



An
Coimisiún
Pleanála

Inspector's Report PL-501388-DS-26

Development	Construction of an additional fifth floor set back to accommodate 4no. guest suites in accordance with previously granted development ABP-309875-21, with all associated site works and services necessary.
Location	92-93, Francis Street and 1 Mark's Alley West, Dublin 8, D08 X9X0
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	WEB1493/26
Applicant(s)	Peninsula Suite Holdings Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Peninsula Suite Holdings Ltd
Observer(s)	None
Date of Site Inspection	12 th August 2026
Inspector	Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 0.025ha site is situated on the south side of Dublin city centre, on a corner between Francis Street and Marks Alley West, 130m west of St. Patricks Cathedral and park.
- 1.2. Permission was granted previously for an apart-hotel on the site and construction has commenced. At the time of the site inspection, the concrete and steel frame of the building was present forming the structural frame, no windows or roof were in place and formwork for a concrete pour was present at the roof level of the fourth floor. There was no construction activity underway at the site on the day in question.

2.0 Proposed Development

- 2.1. Planning permission is sought for development which comprises the following:
 - Construction of an additional fifth floor set back with flat roof to accommodate 4no. guest suites in accordance with previously granted development ref. ABP 309875-21 and WEB5532/25 providing a total of 23no. suites along with all associated site works and services necessary.
- 2.2. A schedule of accommodation was submitted together with all statutory application documentation.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a notification to refuse permission on 28th April 2026 for one reason as follows:

1. It is the policy of the Dublin City Development Plan 2022-2028 (Policy BHA7) to ensure that development within an Architectural Conservation Area (ACA) positively contributes to its character and respects the established scale, massing and historic context. Having regard to the restricted infill corner site at the junction of Francis Street and Mark's Alley West, it is considered that the proposed additional set back floor, resulting in a six storey building, would

constitute an overbearing and excessive form of development. The proposal would be visually incongruous, would undermine the established urban grain and architectural character of the area, and would seriously injure the visual amenities of the ACA. The proposed development would therefore conflict with the Urban Development and Building Height Guidelines for Planning Authorities (2018), be contrary to Policy BHA7 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- It considers *that the development fails to respond to the existing built environment, is completely over scaled and makes no attempt to integrate with the existing context, located within a designated ACA.*
- *The Planning Authority considered that the building's scale, height and urban form does not complement the existing surrounding built heritage and does not add to the quality of design in the area as required by both the Building Height Guidelines and Appendix 3 Dublin City Development Plan 2022-2028, when considering development of enhanced scale.*
- *The buildings on either side of this infill corner block are three storeys in height. No visual impact assessment or design report has been submitted with this application or justification of the proposed increase in height in this sensitive ACA area.*
- It referred to a recently constructed apart-hotel scheme at the far end of Francis St. permitted under ref. 4447/16 (ABP Ref.29S.248680) which it suggests is an appropriate scale of development for the area.

3.2.2. Other Technical Reports

- Drainage Division: No objection subject to compliance with the previous grant of permission and Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- Transport Planning Division: No objection subject to compliance with the previous grant of permission, cycle parking to be provided in compliance with the Development Plan standards, and any costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: *'The proposed development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme under the Planning and Development Act 2000, as amended. If the above application is successful and is not exempt, please include a condition to apply the Section 49 Luas Line Levy.'*
- NPWS: No response.
- An Taisce: No response.
- The Heritage Council: No response.
- Fáilte Ireland: No response.
- An Comhairle Ealaíon: No response.
- Uisce Éireann: No response.
- National Transport Authority: No response.

3.4. Third Party Observations

- None

4.0 Planning History

- 4.1. The following planning history is on the subject site:

- DCC ref.5532/25: Planning permission **granted** for the construction of a five-storey over ground rear extension with flat roof to accommodate 4no. guest suites to previously granted development (ref: ABP 309875-21) to provide a total of 19no. suites as previously granted along with all associated site works and services necessary.
- DCC ref. 3097/23, ABP-316306-23: Planning permission sought for demolition of structures, construction of aparthotel with all associated site works at 2 & 3 Mark's Alley West and mews structure at 1/1A Mark's Alley West. The Planning Authority **refused** permission, and this decision was appealed by the first party. An Bord Pleanála **refused** permission for 2no. reasons relating to architectural conservation and basement concerns.
- DCC ref. 2021/21, ABP-309875-21: Planning permission sought for demolition of existing structures and construction of a four-storey plus set-back fifth, aparthotel consisting of a ground floor community space/café with 19 suites above and bin store to the rear all at 92/93, Francis Street, and 1 Mark's Alley West. The Planning Authority **refused** permission for reasons relating to an overconcentration of similar uses in the area and architectural conservation concerns, however this was **overturned** following a first party appeal.

4.2. The following is referenced in the Case Planner's report and is situated 250m north of the site, on the northern end of Francis St:

- DCC ref. 4447/16, ABP Ref.29S.248680: Planning permission sought for Demolition of Tivoli Theatre and construction of courtyard, mixed use development including aparthotel, operational areas, retail/non retail services outlets, landscaping and all ancillary site works. The Planning Authority **refused** permission and this was appealed by the first party. An Bord Pleanála subsequently decided to **grant** permission but required the fifth floor to be removed entirely and the fourth floor to be set back.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2022-2028 (referred to hereafter as the CDP). The site is zoned Z4 as 'key urban villages/urban villages' where the objective is *to provide for and improve mixed-services facilities*. It states: *'Key Urban Villages and Urban Villages (formerly district centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.'* It also states *'Urban Villages zoned Z4 are typically smaller in scale and provide a more localised role for the daily shopping needs and local services of a residential community.'* Higher density mixed uses are promoted and bed and breakfast, hotel and hostel (tourist) uses are noted to be amongst the list of permissible uses.
- 5.1.2. The site is also situated in an Architectural Conservation Area (ACA) and therefore policy BHA7 is relevant as it seeks to protect ACAs as follows:
- (a) *To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.*
 - (b) *Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.*
 - (c) *Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the*

ACA. Contemporary design which is in harmony with the area will be encouraged.

(d)

(e)

(f)

5.1.3. Policy Objective CEE28 refers to visitor accommodation and seeks to:

Consider applications for additional hotel, tourist hostel and aparthotel development having regard to:

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

5.1.4. Appendix 3 of the plan sets out guidelines for taller buildings in areas of historic sensitivity and states such developments ‘*must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria*

set out in Table 3. Tables 3 and 4 set out a list of criteria to be met to justify constructing a building taller than the prevailing height. These include matters such as promoting a sense of place and character, providing legibility, high quality places, a diversity of activities and protection of historic environments from insensitive development. Taller/landmark buildings must demonstrate, inter alia, exemplary architecture, sustainable design and green credentials and good quality public realm.

5.2. National Guidance

Section 28 Guidelines: Urban Development and Building Heights Guidelines for Planning Authorities

- 5.2.1. These guidelines set out national planning policy guidelines on building heights in relation to urban areas, as defined by the census. They require that in order to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, proposals must be supported in principle at development plan and development management levels. 4no. Specific Planning Policy Requirements (SPPRs) are specified and while the first two relate to plan and policy making, SPPRs 3 and 4 are more focussed on implementation and require more diversity and flexibility to secure increased compact settlements and taller buildings. The guidelines set out a list of development management criteria to aid in the assessment of proposed taller buildings.

Section 28 Guidelines: Architectural Heritage Protection Guidelines for Planning Authorities

- 5.2.2. Part 2 of the Guidelines contain detailed guidance to support Planning Authorities and developers when a protected structure, a proposed protected structure or the exterior of a building within an ACA is the subject of development proposals.

5.3. Natural Heritage Designations

- 5.3.1. The site is situated 1.1km north of the Grand Canal proposed Natural Heritage Area (pNHA).

- 5.3.2. It is also situated 4km west of South Dublin Bay and River Tolka Estuary Special Protection Area (SPA), South Dublin Bay Special Area of Conservation (SAC) and South Dublin Bay pNHA.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- The proposal represents a carefully considered and visually recessive rooftop extension to an already established corner building, with the additional floor significantly set back from both Francis Street and Mark's Alley West. The development has been specifically designed to reduce perceived massing and visibility at street level through the use of recessed upper-floor treatment, lightweight architectural expression and clear differentiation between the principal street wall and the rooftop addition. Comparable precedent developments within the ACA, including the permitted five-storey mixed-use development at 98–99 Francis Street and 58-59 Meath Street, amongst others demonstrate that additional height within the ACA can be successfully accommodated where upper floors are subordinate in form and appropriately recessed. The Planning Authority would appear not to have adequately considered these established contextual precedents or the varied and evolving urban character of Francis Street itself.
- The proposed development fully accords with the policy objectives of the Urban Development and Building Height Guidelines for Planning Authorities (2018), which seek to encourage increased building height and compact urban growth at

sustainable inner-city locations served by existing infrastructure, services and public transport. The subject site occupies a prominent city-centre corner location within a highly accessible urban environment and already benefits from an extant permission establishing a substantial contemporary building form at this location. The proposal does not materially alter the established character of the approved development, but instead provides a modest rooftop extension that remains visually subordinate to the main building envelope. The refusal disproportionately emphasises perceived visual impact while failing to properly balance national policy support for sustainable urban intensification, efficient reuse of centrally located sites and the optimisation of previously permitted urban development within the existing built footprint.

- Furthermore, the Planning Authority's conclusion that the proposal would undermine the "established urban grain and architectural character" of the ACA is not supported by the actual character appraisal contained within the Thomas Street & Environs ACA documentation. The ACA identifies the Liberties as an area defined by layered architectural evolution, varied parapet heights, differing building forms and an eclectic cumulative streetscape character rather than rigid uniformity. The proposal responds directly to this context through a contemporary architectural approach that respects the established street line while ensuring the additional floor remains visually secondary through setback and material treatment. The proposed development therefore preserves the essential character and visual amenity of the ACA while delivering an appropriately scaled intensification of use at a sustainable city-centre location. Accordingly, it is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area and that the decision to refuse permission should be overturned.

- Having taken on board comments made in the planning decision the amended design proposes a reduced parapet height to further ensure the addition remains visually subordinate to the main building envelope. This amendment further strengthens the proposal's compliance with the ACA objectives relating to scale, massing and visual integration.

7.2. The following documents were included with the appeal:

- Amended drawings
- Architectural Design Report

- Contextual photographic views.

7.3. Planning Authority Response

- Request made to uphold the decision, and in the event of a grant of permission to apply a condition requiring the applicant to pay a Section 48 financial development contribution.

7.4. Observations

- None

7.5. Further Responses

- None

8.0 Assessment

8.1. Introduction

- 8.1.1. Planning permission was granted under ref. DCC:2021/21, ABP-309875-21 to construct an aparthotel with 19no. suites on the subject site. The permitted development comprised a five-storey over basement structure with a set-back sixth storey/fifth floor comprising roof access only with no habitable space. The permitted fifth floor is set back from Francis Street with a terrace providing open space overlooking Francis Street. Construction has commenced and at the time of the site inspection the concrete and steel frame of the structure was in place.
- 8.1.2. The proposed development comprises a vertical extension of that same development to provide an additional 4no. guest suites in a new and larger fifth floor which would be set back from both Francis Street and Marks Alley West. Three of the units are studio type spaces with kitchenettes provided in a combined bedroom/living area. The fourth unit has a separate bedroom to the kitchen/living space. The set back and vertical building line from Francis Street would match that of the floor below which has a roof terrace. No new terrace or balcony is however proposed at the east of the new fifth floor and in this regard there will be no overhang

to the permitted fourth floor terrace. At the north the set back from Marks Alley West facilitates a roof terrace from 2no. units overlooking the alley.

- 8.1.3. The applicant submitted revised proposals with the appeal which scaled back the proposed development slightly with a reduced parapet level from 32.095mOD to 31.82mOD (reduction of 275mm) *‘to further ensure the addition remains visually subordinate to the main building envelope.’* The assessment below will first address the design as it was proposed to the Planning Authority and then the revised proposal.
- 8.1.4. Having regard to the permitted scheme and the proposal to extend this development without changing the land use, and also noting the Z4 zoning for the area which permits such uses, I consider the principle of development is acceptable.
- 8.1.5. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal relates to the design of the proposed development and its impact on the surrounding urban grain and built heritage.
- 8.2. Urban Grain**
- 8.3. The Planning Authority considered the new floor *‘would constitute an overbearing and excessive form of development. The proposal would be visually incongruous, would undermine the established urban grain and architectural character of the area, and would seriously injure the visual amenities of the ACA. The proposed development would therefore conflict with the Urban Development and Building Height Guidelines for Planning Authorities (2018), be contrary to Policy BHA7’* of the CDP.
- 8.4. The permitted building with its fifth floor roof access had a total roof level of 30.08mOD. The proposed development sought to increase this by 2m but also increase the bulk of the building by providing a larger mass of fifth floor with 4no. suites in lieu of the roof access. For clarity, that figure of a 2m increase was obtained from comparing permitted and proposed roof levels only. I note a dimensioned figure of 1.015m is provided on the elevation and section drawings illustrating the proposed

building height increase, however this does not correlate with the permitted and proposed roof levels across all drawings submitted and would appear to be incorrect.

- 8.5. The ground to third floors of the permitted structure will be finished with brick while the set back fourth floor will be a zinc cladding. It is proposed to finish the new fifth floor with the same zinc cladding which will help maintain a subservient nature to the upper floors and retain the dominance of the lower floors.
- 8.6. I note the application and appeal drawings highlight roof levels of nearby buildings. The proposed structure would be taller than the immediately adjacent buildings however there are also some taller buildings in the area and within the same visual envelope which also have a similar or larger bulk and massing of building at that height or taller again. In this regard, I do not consider that the vertical extension would be out of character for the area.
- 8.7. I also consider that the extent of which the proposed extension which would likely be visible from street level is low due to its massing, layout and set back. Following a site inspection and assessment of the drawings and 3D photomontages submitted with the application and appeal, I consider the most impacted or changed view from street level would be from the south on Francis St, looking northwest towards the development. In this view, part of the southern flank of the extension would be visible, however it would not dominate the skyline, impose on the streetscape or affect the character of the area in my opinion due to its overall low massing.
- 8.8. I consider the proposed development would positively contribute to the streetscape by adding a sense of scale and enclosure while also providing additional passive surveillance to Marks Alley West from the new northern terraces. Its contemporary design is in keeping with the permitted scheme and complementary to the existing varied pattern of development and would not negatively impact on the urban grain of the area in my view.

8.9. **Built Heritage**

- 8.9.1. In terms of impacts to the Thomas Street and Environs ACA, the wider area is entirely situated within the ACA, from Coombe Street at the south, north as far as Thomas Street and Oliver Bond Street, west to Ardee Street and east to

Nicholas/Patrick Street, enclosing an area of 24ha. In this regard, views of the site from all angles are situated within the ACA.

- 8.9.2. The Planning Authority published an ACA document for each relevant ACA providing a detailed description of the architectural character and special interest of the area supported by policies and objectives to assist in the future management of development proposals for the area. Section 4.0 of the Thomas Street and Environs ACA states the following under the heading of building forms:

‘Commercial buildings line all of the main streets of the ACA, and largely share a consistent relationship between each other and the established building line. Most of these structures, dating from a variety of periods, are tall and narrow in the classical tradition, with concealed roofs and parapet walls. Their effect as individual units is dependant upon their cumulative massing into a coherent but varied streetscape. Larger Victorian buildings often consume multiple plots with showy brick and stone facades, punctuating the streetscape as signature focal buildings, while 20th century structures tend to be bulky and boxy, with brick facades and small windows, and are somewhat anonymous in character. Almost all commercial buildings feature shopfronts to the ground floor.’

- 8.9.3. Section 4.2 refers to architectural character and states the following:

‘The principal commercial streets of Thomas Street, Francis Street and Meath Street are architecturally expressed through a variety of styles from a number of different periods. Structures vary considerably in character, from restrained classically-inspired Georgian elevations, to expressive decorated Victorian facades, to planar 20th century apartment and office developments. It is the eclectic cumulative effect of these architectural styles, their form and their massing, their plot divisions, as well as the varied age of structures, that lend the commercial streets their special design character and interest.’

- 8.9.4. This clearly demonstrates, in my view, that there is no one singular uniform shape or design of building which cumulatively creates the special merit of the streetscape, such as in planned Georgian squares for example. I therefore agree with the applicant that a degree of variety is acceptable and would not detract from the ACA.

Furthermore, Section 4.4 refers to secondary streets and states the following about Marks Alley West:

‘defined mainly by modern apartment development to the north side and educational buildings to the south.’

8.9.5. In this case the variety would arise primarily from the increased height of the building above the immediately surrounding structures and, given the small scale of the proposed increase, I consider this would not negatively impact on the ACA or its special character.

8.9.6. Section 6.2.8 of the ACA document states:

‘New developments should have regard to the grain and character of the adjacent buildings, which shall include height, massing, proportions and plot width. They could be contemporary in style while respecting the scale and character of the adjacent area.’

8.9.7. This is translated into policy by way of policy BHA7 of the CDP. Part (a) of policy BHA7 seeks to protect the special interest and character of ACAs and requires new development to contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Part (b) seeks to ensure development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA while part (c) requires new development to be complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

8.9.8. I consider the proposed development meets the requirements of all of the above as outlined earlier and therefore complies with policy BHA7 as well as the ACA document.

8.9.9. Lastly, I note the ACA document makes specific reference to the building situated immediately adjacent to the site at its south, no. 90-91 Francis St, and suggests it is a fine example of a 19th century infill development with a double shopfront at ground floor and living accommodation above. In my opinion, the proposed vertical extension would not impact on the setting or character of this structure.

8.10. Building Height Policy and Guidelines

8.10.1. The refusal reason suggests the development would not comply with the Urban Development and Building Heights Guidelines for Planning Authorities; hereafter referred to as the guidelines. The guidelines suggest it would be appropriate to support the consideration of building heights of at least 6 stories at street level as the default objective within the canal ring of Dublin.

8.10.2. They also set out guidance for case-to-case assessments of taller buildings at various scales including the city/town, the district/neighbourhood/street and then the site/building. It again requires positive contributions to the neighbourhood, its legibility and general urban design context.

8.10.3. As set out previously I consider the proposed extension achieves this. The permitted set back at fourth floor and the same proposed set back at fifth floor strike an appropriate balance in my view between achieving taller buildings and compact settlements versus protecting built heritage and the existing character and legibility of the area.

8.10.4. Appendix 3 of the CDP sets out a height strategy for the development of the city and it states that in general, a default position of 6 stories will be promoted in the city centre and within the canal ring, subject to site specific characteristics and heritage/environmental considerations. It requires proposals for increased height in key sensitive areas such as this ACA must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context.

8.10.5. As set out previously, I consider the proposed development of an additional storey and overall increased height of 2m on top of the permitted structure is acceptable and would positively contribute to the historic context.

8.10.6. Lastly, it requires proposals taller than 6 stories to carry out a performance based assessment against stated criteria. The proposed development is not taller than 6 stories and therefore the assessment is not required in this instance.

8.11. Revised Proposal

8.11.1. I note the appeal submitted a slightly revised proposal which reduced the parapet height by 275mm. This is a minor and somewhat immaterial change in the design, however I consider it does improve the scale and massing of the extension and therefore recommend that planning permission is granted on the basis of this design.

9.0 AA Screening

9.1. I have considered the proposed extension to the permitted aparthotel in light of the requirements S177U of the Planning and Development Act 2000 as amended.

9.2. The subject site is located 4km west of South Dublin Bay and River Tolka Estuary SPA and also 3km west of South Dublin Bay SAC. No nature conservation concerns were raised in the planning appeal.

9.3. The proposed development comprises extending a permitted aparthotel to provide an extra floor with 4no. guest suites.

9.4. 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:

- The small scale of proposed works and the operational nature of the development.
- The location of the site and distance from the nearest European site, as well as the lack of ecological connections.
- Taking into account screening report/determination by Dublin City Council.

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.

- 9.6. 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. 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.
- 10.2. 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.
- 10.3. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that planning permission is granted in accordance with the conditions set out below.

12.0 Reasons and Considerations

Having regard to the location and character of the Z4 zoned lands and surrounding area situated in the Thomas Street and Environs Architectural Conservation Area together with the provisions of the Dublin City Development Plan 2022-2028 including policies BHA 7 and CEE28 as well as Appendix 3 'Achieving Sustainable Compact Growth Policy for Density and Building Height in the City', and also having regard to the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of scale, massing, layout and finishes, contributing positively to the streetscape and the Thomas Street and Environs Architectural Conservation Area, and 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, as amended by the further plans and particulars received by An Coimisiún Pleanála on the 22nd day of May 2026, 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.	Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission An Coimisiún Pleanála - Case reference: PL29S.309875 Planning Authority Case Reference: 2021/21, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission. Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).
3.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased

	payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Sarah O'Mahony
Planning Inspector

26th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501388-DS-26
Proposed Development Summary	The construction of an additional fifth floor set back with flat roof to accommodate 4no. guest suites in accordance with previously granted development (ref. ABP: 309875-21 and DCC 5532/25) providing a total of 23no. suites along with all associated site works and services necessary.
Development Address	92-93 Francis Street and 1 Mark's Alley West, Dublin 8, D08 X9X0
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 10 (b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. The site comprises 0.025ha and comprises urban development in a built up area which is not a business district, i.e. the 10ha threshold applies. Preliminary examination required.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development has a modest footprint within the footprint of a permitted development, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is situated in an urban area on a corner site facing two streets and situated adjacent to existing residential and commercial properties which is not exceptional in the context of surrounding development. It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. Impacts on the built heritage of the area were identified in the Planning Authority's decision. Built heritage impacts are considered in the Applicant's appeal as well as in the assessment section of the above report. Significant impacts are not considered likely.

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

Inspector: _____ Date: _____