



Re: Heuston South Quarter Phase 2: SHD Planning Application

At St John's Road West / Military Road, Kilmainham, Dublin

The development consisting of *“the construction of 5 no. buildings (Blocks A to E) ranging in height between 3- to 18-storeys over double basement level / podium level to provide a residential / mixed use development to provide 399 Specific BTR (Build to Rent) units with a total gross floor area of 29,391 sq .m, comprising 46 no. studios, 250 no. one bedroom units, and 103 no. 2 bedroom units; internal communal ancillary residential services / amenities to include a shared co-working area / lounge (178 sq. m) and gym (102 sq. m) at lower ground floor level, and lounges on either side of a residential foyer at ground floor / podium level within Block A (196 sq. m), and a TV Room / lounge (57 sq. m) at ground floor / podium level within Block C. An independent retail unit (120 sq .m) is proposed at ground floor / podium level within Block B.”* etc.

Introduction

The Heritage Council, a prescribed authority under the provisions of the *Planning and Development Acts 2000-2020* and the *Planning and Development Regulations 2001-2021*, welcomes the opportunity to formally comment on the above planning application submitted to An Bord Pleanála under the Strategic Housing Development provisions for the Heuston South Quarter, Kilmainham, Dublin.

There are three major intertwined issues which require consideration in relation to this development proposal:

- (1) the scale of the development brief to the site, and the quality of the architectural articulation of the building form, volume, and surface finishes in its own right;
- (2) the impact it would have on the setting of a built heritage asset of international importance, the Royal Hospital, Kilmainham, which adjoins the development site, and other structures, landmarks and places of national and regional importance, and at an arrival point or gateway to Dublin from the West, and
- (3) the impact on (a) the historic urban landscape of Dublin, considered as a candidate World Heritage Site, and (b) other designated heritage assets.

1. The scale of the building; form, extent and massing.

The quality of an architectural proposition must be evaluated in the planning process against the fundamental touchstone of sustainable development. This includes socially sustainable development, that is, development that is culturally and sociologically acceptable. At a plot ratio of 2.97, too much accommodation is being squeezed onto the site. Is a building of this scale acceptable as an environment in which to live, or is it potentially alienating? Is this form of housing actually available to those most in need of it in Dublin today? High-rise, costly, small-scale build-to-rent apartments are

not necessarily the appropriate answer to Dublin or Ireland’s housing needs¹, and it is inappropriate for them to co-opt and overpower the siting and amenity of an internationally-renowned historic garden. These questions are the overt planning issues for this and any proposed housing development, and must be addressed regardless of the route through the planning process by which the applicant seeks permission. Council expects that others will be able to provide ample evidence, opinion and arguments on this subject.

An Bord Pleanála should decide, using their discretion under the planning acts, whether this building-brief (which generates this scale of accommodation), and the architecture of the design proposed are sufficient to fulfil such a role. Is this the most beautiful and acceptable object that it can be? Is it worthy to become a dominant image of Dublin and its urban skyline, or over the setting and gardens of an internationally-significant and historic adjoining building?

2. Visual impact on the Royal Hospital Kilmainham (RHK), its historic garden, the local setting and Dublin’s Historic Urban Landscape

The siting and setting of the proposed development in relation to historic buildings and places in its immediate vicinity, and at the arrival point to the city by road and rail, has the scale to impact on the city to the same extent as the Pigeon House chimneys or the now-demolished Hawkins House. As an architectural statement, the development, if built, will be visible city-wide, and have an impact on the image of the city from many distant viewpoints.

2.1 Protected structures

The government of Ireland signed the Granada Convention for the protection of the architectural heritage in 1995, and the Planning and Development (Amendment) Act 1999 devolved this responsibility to planning authorities for practical implementation. It should be noted that the requirement to protect the architectural heritage is to a degree an international obligation that Irish public authorities have accepted, and which all Irish public bodies, including An Bord Pleanála, are bound by in the exercising of their powers.

The Record of Protected Structures (RPS) is the listing of all buildings that are protected by the provisions of this Act, and it does not fall with the demise of a development plan. All structures within the curtilage of an identified protected structure are also protected. In the case of the Royal Hospital, Kilmainham (now the Irish Museum of Modern Art), Dublin City Council’s RPS goes into unusual detail in itemising the structures in the grounds, as well as the former hospital, that are protected, lest there be any doubt.

Extract from the RPS (*Dublin City Development Plan 2016–2022: Record of Protected Structures*. Appendix 4, p. 182²).

5237	5244	Military Road, Dublin 8	Royal Hospital (Kilmainham), former Adjutant General’s office, former Deputy Master’s offices, steel house, tower at western gate, garden house in formal gardens, garden features, entrance, gates and walls
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The Royal Hospital Kilmainham, now the Irish Museum of Modern Art (IMMA), begun in 1680, is ‘... *the earliest large-scale exercise in classicism in [Ireland]*’ (McParland, 2001), with a lasting influence on Irish public architecture through the early Georgian era, influenced by *Les Invalides* in Paris, and ahead of the first structure to accommodate army veterans in England. Its grand scale, ostensible

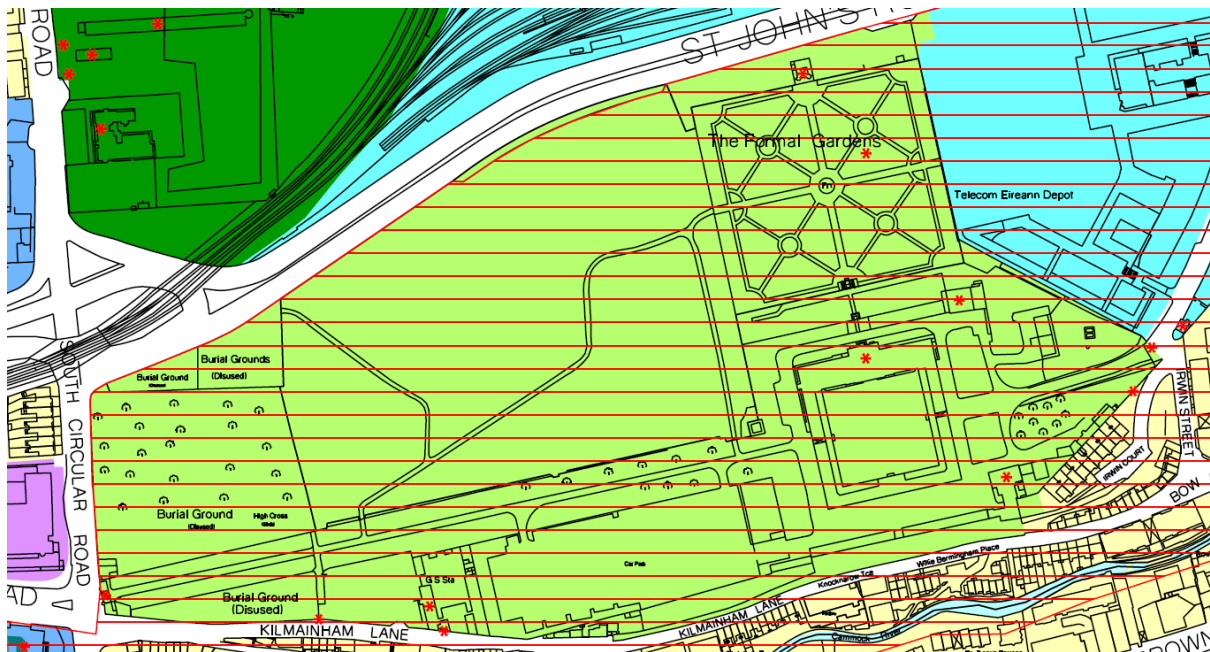
¹ Though it is not relevant to this planning application, the Heritage Council has advocated programmatic addressing of vacancy and under-use of the upper floors of street buildings in urban areas as an appropriate answer to Dublin or Ireland’s housing needs.

² See also item ref. no. 4234 (p. 151)

charitable purpose and original siting within what was then the borne of the royal Phoenix Park, testify to its patronage by the English king's viceroy, the 1st Duke of Ormonde. His taste for magnificence as an expression of authority to rule led to the creation of an extravagant building, enduring because of its beauty, integrity and structural muscularity. The site was part of the ensemble, with gardens used for growing food as much as to express order in the landscape. Its relatedness to the Phoenix Park was part of the original siting rationale, and was intentionally maintained. It is a statement of architectural design of European importance, and has been cultivated as a pre-eminent part of Ireland's architectural heritage since the commencement of restoration in 1979 under the aegis of the OPW.

The proposed development is sited diagonally in relation to the grand quadrangle of this building, but the large masses of the blocks will intrude on the interior of the chapel, a 'startlingly luxurious' interior space, a 'rare survivor' of Baroque courtly splendour from the seventeenth century, especially in wintertime, when tree foliage is lost (View 04W).

The numerous structures in the attendant grounds of the principal protected structure can be identified by red asterisks on the following map, extracted from the Development Plan. The proposed development site is in the north-east corner of this plan:



This indicates (in case there is any doubt as to the extent of the curtilage of the principal building) that the Royal Hospital grounds contains an array of structures of historical and architectural significance. Their inter-relationship, inter-visibility and the backdrop of trees and roofs that frame them, make a place of distinctive character. This highlighting of a grouping of structures, within a 'conservation area' (see below) that is designated for protection, is significant. The development will have a detrimental impact on the setting of these structures, which the Development Plan undertakes in its application to protect:

'Any development which has an adverse impact on the setting of a protected structure will be refused planning permission.' (Dublin City Development Plan 2016–2022: Written Statement, Chapter 11 | Built Heritage and Culture Policy, p. 187-8. See also policy CHC2, p. 186).

2.2 Conservation Area

This map also indicates by the red parallel lines that the area is a Conservation Area (distinct from Architectural Conservation Areas, or ACAs within the meaning assigned to that term in Dublin City Council's Development Plan. See Section 2.7 below). This requires:

'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible ... Development will not: 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area ... 4. Harm the setting of a Conservation Area.'

*'... the conservation of these areas is a key objective of the City Council and this will assist in the delivery of the core strategy strand for: **A compact, quality, green, well-connected city, which generates a dynamic, mixed-use environment for living, working and cultural interaction.**'*

(Policy CHC4 of Dublin City Development Plan 2016–2022: Written Statement, Chapter 11 | Built Heritage and Culture, p. 190).

And ...

4.5.4.1 'Approach to Taller Buildings Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The vast majority of the city area is identified as not being suitable for mid-rise or taller buildings. The City Council remains committed to the need to protect conservation areas, architectural conservation areas and the historic core of the city.

(Dublin City Development Plan 2016–2022: Written Statement, Chapter 4 | Shape and Structure of the City, p. 64).

More extensive policy in relation to conservation areas is given on p. 191, all of which is ignored in the design of the proposed development.

2.3 Archaeological resources

The Bullies Acre (Burial grounds) to the west of the site is protected under the National Monuments Act 1930-2013 as this is the site of a medieval priory. There is a strong likelihood of sub-surface remains in the immediate area. The location has strong historical and associative resonances, a 'plumbline through time' to Dublin's historical past.

2.4 The vulnerability of the character of a historic garden

Gardens are dynamic, and historical examples do not have a fixed image in time to which recourse can be made. In the case of the formal gardens at the Royal Hospital Kilmmainham (RHK), the idea of, and space for, a special garden related to the scale of the building, is an intrinsic part of the historical character of the place and an intrinsic component of its architectural heritage worthy of protection.

The living elements of a garden are not structures and cannot be protected using the conventional mechanisms of identification in the RPS. However, in this case Dublin City Council has identified all the structures associated with the surroundings of the Royal Hospital as elements of note. Gardens in general, and this garden in particular and to an exemplary degree, represents the fragility, and vulnerable openness of this most delicate and evocative and cultured form of space, to intrusive development. The Development Plan should be understood as requiring, to the greatest degree permissible within the powers given to it under the Planning and Development Acts, the protection of the character of this special space.

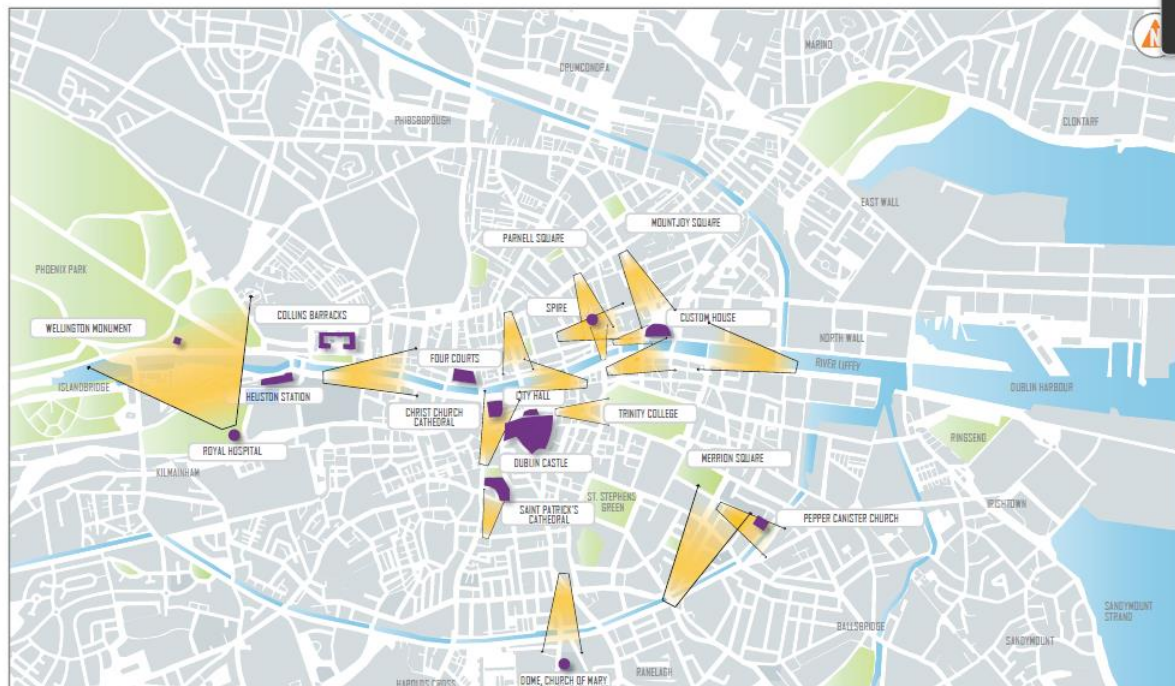
Through their living elements, gardens are ever renewed; they do not age. Gardens have characters or atmospheres, and the intention of a historical garden restoration through the medium of re-planting lost or dead foliage, is to re-create features which ‘represent’ the spirit of the late 17th and early 18th century Formal Garden design, and re-evolve its thought and *habitus*. The basic layout of the restoration of the Royal Hospital gardens was initiated in the late 1980s, and a concerted programme of historical research, landscape design and planting elaborated the restoration under the aegis of the OPW in the 1990s.

Given the time that it takes planting to reach mature scale, gardens are necessarily made for future people to enjoy. The three dimensionality of features whether built or planted - the garden house, the walls, the paths, the structural planting of the hedges, topiary and pleached trees and, latterly, the fountain, entrance steps and terrace the historical planting, including training structures for espalier trees along the walls, the planting of small trees and bulbs in the ‘wilderness’ quarters as well as statuary urns and garden furniture – create a place, open to the air, but in ways like a room. The openness of gardens to their ecological and landscape surroundings is an intrinsic part of what they are. As such, the setting of this garden is an intrinsic part of its character. Whilst it cannot be possible that a garden and its vistas suppress all development beyond their walls, the setting of the space of a garden can be drastically and negatively impacted on by overbearing and unrelated elements beyond its perimeter. The character, biological materiality, and social futurity involved in planting a garden is disrespected by the scale of the proposed development under consideration. The Photomontages submitted with the application, and in particular View 07S and 09S, indicate the scale and unacceptability of this impact.

2.5 Views and prospects

The Development Plan indicates 15 key views and prospects.

Fig.4 Key Views and Prospects (Indicative)



(Dublin City Development Plan 2016–2022: Written Statement, Chapter 4, p. 63)

The indicated prospects are intended to be protected:

In all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller

buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views. (Dublin City Development Plan 2016–2022: Written Statement, Chapter 4, Shape and Structure of the City, p. 65)

The proposed development falls within the Royal Hospital cone of vision. This represents a key historical connection, alluded to on the cover of the *Architectural Heritage and Visual Impact Assessment* submitted with this application, which shows the relationship between the Phoenix Park and the Royal Hospital.

The ‘cone of vision’, as set out in the 2003 Heuston Framework Plan, represents a significant view between, the Royal Hospital Kilmainham and the Phoenix Park extending from the west corner of the north range of the Royal Hospital Kilmainham, and the north-east corner of the Deputy Master’s House to the western side of the Magazine Fort and east edge of the main elevation of the Irish Army Headquarters (former Royal Military Infirmary) respectively. Any new developments within this ‘cone’ shall not adversely affect this view. A visual impact analysis shall be submitted with planning applications to demonstrate this view is not undermined. (Dublin City Development Plan 2016–2022: Written Statement, Chapter 15, Strategic Development and Regeneration Areas: Guiding Principles for Development p. 278)

It is the Heritage Council’s opinion that this view is undermined by the proposed development.

2.6 Setting

The ‘Setting’ of a historical asset is more than the view to and from it.

In addition to the undertaking to ‘... conserve [extensive designated conservation] areas as a key objective of the City Council [to] assist in the delivery of the core strategy strand for: A compact, quality, green, well-connected city, which generates a dynamic, mixed-use environment for living, working and cultural interaction’, the Development Plan states that ‘Any development which has an adverse impact on the setting of a protected structure will be refused planning permission.’ (Dublin City Development Plan 2016–2022: Written Statement, Chapter 11, Built Heritage and Culture Policy, p. 187-8. See also policy CHC2, p. 186).

Development outside Conservation Areas can also have an impact on their setting. Where development affects the setting of a Conservation Area, an assessment of its impact on the character and appearance of the area will be required. It should be recognised that this setting can be expansive and development located some distance away can have an impact. Any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City Council will encourage change which enhances the setting of Conservation Areas.

(Dublin City Development Plan 2016–2022: Written Statement, Chapter 11 | Built Heritage and Culture Policy, p.191-2.)

2.7 Architectural Conservation Areas

Dublin City Council will thus seek to ensure that development proposals within all Architectural Conservation Areas and Conservation Areas complement the character of the area, including the setting of protected structures, and comply with development standards.’ (Dublin City Development Plan 2016–2022: Written Statement, Chapter 11 | Built Heritage and Culture. p. 189)

Architectural Conservation Areas also have a setting, and though they may be distant from the development site, tall development can have impacts on distant special places. Potential impacts have not been documented in relation to the proposed buildings:

- (a) The Thomas Street and Environs ACA (The proposed development is likely to impact on vistas along Thomas Street looking west)
- (b) The Crumlin Village ACA (The proposed development is likely to impact on vistas along St. Agnes Road looking north-north-east over the Garda Station)
- (c) The Capel Street ACA (The proposed development is likely to impact on vistas out of the area along Chancery Street looking west), and
- (d) Phibsborough, Prospect Square and Great Western Square ACAs

The number and scale of the intrusions on the silhouettes of historic buildings indicate that the proposed building would become a constant background presence in the city, an unintentional landmark and signifier.

3. Opportunity cost of the heritage impact

The third issue is a question of public value – how to balance the social desirability of the function proposed to be housed in this massive and highly visible building against the economic benefit (realised to date and potentially to be realised in the future) of Dublin as a historic city, with a distinct character (which include aesthetic qualities of historic streetscapes and vistas) but also a certain scale and type of economic diversity and heterogeneity. The Development Plan commits:

‘To support and pursue a World Heritage nomination for the Historic City of Dublin, in partnership with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and other stakeholders.’ (Dublin City Development Plan 2016–2022: Written Statement, Chapter 11 | Built Heritage and Culture Policy, Policy CHC13, p.200).

Pre-eminent among the urban charms of Dublin is its classical architecture (of which the Royal Hospital is a prime example, and a precursor to the Georgian character), as well as the relationship of the grand axis of the quays to the Phoenix Park, a relict military landscape, of which the Royal Hospital, through its origins, is a part. *Properties nominated under criteria (i) to (vi) must meet the conditions of authenticity.* (Operational Guidelines, January 2008, para. 79. p.21)

Direct references to buildings and places that will be impacted by the proposed HSQ buildings include;

- a) The Royal Hospital Kilmainham, and its gardens and setting (as highlighted in the impact of the proposed development on Photomontages, 04W and 07S, *inter alia*), the impact of the project on these views would transform its historic character and function and obliterate its evocative potential,
- b) From the Phoenix Park, (View 19 and 20), and Views 04 to 17).

The UNESCO Recommendation on Historic Urban Landscape (November 2011³), provides State parties with non-binding ‘good practice’ advice on a new approach to the appreciation and management of cities by recognising the holistic, landscape-type appreciation of their character. It justifies the approach on the basis of recent experience in the disruptive influence of large-scale buildings on

³ <https://whc.unesco.org/uploads/activities/documents/activity-638-98.pdf>

World Heritage Cities, and the importance attached to the conservation approach in achieving sustainable social and environmental, as well as economic, development. It states that '*... the unmanaged changes in urban density and growth can undermine the sense of place, the integrity of the urban fabric, and the identity of communities. Some historic urban areas are losing their functionality, traditional role and populations.*' (UNESCO Recommendations on Historic Urban Landscape, November 2011, p.3. para. 17).

'Policies should provide mechanisms for balancing conservation and sustainability in the short and long terms. Special emphasis should be placed on the harmonious, integration of contemporary interventions into the historic urban fabric.' (*ibid.* Draft Recommendations, May 2011, para. 22).

Conclusion

The development as proposed, regardless of the quality of the design, would be inconsistent with, and adversely affect, the existing scale and character of the historic city and the established character of the local area and would seriously detract from the setting and character of protected structures, streetscapes and areas of conservation value and, in particular, the internationally important former Royal Hospital, Kilmainham, now home to the Irish Museum of Modern Art, one of the National Cultural Institutions.

The development will have a significant overbearing impact on the setting and historic gardens of the Royal Hospital Kilmainham. A 'cone of view' is indicated in the Development Plan for the area to underline this significance.

If the Board considers that the integrity and authenticity of Dublin as candidate World Heritage Site ought to be a material consideration in the planning decision, these potential impacts should be evaluated, individually and collectively. In particular the impact of the proposed development on the Royal Hospital, Kilmainham and its gardens, grounds and setting, ought to recommend the basis for refusing this permission.

Presented with this development proposal in this setting, we may at the end of reflection and deliberation have to accept that we are in a situation in which whatever decision is made a wrong will be done, either to the historic environment, with its three-hundred-year endurance track record, or to perceived market demand for housing supply. The Heritage Council makes the case for the proven track record of the historic built environment and the model of human-scaled response to human needs that it embodies.

Virginia Teehan, Chief Executive,
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