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Strategic Housing Unit
An Bord Pleanála
64 Marlborough Street
Dublin 1

6th July 2022

Case reference: Dublin City Council, 3200/22, Planning permission for development at Holiday Inn Express (Formerly known as Findlater House), 28-32 O'Connell Street Upper and Cathal Brugha Street / Findlater Place, Dublin 1.

Dear Sir/Madam,

I wish to lodge a third party appeal of Dublin City Council's decision to grant planning permission to the above referenced development.

I have attached the acknowledgement from Dublin City Council of the observations I made on the original planning application.

I include below the grounds for my appeal, and have submitted the required fee.

1. Appropriate Plot Size and Infill

The proposal represents a significant amalgamation of sites in this area of the city and meaningfully changes the quality of the rear plots to O'Connell Street and Parnell Street. The granted permission does not adequately address Section 16.2.2.3 of the Dublin City Development Plan 2016-2022 which states:

'that alterations and extensions should respect any existing uniformity of the street, together with significant patterns, rhythms or groupings of buildings, retain a significant proportion of the

garden space, yard or enclosure, not result in the loss of, obscure or otherwise detract from architectural features which contribute to the quality of the existing building, retain characteristic townscape spaces or gaps between buildings and not involve infilling, enclosure or harmful alteration of front lightwells.'

Parnell Street has already suffered from a widespread amalgamation of existing plots to both the front and rear of properties. The plot ratio proposed is nearly twice the size of maximum permitted development in Z5 areas. The planning authority has given no justification for the deviation from the existing Development Plan in accepting this. The proposal for plot amalgamation is also in breach of the Scheme of Special Control for the O'Connell Street area and its Environs- again no significant justification has been provided for allowing this deviation from statutory documents and planning guidance.

2. Zoning

As stated on Dublin City Council's own website the primary purpose of this use zone (Z5) is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. This proposal creates the opposite of this goal by creating a 'mono' use plot that removes the possibility that the hinterland of sites can interact with each, creating a vibrant social focus. This proposal will create a volumetric monolith that will not only remove the immediate function of the existing beer garden but that will significantly overshadow other buildings, and their functions, creating a disincentive to mixed use development.

3. Plot Ratio

The original planning report noted that "*the Planning Authority is concerned that plot ratio may be indicative of the site being overdeveloped*". The plot ratio on the original application was 6.4 which is well in excess of the indicative 2.5 – 3.0 range for a Z5 zoned property per the Dublin City Development Plan 2016-2022.

The revisions to the application only result in the loss of 283 sqm of floor space (a 2% reduction) which brings the plot ratio to 6.2. This is still more

than double the higher end of the indicative range in the development plan. In our view this still represents an overdevelopment of the site.

4. 76-79 Parnell Street

At the end of 2021 I requested that 76-79 Parnell Street be placed on the derelict sites register. I gather I was not the first person to make such a request. Dublin City Council placed 78 & 79 on the register but did not place 76 on the register. As such the applicant's claim (section 2.6 of additional information letter dated 11th May 2022) that number 76 is derelict is difficult to support.

More generally however as protected structures 76-79 Parnell Street are afforded protection under Dublin City Development Plan 2016-2022 Policy CHC1. It does not seem credible that the planning authority can simply ignore this obligation on the basis of dereliction. The future amenity of these buildings will be damaged by the proximity of the proposed development and it's difficult to see how this will support the long term preservation of the built heritage.

5. Cultural spaces

The proposal to remove the outdoor space from the centre of the block in order to provide more hotel rooms is not in keeping with the city plans for the future or with the area in which the project is proposed.

Dublin City Council Cultural Strategy (2015 -2021) lists as a priority the:

"Planning and delivering improved cultural infrastructure in the City and its neighbourhoods"

The Dublin City Development Plan 2016–2022 lists the following objective:

"CHC37: To protect and support Dublin city's existing cultural assets by facilitating the enhancement and/or growth of existing cultural spaces, including performance and entertainment spaces, while protecting the existing amenities of an area."

The central space proposed for removal in this application is an existing cultural asset in Dublin City Centre. There are few similar music venues in the city and none of such long standing.

We note that the planner did not see this space as on the same cultural footing as theatre, arts centres, museums. That may be the case but

nonetheless the venues which rely on the shared space have a long history of supporting Irish traditional music (Murrays) and rock music (Fibbers since 1979 hosting bands such as U2, Foo Fighters, Aslan as well as up and coming bands)

The development as proposed will materially damage the ability of venues to the rear of the proposal and their standing and usage as a cultural asset in the area:

- The significant loss of the outdoor space to night time and cultural venues to the rear of the proposal. This is recognised in the previous report on the hotel by An Bord Planala in 2018. 'The site lies in an area of mixed uses, with restaurants, bars and cafes being the dominant use at ground floor level.'¹
- The citing of 'noise' and 'busyness' in the application is entirely out of step with a development just off the main street of our nation's largest city. Indeed the existence of the hotel on this site should be reconsidered as the O'Connell street area is more suited to venues and the night time economy than the provision of 'quiet' hotel units.
- The scale of the proposed design and construction will significantly impinge on the operation of the music and nightlife venues during the construction period.

6. Sunlight

In correspondence with the applicant the planning authority requested further information as follows:

'The Planning Authority has concerns regarding the results of the Daylight & Sunlight Assessment which appears to indicate that a number of windows to the buildings assessed will be impacted by the proposed development. Of particular concern is the impact to the rear of buildings along Parnell Street which is defined as having a 'moderate adverse impact'. The Planning Authority notes the presence of residential windows within this row of buildings, at Number 79 Parnell Street, and remains concerned that the overall scale, height and associated proximity of the proposed extension will result in an unacceptable impact on the amenities of these buildings, and in particular this residential building. The applicant is requested to address these concerns and consider a reduction in

¹ [Inspector's Report ABP-301378-18 \(pleanala.ie\)](https://www.pleanala.ie/ABP-301378-18)

the overall scale and height of the development as a result. Clarification on rooms uses (habitable/non habitable) to the residential properties should also be provided.'

The planning authority set out clear concerns on access to daylight for adjacent buildings in their request for additional information. It is hugely concerning that the applicant responded to this request with a contention that some of the adjacent buildings were currently not in use and therefore could be removed from daylight consideration. (Refer to Response letter 01023945). When considering the long term development of the O'Connell Street and Parnell Street area current vacancy cannot and should not be used to justify the removal of access to daylight as this will result in long term vacancy and dereliction.

It is incumbent on the planning authority to state for clarification whether, in the granting of this permission, the contention that access to daylight is not relevant in the case of adjacent buildings that may be unoccupied or qualify as derelict. This is not explicitly stated in any legislation or planning guidance documents and as a result there is no clear justification for accepting this principle particularly as it will have a negative impact on the rejuvenation of sites surrounding the proposal into the future. The applicant has acknowledged in the provision of further information that the impact on sunlight remains adverse.

7. Quality of Proposal

This proposal sits within a larger block shared with older buildings of architectural merit formally defined as the O'Connell Street Architectural Conservation Area (ACA). This proposal in height and bulk would be overbearing for the plot grain and massing of the block and in its proposed form would be significantly out of scale and character with the prevailing architectural context.

Buildings falling within the boundaries of an ACA can be both protected structures and non-protected structures. The aim of ACA designation is not to prevent development, rather to guide sensitive, good quality development, which will enhance both the historical character of the area and the amenity of those who enjoy it. The ACA designation for O'Connell Street sets out the following observations which the proposal development will significantly breach:

'In the Dublin context, the O' Connell Street area is of major architectural, historical, cultural, artistic and social importance. It constitutes a distinct quarter of the city that was formally planned, laid out and developed between the 1740's and the early 1800's. This architecturally distinguished area has a simple but elegant plan - terraced buildings lining the streets, usually four to five storeys in height, with the lines and 2 rhythm of the facades lending an overall coherence..... The special character is built up by the interaction between these important buildings and the ordinary building stock, as well as the stock of historical and cultural memories and associations attached to these buildings and public spaces.'

Further to the concern on the ACA impacts, the increased mass and height proposed will result in a significant loss of daylight and sunlight for other buildings to the interior of the block. Where now a central void provides 'breathing' space between the newer block interventions and existing older buildings, the proposal removes this internal void and provides no meaningful zone between developments. (Note: the original planning application for this hotel did not impact on the existing plot ratio onsite.)²

The hotel's own application sets out how well used and important this amenity is. The hotel was originally granted permission to build on this site with the explicit knowledge and recognition in the planning documents of both the appropriate plot ratio and the existing usage of the inner central block void space.

The proposal is sited in an area of the city zoned Z5. As outlined in the previous section the proposal will significantly alter the plot size and grain of the site for the hotel and the adjacent properties. Further to this the creation of a larger block to the hinterlands of a majority of victorian era fabric will irrevocably change the character of this city block. This is not in keeping with the stated aims of ACA recognition.

8. LUAS and ESB Impacts

There is insufficient information provided by the applicant in relation to the relocation of existing services on the site including an ESB substation and what measures are in place to minimise disruption during works to adjacent businesses and homes.

² [Application 3181/15](#)

I hope that you will take these observations into consideration.



Kind Regards,

Neasa Hourigan TD, Dublin Central.