
Planning Inspector

30<sup>th</sup> January 2026

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ACP-323570-25</b>
<b>Proposed Development Summary</b>	Retention for use of ten apartments as short-term lettings/tourist accommodation.
<b>Development Address</b>	1-3 Parliament Street Dublin 2, 81 Dame Street Dublin 2
<b>In all cases check box /or leave blank</b>	
<p><b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b></p> <p>(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)</p>	<p><input type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.</p>
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<p><input type="checkbox"/> Yes, it is a Class specified in Part 1.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<b>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?</b>	
<p><input checked="" 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.</p> <p><b>No Screening required.</b></p>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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