



### Development

PROTECTED STRUCTURE: Change of use of office floor space to short-term tourist rental accommodation comprising 5 no. short-stay apartments, external conservation, repair, and refurbishment works to building and internal alterations and refurbishment works.

### Location

7, D'Olier Street, Dublin 2

### Planning Authority

Dublin City Council South

### Planning Authority Reg. Ref.

WEB5774/25

### Applicant(s)

McInerney & Farrell Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party Normal Planning Appeal

### Appellant(s)

McInerney & Farrell Ltd.

### Observer(s)

None

### Date of Site Inspection

14 May 2026

### Inspector

Sandra Eapen

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## 1.0 Site Location and Description

- 1.1. The subject appeal is made in relation to a 2 bay, 5 storey (over basement), mid-terrace building at No. 7 D'Olier Street, Dublin 2. The ground floor level of the building is in commercial use as a Jewellery shop. The front façade of the building has render finishes, sliding sash windows with square-headed openings and granite sills. To the rear the building has a brick elevation. The upper floors are accessed via a separate entrance from D'Olier Street. The application site has a stated area of c.0.012ha with the existing built structures on site having a stated floor area of c.241.85sqm. The immediate site context consists of similar mixed land use buildings with ground floor in retail use.
- 1.2. The building is part of a terrace that was designed by Henry Aaron Baker for the Wide Streets Commission in c.1805. It is recognised as a protected structure, RPS no. 2294, within the Dublin City Development Plan 2022-28 for its use as a house and a shop at ground level. The subject building is also listed within the National Inventory of Architectural Heritage (NIAH) database under Reg. No. 50020530 with a regional rating. The site is located within O'Connell Street Architectural Conservation Area (ACA) and Special Planning Control Scheme Area (SPCS).

## 2.0 Proposed Development

- 2.1. The applicant is seeking permission for the following works:
- Change of use, for first to fourth floor space, from office to short-term tourist rental accommodation comprising of 5 no. apartments with internal alterations.
  - The first, second and third floors are proposed to be converted into 2-bed, apartment units (bedroom sizes c.9sqm) with a common bathroom (c.3sqm) and kitchen/dining/living area (c.20sqm) to the rear.
  - The fourth floor is proposed to be split into two 1-bed, studio units (c.21.7sqm and c.26.5sqm) with attached en-suites and kitchenettes.
  - External repair and refurbishment work to the building including replacement of non-original windows, repair of sash windows, reinstatement of plasterwork, specialist cleaning, repointing of brickwork, pipework, and new lead roof work.

- Internal refurbishment works, for first to fourth floors, including removal of non-original partitions, erection of new walls, repair of original walls and ceiling, reinstatement of original floorboards, installation of new services, and fire safety upgrades.

All associated site development works. No works are being proposed to the commercial unit at ground floor level or basement floor level. The applicant has included a Conservation Method Statement Heritage Impact Report and Noise Impact Assessment Report with the application.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

A decision to REFUSE permission was made by DCC on 27 January 2026 for the 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. 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 apartment at this location. The proposal would therefore be contrary to the provisions of Section 15.14.3 of the Development Plan, would create an undesirable precedent for similar type development and would devalue property in the vicinity. The proposal would be contrary to the proper planning and sustainable development of the area.

## **Reason No. 2**

The proposed works which include the subdivision of the two-bay front rooms of the Protected Structure at 1st, 2nd and 3rd floor levels would permanently alter the legibility of the historic room volumes, and the intensification of use associated with short-term lets would have a significant adverse and seriously injurious impact on its sensitive historic fabric. The proposed works would contravene Policies BHA2 (b), (f) and (g) and BHA7 of the Dublin City Council Development Plan 2022-2028 and would set an undesirable precedent for Protected Structures located within the Wide Street Commissioners streetscape and the O'Connell Street Architectural Conservation Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

3.2.1. DCC Planners Report notes the following with respect to the proposed development:

- Site is zoned Z5 (City Centre) – short term rental accommodation is not listed as a permissible use or open for consideration use under Z5
- Site is located within O'Connell Street ACA and SPCS
- Subject building is a Protected Structure (RPS No. 2294)
- Short term rental is a non-confirming use and has to be assessed for its merits as per Section 14.3
- No reception area or guest-keeping facilities indicated on the submitted floor plans – could result in substandard tourist accommodation that will be detrimental to the sensitive historic fabric of the building.
- Applicant has not provided sufficient justification under Section 15.14.3 (Short Term Tourist Rental Accommodation) to prove that the site is unsuitable for standard long-term residential use.
- Applicant has not given due consideration for long term residential use at this site.

- Design Standards for Apartments (2025) guidelines allows for relaxation of standards for constrained sites.
- Proposal contravenes the provisions in the Housing Need Demand Assessment (HNDA) and Policy QHSN38 that supports and recognises need for housing within city centre locations.
- Report recommended refusal of permission as the applicant had not satisfactorily demonstrated that residential use is unachievable at the site.

### 3.2.2. Other Technical Reports

#### Conservation Officer's Report: Recommends Refusal

- The building is an example of Wide Street Commissioners streetscape, listed in RPS and is also a regionally significant NIAH building.
- The site is located within an ACA and ASPC.
- An assessment by RIAI Grade 2 Conservation Architect would be appropriate for this site as per the RIAI skills matrix for conservation projects.
- Basement floor could be used for services that would relate to the upper floors.
- Minimal information has been submitted describing the proposed reinstatement works.
- Surviving historic fabric not identified clearly within submitted information.
- The subdivision of the two bay, front rooms will permanently alter the legibility of the historic room volumes and result in intensification of use thereby contravening Policy BHA2 (items b, f and g) and BHA7 of the Development Plan.
- Short-term letting is considered as an intensification of use that can also result in significant adverse impacts and potential damage to the historic fabric.
- The proposed development would set an undesirable precedent for similar Protected structures.
- The Conservation Office is in support of long-term residential use and suggests 1-bed apartment at each floor.

- Any deviation from proposed methodology should be agreed in writing by the Conservation Office.

Transportation Planning Division: Recommends no objection, subject to conditions;

- No changes are being proposed to the existing vehicular/pedestrian access arrangements.
- Controlled street parking, taxi rank and a loading bay to the front of the site.
- The absence of cycle parking provision was considered acceptable.
- Conditions recommended for expenses in relation to any repair works to public road and services.

Environmental Health Office: Recommends no objection subject to conditions;

- Standard conditions recommended for good practice during construction and limiting construction hours, noise and air emissions.
- Noise when all plant is operating shall not exceed the LA90 by 5dB(A).

Drainage Division: Recommends no objection subject to conditions;

### 3.3. **Prescribed Bodies**

#### 3.3.1. TII – No objection.

Notes that the site falls within an area set out in a Section 49 Levy scheme for Light Rail. Condition to be included where development is not exempt.

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

None

## 4.0 Planning History

- 4.1.1. DCC Reg. Ref. 3440/24 – **Permission refused** (dated 15 May 2024) for the change of use of upper floors from office to commercial guest house use, changes to internal layout and modification to external fenestration. DCC refused permission on the grounds that the development would be contrary to core principles of the housing strategy and Policy QHSN38 of the Development Plan and is contrary to Policy SC3, Policy QHSN7 and Section 15.14.1 of the 2022-2028 Dublin City Development Plan which promotes residential development in the city centre.
- 4.1.2. DCC Reg. Ref. 0234/13 – Declaration of exemption on refurbishment works – **Split decision** was issued on 28 November 2013 under Section 4(1)(h) and Section 57 of the Planning and Development Act 2000.
- 4.1.3. DCC Reg. Ref. 3591/13 – **Permission granted** (dated 26 February 2014) for modifications to existing shopfront and signage.

## 5.0 Policy Context

### 5.1. Dublin City Development Plan 2022-28

- 5.1.1. The subject site is located within Z5 City Centre zoning with an objective ‘to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity’.
- 5.1.2. The appeal site is shown on Map E of the Development Plan. The following map-based objective are relevant to subject site:
- Subject building is listed in the Record of Protected Structures (RPS 2294) with the use specified as a house and shop.
  - The site falls within the O’Connell Street ACA and ASPC designations
  - D’Olier Street is also designated as a Special Conservation Area.
- 5.1.3. Chapter 5 Quality Housing and Sustainable Neighbourhoods

- Policy QHSN3 (Housing Strategy and HNDA) encourages the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures throughout the city.
- Policy QHSN7 (Upper Floors) seeks to reverse the loss of residential use on upper floors and actively support proposals that bring upper floors into residential use to revitalise the social and physical fabric of the city.
- Policy QHSN8 (Reduction of Vacancy) promotes measures to reduce vacancy and underuse of existing building stock.
- Policy QHSN38 (Housing and Apartment Mix) encourages 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.

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

- Policy CEE20 (Vacant Sites) encourage and facilitate the rehabilitation and use of vacant and under-utilised buildings including upper floors. Including temporary use of vacant commercial space and vacant sites for a wide range of enterprise including cultural uses. (items iii and iv)
- Policy CEE28 (Visitor Accommodation) applications for additional hotel, tourist hostel and aparthotel developments are required to have regard to existing character of the area such as local amenities, facilities, existing and proposed mix of uses, impact on wider objectives such as city centre social/cultural/economic functions, need to prevent unacceptable intensification of an activity, high quality designed for purpose spaces can generate activity.

#### 5.1.5. Chapter 11 Built Heritage and Archaeology

- Policy BHA2 (Development of Protected Structures) –conservation and enhancement of protected structures and their curtilage. Protect structures from any works that would negatively impact their architectural character and special interests (item b). Respect the historic fabric and special interest of the interior including its plan form, hierarchy of spaces, structure and architectural detail, fixtures, fitting and materials (item d)

- Policy BHA7 (Architectural Conservation Areas) – developments must contribute positively to its character, shall not harm buildings, spaces, features that contribute to the ACA.
- Policy BHA24 (Reuse and Refurbishment of Historic Buildings) encourage and facilitate the careful refurbishment of historic built environments for sustainable and economically viable uses, support implementation of National Policy on Architecture, and ensure delivery of high-quality architecture and quality place making.

#### 5.1.6. Chapter 12: Culture

- Policy CUO38 (Noise Impacts) all applications for short term rental proposals that seek permission adjacent to established late night uses shall demonstrate that their development will not cause negative impact on adjoining uses in the future.

#### 5.1.7. Chapter 15: Development Standards

- Section 15.13.6 Living Over the Shop – actively encourage residential accommodation over existing commercial premises
- 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.’

### 5.2. **Scheme of Special Planning Control, O’Connell Street and Environs, 2022**

- Part 2 – Maximising the Use of Buildings;

Key Objective: To seek the more intensive use of the upper floors and basement levels of buildings in the area.

### 5.3. **Ministerial Guidelines: Architectural Heritage Protection Guidelines for Planning Authorities, 2011**

- Section 7.3.1 Keeping a Building in Use: While a degree of compromise will be required in adapting a protected structure to meet the requirements of modern living, it is important that the special interest of the structure is not unnecessarily affected.
- Section 7.8 Respecting Earlier Alterations of Interest: In order to appreciate the integrity of a structure, it is important to respect the contribution of different stages of its historical development. Concentration on whether or not various parts of a building are 'original' can obscure the fact that later alterations and additions may also contribute to the special interest of the structure.
- Section 7.12 Ensuring Reversibility of Alterations: Ideally, permitted works which affect the character and special interest of a protected structure should be reversible and such works considered temporary, to be reversed when circumstances allow. Such works might include the subdivision of important rooms or spaces within the interior of a protected structure.

### 5.4. **Ministerial Guidelines: Planning Design Standards for Apartments, Guidelines for Planning Authorities, 2025**

The Guidelines allows for relaxation of minimum open space requirements, minimum dual aspect ratios, minimum internal storage requirements and other standards for refurbishment schemes or urban infill schemes on sites of up to 0.25ha.

As per 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. Ultimately, Building Regulations must be complied with and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors."

### 5.5. **Circular on Short-Term Letting and the Planning System - SPI, 01, 2026**

Statutory National-Level Planning Policy “In order to provide a clear policy rationale for future planning guidance on short-term letting, in April 2025 a Government decision set out a policy direction which proposes restricting, through a general presumption against granting planning permission, short-term letting in cities and larger towns with a population of more than 10,000 persons at the most recent Census. This policy direction currently forms the basis for the preparation of a draft NPS.

However, as part of this, it is intended that planning permission for short-term letting may be granted in limited circumstances within cities and larger towns, for example where such development would enable a viable ‘over the shop’ use or the refurbishment of a protected structure.”

#### 5.6. **National Inventory of Architectural Heritage**

7 D’Olier Street, Dublin 2; NIAH Reg. No. 50020530; Regional Rating

Description: “Terraced two-bay five-storey former house with shopfronts to front (north-east) elevation, built c.1805, with replacement shopfront. Currently disused. M-profile shared hipped roof, with rendered and brown brick chimneystacks having clay pots, hidden behind brown brick parapet with ashlar granite coping. Rendered walls. Square-headed window openings having raised render reveals, cut granite sills, ashlar granite continuous sill course to fourth floor window openings, carved granite architraves having fluted detailing to first floor, lugged render reveals to upper floors, one-over-one pane timber sliding sash windows. Recent shopfront, doors and display window to ground floor.”

Appraisal: “This building forms part of a terrace that is a fine example of the purpose-built residential accommodation-over-shop development designed by Henry Aaron Baker, for the Wide Streets Commission. These buildings, which bear a considerable resemblance to Baker’s work on Westmoreland Street, share a parapet height and fenestration arrangement, with the continuous sill course and shopfront cornice contributing to the overall sense of uniformity, making a positive contribution to this streetscape. One of the best-preserved and maintained terraces of Wide Street Commission buildings in Dublin, it is a significant part of the city’s historic character.”

## 5.7. **Natural Heritage Designations**

North Dublin Bay (Site Code 000206) Natural Heritage Area and South Dublin Bay and River Tolka Estuary SPA (site Code 004024) located 2.4km northeast of site.

South Dublin Bay SAC (Site Code 00021) and South Dublin Bay and River Tolka Estuary SPA (Site Code 000210) located 3.3km southwest of site.

## 6.0 **EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 **The Appeal**

### 7.1. **Grounds of Appeal**

This is a first party appeal against a decision to refuse permission issued by DCC for the subject application. The grounds of appeal, can be summarised as follows:

- Disagrees that the development will impact housing stock in the area as the building is currently not in residential use and has been vacant for over 5 years.
- Applicant has stated that the subject building is not viable to provide standard residential use due to significant cost involved to bring the building up to standard, limited capacity to do alterations and due to the lack of adequate residential amenities.
- The Noise Impact Assessment provided show that that subject location is unviable for residential accommodation purposes satisfying the requirements set out under Section 15.14.3 of the Development Plan. DCC has not had due regard to this document and its findings.

- Retrofitting and reuse are promoted in the Development Plan Policy CA6
- Failte Ireland is tightening Short-Term Letting through a registration process which could impact the availability of short-term letting and bring more units back to residential use.
- Appeal refers to previous decision ABP Ref 318161 which granted similar development in Z5 zoning and did not consider it to contravene Policy QHSN38.
- The existing front rooms at first and second floors are already subdivided. The proposal only seeks to revise the subdivision.
- The proposed subdivision of third floor is reversible, and the original floor plan can be reinstated at any time.
- Z5 – City Centre land use zoning matrix permits in principle several similar uses such as hostel, hotel, guesthouse, bed and breakfast.
- The subject proposals were developed following previous refusal on subject site, DCC Ref. 3440/24, that sought permission for Change of Use from office to guest house.
- The applicant has referred to a number of previously permitted short-term letting/stay applications within the city centre by DCC and ACP.
- Applicant also refers to Failte Ireland Chief Executives comments on the shortage of tourism accommodation provision in the Country.
- Given the limited scale of proposals, the development is unlikely to have a significant impact on the concentration of short-term letting in the surrounding area
- Interior works proposed protect the existing architectural and historical contributions with reversible alterations and allows reuse of the building.
- Refusal reason cites devaluation of neighbouring properties – this is not a planning matter and was not raised within the DCC planner’s assessment. The works proposed would not impact amenity of any neighbouring properties.
- Applicant has provided an operational plan for the management of the facility.

## 7.2. **Planning Authority Response**

None on file.

## 7.3. **Observations**

None on file.

## 8.0 **Assessment**

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

- Principle of Development
- Built Heritage
- Other Matters

### 8.2. **Principle of Development**

8.2.1. Principle of Proposed Use: This application seeks permission for the Change of Use from office to short-term tourist rental accommodation use for the upper floors of No. 7 D'Olier Street, including external refurbishment works and internal reconfiguration of floor plans. The site is zoned as Z5 – City Centre land use within the Dublin City Development Plan 2022-28 with an objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.' Permissible uses include residential, bed & breakfast, hotel, aparthotel, and hostel (tourist). Although short-term rental accommodation is not listed as a permissible use or open for consideration use under Z5 land use zoning, I consider the proposed short term letting/tourist accommodation use on subject site to be similar in character to the permissible uses listed for Z5 zoned lands and thereby not to conflict with the principle of Z5 City Centre land use objective. The use must therefore be assessed for its compliance with the overall policies and objectives of the Development Plan.

- 8.2.2. Policy on Visitor Accommodation: The application documents include response to Policy CEE28 (Visitor Accommodation) of the Development Plan. The response provided states that there are no existing/permitted 'tourist accommodation facilities' within immediate vicinity of the site, apart from an aparthotel c.500m east of subject site at Townsend Street. I disagree with this statement and note the presence of a number of established hotels and tourist hostels within 500m of the site. With regard to the provision of additional tourist accommodation the applicant has stated that the redevelopment of the site will contribute to the vitality and vibrancy of the street and ensure that the building is in use with no material impact to the street.
- 8.2.3. The site location is not predominantly residential and consists of a mix of commercial, institutional and office uses. On my site visit, I noted a significant number of vacant uses at ground and upper floor levels along the street. I agree with the applicant that the existing mix of uses along the streetscape is unlikely to be impacted by the scale of the proposed development and that the development would contribute to the vitality of the street. Overall, I consider the proposals to be in alignment with Policy CEE28 of the Development Plan.
- 8.2.4. Short Term Tourist Accommodation Restrictions: Section 15.14.3 of the Development Plan states a general presumption against the provision of dedicated short-term rental accommodation units due to the impact on the availability of housing stock in the city. The applicant has stated that the building has been vacant from 2020 and has been in use as an office for a substantial period before that. I do not consider the proposed development to have any impact on the existing housing stock available in the area as it is not currently in residential use. The proposed change of use however can impact the potential housing stock availability, as the upper floors of the building has the potential to be brought back into residential use. This is considered in detail in the sections below. Section 15.14.3 of the Development Plan also state that such uses will be assessed on a case-by-case basis and allowed on restricted sites where normal residential standards or amenities cannot be achieved. Such restrictions can include physical constraints to the development of the site or proximity to nighttime noisy activities.
- 8.2.5. The applicant has provided a 'Noise Impact Statement' from Wave Dynamics (dated 17 November 2026) which includes results of attended and unattended noise survey

carried out at the site between 24<sup>th</sup> September 2025 (Wednesday), 15:06 and 29<sup>th</sup> September 2025 (Monday), 12:14. Measurements were taken on the third floor of the building with sound meters placed internally and externally, both with windows in closed and open positions. The report concludes that the internal noise levels measured at third-floor level while the window was in a closed position is well above the criteria outlined in the British Standard Guidance on Sound Insulation BS 8233:2014 making it unsuitable for normal residential use without significant renovation works. The report also refers to EPA Noise Maps, which shows daytime road traffic noise levels  $L_{den}$  and nighttime noise levels  $L_{night}$  to be high at this location.

- 8.2.6. The Noise Impact Assessment also discusses potential mitigation measures to reduce the internal noise levels within the building. The report states that standard measures such as upgrading existing glazing to acoustic or double-glazed specification, installing perimeter seals and sealing glazing/frame junctions were considered but not pursued as “the Conservation Heritage Impact Assessment identifies that implementing such measures would compromise the architectural integrity of the protected façade and historic windows, shutters”. Secondary glazing was also considered as a mitigation measure as it can typically improve sound insulation of a building by 15 -20dB. The Noise Impact Assessment however states that the “installation of secondary glazing is not permissible under the building’s conservation status, as it would alter the appearance of the original windows”. Sealed mechanical or heat recovery ventilation system (MVHR) or attenuated acoustic ventilators were also considered in the report for noise mitigation. However, these were disregarded on account of the recommendations in the Conservation Method Statement, that “no new external penetrations, vents or grilles are permitted, this is to protect the façade’s historic fabric and appearance”.
- 8.2.7. These measures are not explored in detail within the accompanying Conservation Method Statement. They are however reflected in its objective to reduce further loss to remaining historic fabric of the building. Within the Heritage Inventory and Impacts section of the report it is stated that the existing window and shutter arrangement does not permit secondary acoustic glazing. New penetrations are stated to be minimised in the proposed design through the use of existing risers and service ducts, that were added onto the building since 19<sup>th</sup> century.

- 8.2.8. The applicant claims that due to the limitations on the site there is no scope to achieve adequate daylight standards, bike parking, or provide private or communal open space within the site. The Commission shall note that the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025, allows for the relaxation of design standards, such as minimum private/communal amenity space, internal storage standards, and dual aspect requirements for refurbishment schemes and in smaller sites such as these with an area less than c.0.25ha. However, I acknowledge that the applicant has set out other design challenges for bringing back this building to long term, residential use through expert evidence such as, achieving adequate noise insulation and other limitations for achieving high design quality. In this regard I consider the building to have limited potential to be considered as a potential future housing stock. Given the city centre location of the site, its current non-residential use, its proximity to significant noise sources, and its limited scope for renovation works, I consider the subject site to satisfy the restrictions specified in Section 15.14.3 within the Development Plan and thereby eligible to be considered for Short Term Tourist Rental Accommodation.
- 8.2.9. Housing Strategy and HNDA: In refusing the application the Planning Authority stated that the proposed development is contrary to the core principles of the housing strategy and Policy QHSN38 which encourages a variety of housing typologies and tenures. Given the scale of proposed development and nature of existing uses in the area, I do not consider the provision of 5 no. short stay apartments to significantly impact the available housing typologies or tenures at this location. It is also noted that the building was not considered as 'housing stock' in the Housing Strategy and HNDA within Appendix 1 of the Development Plan. While the requirement for long term residential use in the inner-city area is recognised, I do not consider the proposed development in itself to result in a reduction of residential housing stock or restrict the potential for the site to be used for long term residential use in the future. I do not consider the provision of 5 no. short-term rental accommodation, in this instance and at this location, to undermine the core principles of the Housing Strategy or Policy QHSN38 of the Development Plan.
- 8.2.10. Other Policies: A considerable number of policies within the Development Plan promotes the reuse and refurbishment of upper floors of existing buildings and for reducing city centre vacancy Policy QHSN7 (Upper Floors), QHSN8 (Reduction of

Vacancy), BHA24 (Reduction of Vacancy) and CEE20 (Vacant Sites) to name a few. The proposed development would also increase the provision of tourist accommodation in the inner-city area. I consider the proposed development of short-term tourist rental use to be in alignment with the Z5 City Centre zoning assigned to subject lands and to be in compliance with the standards set under Section 15.14.3 and Policy CEE28 (Visitor Accommodation) for tourist rental/visitor accommodation within the Development Plan.

### 8.3. **Built Heritage**

- 8.3.1. Protected Status: The subject building is a Protected Structure (RPS 2294) and is listed in the NIAH database (Reg. No. 50020530) under a regional rating. The site is also located within the O'Connell Street Architectural Conservation Area (ACA) and Special Planning Control Scheme Area (SPCS). The ACA seeks to protect and retain original shopfront design elements typical to the Wide Street Commissioners. The O'Connell Street and Environs SPCS has a specific objective encouraging more intensive land use in the upper floors.
- 8.3.2. Conservation Method Statement: As noted above, the applicant has provided a Conservation Method Statement Heritage Impact Report by Frank Architecture (Grade III Conservation Architect) with the appeal. I note the reference made within the DCC Conservation Officer's report on the recommended qualifications of the Architect as per the RIAI skills matrix for conservation projects. The report also notes the lack of detailed window and door schedule identifying all surviving historic glazing and other short fall in information provided regarding proposed restoration works.
- 8.3.3. I note that the Conservation Method Statement provided by the applicant includes a Heritage Inventory and Impacts section (Pgs 16- 29) noting the remaining heritage features in the building and impacts of proposed works. The report also includes photographic record of all floor plans. It is acknowledged that the interior of the building has undergone significant alterations previously which has resulted in some loss to historic fabric. However, having regard to the information provided, I consider that sufficient level of detail has been provided by the applicant to make an informed decision on the proposal and its potential impact on the architectural heritage. Any

further details, if necessary, can be agreed in writing with the Planning Authority post consent.

- 8.3.4. Internal Alteration Works Proposed: The proposal for first and second floor is to relocate the existing dividing non-loadbearing walls within front room to create 2 no. bedrooms (c.9.32sqm and c.9.55sqm), removal of existing non-original lobby (including door from stairwell), restoration of panelled door to stairwell, new hall (c.4.5sqm), new bathroom (c.3sqm) and kitchen/dining/living area (c.20sqm) within the rear room to allow for the conversion of existing office floor into a 2-bedroom apartment unit. The third-floor proposal, however, introduces new dividing walls to subdivide the front room to 2 no. double bedrooms (bedrooms proposed c.9.44sqm and c.9.76sqm), to allow new hallway (c.4.5sqm), bathroom(c.3sqm) and kitchen/dining/living area (c.20sqm) within the rear room. These are described as modern reversible interventions within the conservation statement provided by the applicant. The works to third floor would also include removal of existing non-original bathroom and kitchenette fittings, as well as the replacement of modern rear elevation frosted glazing. A small section of the original internal wall is proposed to be removed to incorporate the proposed bathroom at third floor level. This is considered to be a very minor alteration. The proposals to the fourth floor are for 2 no. studio units with attached ensuites. The applicant has stated that this will allow for the retention of original room volumes and roof profile of fourth floor level.
- 8.3.5. The applicant has submitted service integration layouts overlaid on proposed floor plans to show how the proposed drainage services and sprinkler pipework is to be accommodated in the building. The new service pipes for the proposed bathrooms and kitchens will use the existing primary vertical riser via the non-used chimney flue within the rear rooms on each floor. Drainage pipes are to be accommodated within a raised service zone inside the bathroom and integrated into the proposed kitchen units on each floor. The conservation methodology proposes new modern partition to be scribed to existing plasterwork with cork isolation strips and clearly distinguished from historic walls. Original floorboards are to be numbered, carefully removed, repaired and reinstated using matching timber. Small section of dropped plasterboard ceiling is proposed in rooms to conceal sprinkler and electrical cables. Existing water duct is indicated as to be used for the sprinkler system. The applicant has proposed refurbishment of existing sash windows, shutters, replacement of non-original

paintwork and repainting them using approved paints. On site visit, I noted very little original plasterwork internally and simple building interior. I consider the proposed conservation methodology to be sufficiently robust and if carried out unlikely to result in any substantial damage to the original fabric of the building. If permission is considered for the proposed development, it is recommended that a condition is included requiring the written agreement of a final detailed Conservation Method Statement with the Planning Authority.

- 8.3.6. External Refurbishment Works Proposed: Positive restoration works are also proposed along the front elevation including specialist cleaning and restoration of ashlar linework using lime mix. The applicant has also proposed refurbishment of original granite stonework including restoration of dressed window architrave to match No. 6 D'Olier Street. Along the rear elevation, the applicant has proposed replacement of missing brickwork, replacement of traditional timber arched window at 2<sup>nd</sup> floor stair landing, replacement of non-original frosted glazing and refurbishment of original cast iron pipework. The original roof structure and slate covering are indicated to be in place and retained. The applicant has proposed to remove existing modern interventions such as air con units and surface mounted cabling from roof level and repair existing lead guttering. The existing terracotta chimney pots are indicated as being retained with new lead flashings. The external façade of the building is an important feature of the Wide Street Commission's streetscape and is preserved through the ACA and special conservation area status of the site. The DCC Conservation Officer's report note the minimal information submitted regarding the proposed reinstatement works for missing granite window architraves. If permission is considered for the proposed development, I recommend that a condition is included for agreeing the details of the proposed restoration works and their methodology in writing with the conservation office, prior to construction works.
- 8.3.7. Management of Short-Term Rental Units: The refusal reason also cites concerns on the possible intensification of use associated with the proposed short term rental accommodation use. The Conservation Officer's report considered the subdivision of fourth floor into two studio units as an intensification of use at this site. I consider the proposed intensification of fourth floor level to be acceptable in this instance, as it will allow for the retention of maximum surviving historic fabric in situ and is designed to cause minimum interference to the original structure. The planners report also notes

concerns regarding the absence of any management facilities such as reception, storage areas etc for the upkeep of the building. The applicant in their grounds of appeal has included information with regard to proposed management of the units to address the concerns raised in relation to the lack of guest-keeping facilities by DCC. The booking and management of the facilities are indicated as to be carried out online. The operation of the building including cleaning, linen changes and maintenance is proposed to be carried out by a dedicated management company. Linen and other storage are proposed to be allocated within each apartment units or managed offsite. The applicant has also stated that all management staff will be trained to adhere to a comprehensive Waste Management Plan. If permission is being considered for the proposed development, it is suggested that the applicant agree in writing an Operational Waste Management Plan for the proposed development with the Planning Authority. I do not consider the proposed use of the building as a short-term rental accommodation to have a significant impact on the historic fabric as it will allow for the building to be professionally managed and maintained regularly. If permission is considered for the proposed development, I recommend that appropriate conditions to be included with regard to the management and use of the building.

8.3.8. Changes to Historic Room Volumes: The DCC Conservation Officer's report note that the historic floor plan consisted of a two-bay room to the front, a one-bay room and stair core to the rear. DCC's refusal reason No. 2 cited permanent alteration of the legibility of historic room volumes at first, second and third floors. I note that the existing first and second floor front rooms were already subdivided under the previous use. The applicant has emphasized on the reversibility of the proposed measures and their potential for safe removal in the future without damage to original fabric. In accordance with Section 7.12 of the Architectural Heritage Guidelines, 2011, on reversibility of proposed alterations, I consider the proposals to be acceptable in this instance.

8.3.9. Compliance with Development Plan Policies: The refusal reason also cites non-compliance with Policies BHA2 and BHA7 of the development plan in relation to development of Protected Structures and impact to ACAs. Much of the proposed works are in relation to the alterations to internal layout of the building. Works proposed to the external facades would allow for the restoration of certain features

that contribute to the special character of the building. The proposed internal modifications have been designed to have minimal impact to the special interest and to avoid any significant loss of original fabric of the building. While it is acknowledged that some changes are being proposed to the plan form and hierarchy of spaces, the Conservation Method Statement provided state that these works are reversible and capable of being fully restored, if necessary, in the future. The applicant has also submitted 'Services Integration Plan' drawings showing how the proposed services are to be integrated in the building without significant loss of historic fabric and the reversibility of the proposed measures. This is also in alignment with Section 7.12 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, which recommends the use of process or works that are reversible in nature that will not cause lasting damage to the architectural heritage. The proposed development is also in alignment with Policy BHA24 (Reuse and Refurbishment of Historic Buildings) of the Development Plan which also encourage the refurbishment of historic buildings for sustainable and economically viable developments.

8.3.10. Conclusion: Section 7.3.1 of the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, recommends keeping a building in use as the best method of conserving a historic building. The most recent Circular on Short-Term Letting and the Planning System, 2026, allows planning permission to be granted for short-term letting uses in limited circumstances within cities where the development would enable a viable 'over the shop' use or the refurbishment of a protected structure. Having regard to the above, I consider the proposed short term tourist rental accommodation use to be an appropriate use for this protected structure. As per the proposed conservation methodology the works would involve minimal loss of historic fabric and cause minimum interference to the special architectural character of the building. If permission is considered, I recommend a condition requiring that a conservation expert to be employed on site to manage, monitor and implement works on site and for the written agreement on a finalised Conservation Method Statement, so as to ensure adequate protection for the retained historic fabric during construction works and to carry out works in accordance with best conservation practice as detailed in the application. It is recommended that permission be granted for the proposed development subject to conditions.

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

8.4.1. Financial Contributions: It is noted that the site falls within the Luas Cross City Supplementary Development Contribution Scheme area. TII has requested section 49 Levy condition to be included where development is not exempt. As per Section 11 of the scheme, “Works to, and change of use from residential use to commercial and vice versa, of buildings included in the Record of Protected Structures. Protected Structure refers to the actual structure(s) and does not include development within its curtilage” are exempt from the requirement to pay development contributions under the Scheme. Proposed works can therefore be considered as exempt in this regard.

## 9.0 AA 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.
- 9.2. The subject site is not located within a designated site, with the nearest site being North Dublin Bay (Site Code 000206) Natural Heritage Area and South Dublin Bay and River Tolka Estuary SPA (site Code 004024) located 2.4km northeast of site.
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could no have any effect on a European Site.
- 9.4. The reason for this conclusion is as follows:
- Scale and size of the proposed development within an existing urban setting.
  - The lack of connections to the SAC.
  - Connection to public water, drain and sewer.
- 9.5. 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 therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive.
- 10.4. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 11.0 **Recommendation**

- 11.1. I recommend that permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## 12.0 **Reasons and Considerations**

Having regard to the existing use of the property, nature and scale of the proposed development, the City Centre - Z5 land use zoning objectives assigned to the site and the provisions of the Dublin City Development Plan 2022 -28, it is considered that the proposed development would constitute an appropriate use in this location, would not adversely impact on the character of the building or wider social, cultural or economic functions of the area and would accord with Policy CEE28 (Visitor Accommodation), nor would it result in the loss of residential stock within the city centre location and would satisfy the requirements of section 15.14.3 of the development plan in relation to short-term letting.

It is considered that subject to compliance with the conditions set out below, the proposed works are unlikely to injure the special architectural character of the Protected Structure or the Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Conditions

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

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

2. Prior to commencement of development the applicant shall enter into a legal agreement with the planning authority under Section 47 of the Planning Act 2000, as amended, specifying that:
  - (a) The lands encompassed by the application site as outlined in red on the plans and particulars received by the planning authority shall be held in single ownership with the entire holding outlined in blue; and
  - (b) The proposed holiday units shall be used for tourism purposes only and shall not be used as a permanent place of residence by any person.
  - (c) The owners/operators of the development shall maintain an up-to-date register of the names and addresses of all owners/occupiers of the holiday units and shall make this information available to the planning authority on request.

**Reason:** To regulate the use of the development.

3. The proposed short-term residential apartments shall be let as single apartments, and shall not be subdivided, without a separate grant of planning permission.

**Reason:** To limit the nature of the development to that sought, in the interest of clarity.

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
  - (a) A finalised Conservation Specification and Conservation Method Statement covering all works to be carried out and materials to be used in such works, prepared by an accredited Grade II Conservation Architect
  - (b) Details for the monitoring of the development by a suitably qualified architect with conservation expertise and accreditation
  - (c) Competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.
  - (d) The Method Statement shall include, in particular details for reinstatement of previously removed decorative granite window architraves along the front elevation to restore the character of the structure, to accurate detail and supported by relevant information and samples if required.

In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiún Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

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

5. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and to protect the amenities of property in the vicinity.

6. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

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

**Reason:** In order to safeguard the amenities of property in the vicinity.

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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Sandra Eapen  
Planning Inspector

**29 May 2026**

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	ACP – 500853 – DS - 26
<b>Proposed Development Summary</b>	Change of use from offices to short term tourist rental accommodation use, external and internal refurbishment works.
<b>Development Address</b>	No. 7 D'Olier Street
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	

<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>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<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>	
<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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<b>State the Class and state the relevant threshold</b>

<p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	
<p><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></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

**Inspector: Sandra Eapen    Date: 29 May 2026**