
Addition of 16 Halston Street, Dublin 7 to the Record of Protected Structures in accordance with Section 54 and 55 of the Planning and Development Act, 2000 (as amended).

PHOTOGRAPH OF STRUCTURE



Procedure Followed

In accordance with the procedures set out in Section 54 and 55 of the Planning and Development Act, 2000 (as amended), Dublin City Council indicated its intention to add **16 Halston Street, Dublin 7** to the Record of Protected Structures (RPS). The proposed addition was advertised in the Irish Independent on Wednesday 11th August 2021. The public display period was from **Wednesday 11th August 2021 to Tuesday 21st September**, inclusive.

Recommendation for Addition

- Minister for Culture, Heritage and the Gaeltacht (now Minister for Housing, Local Government & Heritage) recommendation received on the 4th of June 2014.

Summary of Reason for Recommending Addition

- *Minister for Culture, Heritage and the Gaeltacht (now Minister for Housing, Local Government & Heritage):* List of recommendations for inclusion on the RPS of structures deemed as being of 'Regional' significance or higher identified during Stage 1 of the Dublin Survey carried out by the National Inventory of Architectural Heritage. No. 16 Halston Street, Dublin 7 has been assigned a Regional rating. The Stage 1 recommendations were issued to Dublin City Council on the 4th of June 2014. The recommendation was made under Section 53(1) of the Planning and Development Act, 2000 (as amended) and in bringing the addition forward Dublin City Council (as planning authority) is doing so under Section 53(2)

Methodology for Assessing Significant 20th Century Structures

Policy CHC3 of the Dublin City Development Plan 2016-2022 provides as follows: *To identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS. Dublin City Council will produce guidelines and offer advice for protection and appropriate refurbishment.*

In November 2019, the Planning & Property Development SPC agreed a methodology to expedite the proposed additions/deletions to the RPS in a systematic manner, based on the Architectural Heritage Protection Guidelines 2011 and NIAH/Ministerial Recommendations under Section 53(1) of the Planning and Development Act, 2000 (as amended). The methodology agreed to prioritise industrial, twentieth century, early buildings and underrepresented typologies. On foot of this the Conservation Section carried out a screening process for twentieth century buildings. 16 Halston Street was identified as a potential twentieth century building.

Site Location & Zoning Map

The structure is located on the west side of Halston Street, immediately to the south of St Michan's Church and facing St Michan's Park.

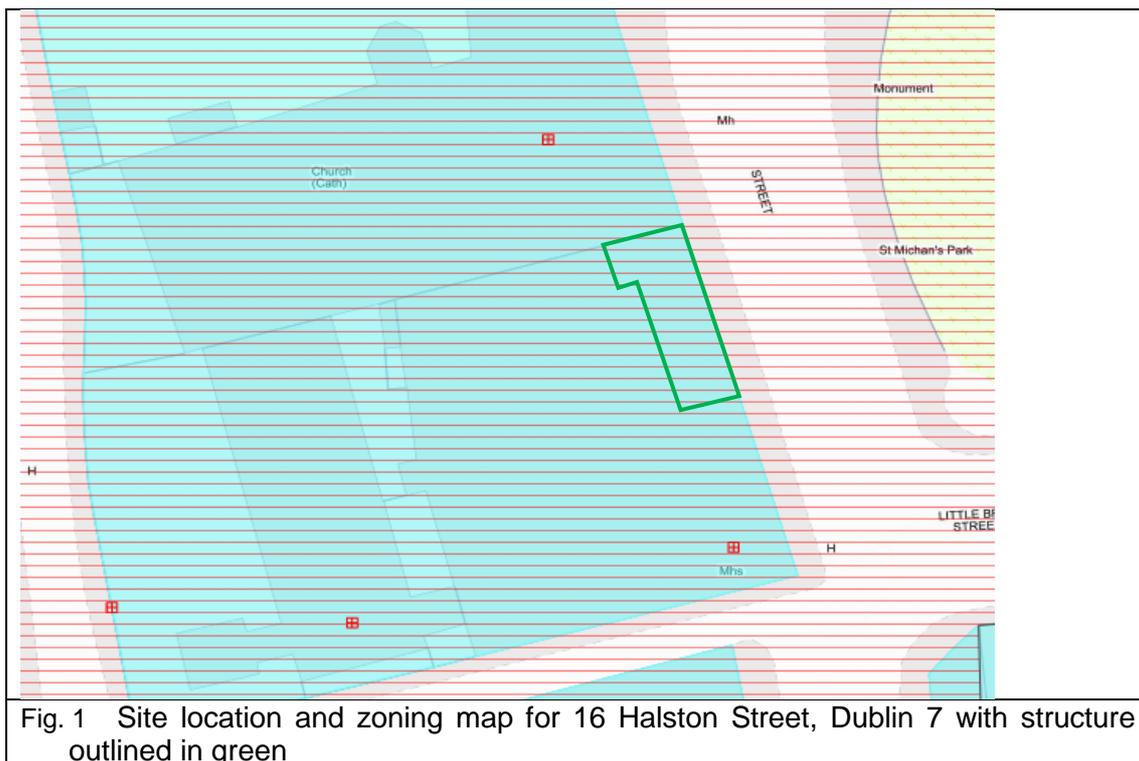


Fig. 1 Site location and zoning map for 16 Halston Street, Dublin 7 with structure outlined in green

The map (above) is an extract from Map E of the *Dublin City Development Plan 2016-2022*, illustrating the land use zoning and specific objectives for the area. The objectives include the following:

- Land Use Zoning Objective: Z5: *To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.*
- The site is located within a designated Conservation Area hatched red on the above Zoning Map. Policy CHC4 of the *Dublin City Development Plan 2016-2022* states that it is the policy of Dublin City Council *‘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.*

The adjacent property, No.17 Halston Street, is a protected structure on the current Record of Protected Structures (RPS Ref. 3506). The description reads *‘Stone archway surround and entrance door in single-storey commercial structure’.*

Planning History

Planning Ref	Description	Decision
2067/95	Construct new roof and provide new vehicular entrance door.	GRANT PERMISSION 15-Dec-1995
1301/99	Conversion of existing 3 storey upholstery warehouse into 5 no. one bedroom and 1 no. two bedroom apartments.	GRANT PERMISSION 25-Jun-1999
ABP-308228-20	Proposed Development comprises of the following: 1. Demolition of all existing structures on site (excluding protected archway at 16/17 Halston Street) and the construction of a Shared Accommodation development with a gross floor area of c.16,152m ² set out in four number blocks, ranging in height from five to fourteen storeys to accommodate 360 number bedroom units (with a total of 506 number bed spaces) on a total site area of 2,466m ² . a. Block A: construction of 186 number bedroom units (in 40 number “cluster” apartment units), in a nine to fourteen storey block (circa 8,025 square metres gross floor area) above basement (c.551m ²) on a site measuring c.905m ² at 6 and 8 Mary’s Lane bounded by Mary’s Lane to the south and Halston Street to the west. b. Block B: construction of 35 number bedroom units (in seven number “cluster” apartment units), in a nine storey block (c.1,887m ² gross floor area) on a site measuring c.345m ² at 2 Little Green Street bounded by Little Green Street to the east c. Block C: construction of 42 number bedroom units (seven number “cluster” apartment	REFUSE PERMISSION 18/01/2021

Planning Ref	Description	Decision
	<p>units), in a nine storey block (c.2,091m² gross floor area) above basement (c.306m²) on a site measuring c.427m² at 4/5 Little Green Street bounded by Little Green Street to the east</p> <p>d. Block D: the construction of 97 number bedroom units (seven number cluster units), with living and kitchen space provided in each of the seven number cluster units, shared communal space, reception and lobby, support office, co-work space, amenity areas and coffee dock at ground floor level, meeting rooms, management office, rooftop gardens or terraces provided on a number of floors, and bicycle parking provided at ground level (100 number spaces provided), in a five to eight storey block (c.4,149m² gross floor area) on a site measuring c.789m² at 16/17 Halston Street.</p> <p>2. Conservation of and works to the existing protected archways located at 17 Halston Street and maintenance works to the Protected Structure with the cleaning of the Stone façade.</p> <p>3. A total of 398 number bicycle spaces are proposed to be provided</p> <p>4. All ancillary site development and landscape works. The site includes Numbers 16/17 Halston Street, Dublin 7, 4/5 Little Green Street, Dublin 7, 2 Little Green Street, Dublin 7, 6 Mary's Lane, Dublin 7, 8 Mary's Lane, Dublin 7 and 21 Halston Street, Dublin 7. Number 17 Halston Street is a Protected Structure (Record of Protected Structures Reference Number 3506).</p>	

Relevant Planning Enforcement History

There is no relevant planning enforcement history for the subject site.

Site Access

Access to the site was originally requested by letter dated 28th November 2019. A subsequent letter was sent on the 6th March 2020 to Kelly & Cogan Architects, 81 North King Street, Dublin 7, who were, acting on behalf of the property owners in respect of the then current SHD planning application (ABP-308228-20) lodged on 19th February 2020. No response was received to the letters. Accordingly, an inspection of the structures was undertaken on 12th March 2020. During the course of the inspection it was noted that there were new occupants in No.17 (Tyrrells) and a letter requesting inspection was also posted to them on the 13th March; no response was received.

A title search for No. 16 Halston Street, along with No. 17, was undertaken by the City Council's Property & Title Research Section in the Law Department, and a report provided on the 27th May 2021. The title search included an Inspection of Land Registry Digital Maps which showed the property as unregistered. A search of the Registry of Deeds revealed a

Deed of Assignment in June 2000 which followed up with a conversation with the registered owners, who confirmed sale of the property two years previously; c. 2019. The SHD application form completed for ABP-308228-20 stated that the applicant was Fruitmarket Partnership and was stated as owner of the properties at 16/17 Halston Street, 5/4 Little Green Street, 2 Little Green Street, 6 Mary's Lane and 21 Halston Street, Dublin 7.

Following further investigation, the title search report concludes that, *"It appears that the Fruitmarket Partnership consisting of the Fruit Market Development Co. Limited and Halston Square Development Co. Limited is the current owner of 16 and 17 Halston Street, Dublin 7 however I can find no evidence of them acquiring the premises having been registered."* A further access request letter was posted to the registered address at 6/8 Exchequer Street, D2, on 28th May 2021. No response was received to this letter.

Summary Description

A summary photographic record is included in Appendix 1 of this report. This Summary Description has now been revised and updated on foot of information provided in MacCabe Durney Barnes submission.

Exterior:

Attached five-bay three-storey over basement former office building, built c.1910, with full-height shallow return to northwest. Hipped slate roof, part hidden behind parapet with cut granite coping to the east, north and south elevations, clay ridge tiles and red brick chimneystack with moulded brick stringcourses and cornice. Cast-iron square-profile downpipe to south elevation, serving the parapet gutters. Hipped slate roofs to rear returns with flat roofs to later extensions. Machine-made red brick walls laid to Flemish bond to east and south elevations; cast-stone continuous sill courses, impost course to ground floor openings, plinth and cornice above ground floor level and moulded brick eaves course to east elevation. Yellow brick to west elevation with two yellow brick pier projections. Camber-headed window openings to first and second floors with gauged brick heads, limestone keystones and timber casement windows; shaped brick aprons beneath second floor windows. Segmental-headed window openings to ground floor with moulded red brick voussoirs to arch, limestone keystones, timber casement windows and wrought-iron window guards. Shouldered square-headed window openings beneath ground floor windows with cast-stone lintels, sills flush with pavement level and glass bricks set in cast-iron frames with pivot opening section. Camber-arched windows to west elevation with sills and two-over-two and three-over-three timber sash windows. Round-headed door openings at north and south ends of west elevation with moulded red brick voussoirs, limestone keystones, stone thresholds and modern roller shutters possibly masking historic door to northern opening. Later bronze lodgement hatch inserted beneath central ground floor window.

Interior:

Whilst access to the interior of the structure was not gained as part of this assessment, an Architectural Heritage Impact Assessment, submitted with the recent SHD application (ABP-308228-20) that included the subject site, contains some information on the interior. Further information on the interior was provided in a report by Kelly & Cogan as part of a submission from MacCabe Durney Barnes Consultants received during the public display period. Plans of the building show the staircase located at the north end of the structure, enclosed within a stairhall; this is the historic stairs. The front of the building is largely open plan now, with internal walls removed at first and second floor level. Toilets are located within the full-height return at ground and second floor levels. Internal photographs show surviving timber architraves and sills to the windows of the east elevation. Historic corncicing survives to ground and first floor levels. Sections of timber skirtings are also visible. Modern panels have been applied to the walls at first and second floor level. The report also notes some fragmentary mass-produced cornice profiles at first floor level. The second floor has been

strengthened through the provision of downstand beams to the ceiling at first floor level. Downstand beams have also been provided to the ceiling at basement level.

Historical Background

A selection of photographs and extracts from historic map are provided in Appendix 1.

Halston Street is located within an area which was situated just outside the precinct walls of St Mary's Abbey, a medieval Cistercian abbey on the north side of the River Liffey. The area was known as Abbey Green, a common pasture outside the north gate of the Abbey. John Rocque's *An Exact Survey of the City and Suburbs of Dublin* (Fig. 9) does not name Halston Street, however it is depicted with a significant curve around the west side of a parcel of land. The curve, which is still present, is likely to have respected a long-lost feature on the former Green. An area to the front of the approximate location of No.16 is titled 'Green Market'.

A substantial structure is shown on the site of No.16 on Rocque's map, straddling part of what now forms No.17. The structure follows an irregular plan and is indicated as an industrial building, based on the hatching treatment of the structure.

The name Halston Street appears in the latter decades of the eighteenth-century. It has been suggested that the name may have derived from 'Half stone' and may relate to the Potato Market located at the southern end of the street by the early nineteenth century, as potatoes were traditionally sold in increments of half-stones. The 1847 City of Dublin Ordnance Survey names Halston Street. In addition to the Potato Market, an Egg and Poultry Market has been established to the south end of the street. The current structure at No.16 Halston Street was constructed for Messrs. Carton Bros, who were poultry, game, egg, butter and cheese agents. They had purportedly occupied the site at No.17 Halston Street since the 1770s. The proximity of the Egg and Poultry Market would have been an enticement in establishing a premises on Halston Street.

The 1847 Ordnance Survey represents No.16 as a street-fronting rectangular structure with a long rear return. There are no definitive boundaries between No.17 and No.16 identifiable on the map. It is possible that fragments of this structure survive, though the current structure contains significant quantities of modern material.

There is little difference between the 1847 OS map and the 1864 revision save for the removal of a small building along the southern elevation of the return with a new building constructed in its place.

The earliest records from the Valuations Office for 16 Halston Street date to 1853. No. 16 is described as comprising a house, owned by a Denis Carton but leased out. *Thom's Almanac and Official Directory of Dublin 1862* notes No.16 Halston Street as being occupied by Michael Egan who is listed as a grocer. An image dating to the first decade of the twentieth-century, taken from within St Michan's Park, provides definitive evidence that the street-fronting building is of twentieth-century construction. The Ordnance Survey map revision, dating to c.1907, (Fig. 10) shows one change on the site, with a glass-roofed structure indicated between No.16 and No.17.

In 1908, the *Irish Builder* records that 'new offices are in the course of erection at Halston Street for Messrs. Carton Bros'. The architect on the project was George Luke O'Connor and the contractor was named as Mr. William Beckett. O'Connor was a Dublin architect, whose earliest works date to c.1890, when he worked in the office of John Loftus Robinson, Following Robinson's death in 1894, he carried on the practice. Throughout his career his commissions were many and varied, including Catholic churches, various buildings for the Sisters of Mercy and the Christian Brothers, hospitals, libraries, commercial premises, cinemas, public and private housing. In 1909, the Valuations Office records note that Nos.

16 and 17 were amalgamated to form a single plot. The description for the plot read '*House, counting offices and store, house in rere, stores and yard*'.

In 1915, the plot was described as '*House, stores, offices and yard*' occupied by the Cartons. Two increases in the value of the property in the 1920s and a change in the building description to '*Offices, packing stores and yard*' indicate alterations to the buildings. The 1930s Ordnance Survey map revision (Fig. 11) shows the entire plot of No.16 and No.17 as being constructed on, though the scale of the map does not allow for any differentiation between structures. The changes seen on the plot between this map edition and the previous ones, indicates that building work had been carried out during the period, aligning the map evidence with the evidence from the Valuations Records.

In 1949, it was recorded in the *Irish Builder* that an extension to the Carton Bros. premises at Halston Street had been approved by Dublin Corporation to designs by Jones & Kelly. This extension is believed to be the rendered gable-fronted structure between the brick building at No.16 and No.17 and may include fabric from an earlier structure on the site including a carriage arch and surrounding entablature.

References

- (Digital records accessed 19/02/2020)
<http://map.geohive.ie/>
<https://gallica.bnf.fr/ark:/12148/btv1b5967586q/f1.item.zoom>
<http://digital.ucd.ie/view/ucdlib:40377#c0055-6-6.1>
<http://digital.libraries.dublincity.ie/vital/access/manager/Repository/vital:25055/IMAGE1>
- Bennett, D. *Encyclopaedia of Dublin*, Dublin 1994
- Casey, C. *Dublin: The City within the Grand and Royal Canals and the Circular Road with the Phoenix Park*, New Haven, CT, and London, 2005
- Cready, Rev. C.T. *Dublin Street Names, Dated and Explained*, Dublin 1892
- De Courcy, J.W. *The Liffey in Dublin*, Dublin 1996
- *Irish Builder* 50, 18 Apr 1908, p.246
- *Irish Builder* 91, 9 Jul 1949, p.638
- Kelly and Cogan Architects and Design Consultants *Architectural Heritage Impact Assessment Summary 16-17 Halston Street*, Unpublished report submitted as part of SHD application, September 2020
- Killeen, R. *Historical Atlas of Dublin*, Dublin 2009
- The National Inventory of Architectural Heritage Survey of Dublin City, Stage 1 Ministerial Recommendations issued on the 04/06/14
- Records of the Valuation Office of Ireland, accessed 06/03/2020
- Thom's Almanac and Official Dictionary for the Year 1862

NIAH Significance/Rating

The National Inventory of Architectural Heritage (NIAH) survey has been carried out for the area under Stage 1 of the Dublin City survey.

The NIAH uses eight categories of special interest (architectural, historical, archaeological, artistic, cultural, scientific, technical & social) and identifies five categories of rating in seeking to rank buildings. The NIAH rating values are International, National, Regional, Local and Record Only (I, N, R, L, O). Structures which are considered of International, National, and Regional significance are deemed worthy of inclusion on the RPS.

The NIAH record provided in Appendix 2 of this report has assigned 16 Halston Street, Dublin 7 a 'Regional' rating. These are structures or sites that make a significant contribution to the architectural heritage within their region or area. The NIAH record solely addresses the west elevation of the structure and did not have access to the interior.

The building was included in the list of Ministerial Recommendations for inclusion on the RPS of structures deemed as being of 'Regional' significance or higher identified during Stage 1 of the Dublin Survey. The Stage 1 Ministerial Recommendations were issued to Dublin City Council on the 4th of June 2014, in accordance with Section 53 of the Planning and Development Act, 2000 (as amended).

Meeting of the Area Committee

The proposed addition of the structure was brought forward to the Central Area Committee on 13th of July 2021 which noted the proposal to initiate the statutory procedure to add it to the RPS.

Submissions/ Observations Received

The proposed addition was advertised in the Irish Independent on Wednesday 11th August 2021. The public display period was from Wednesday 11th August 2021 to Tuesday 21st September, inclusive. One submission/observation was received.

Submission Report by MacCabe Durney Barnes on behalf of Reurban Ltd.

Summary of Submission:

There are a number of issues raised in the submission with regard to the statutory procedures along with the content of the City Council's Conservation Section reports published for the Central Area Committee meeting and placed on public display. Most significantly, it is submitted that the statutory procedure initiated by the City Council is invalid procedurally and technically flawed in its assessment and must be withdrawn.

- **The implications of protected status (No 2 of the Submission Report).**

It is submitted that the proposal to add 16 Halston Street to the RPS must be placed in the context of its location in an inner urban area that is beginning to experience regeneration and renewal; that regeneration in the area remains tentative, that the potential impact of the architectural heritage protection legislation on property right and development potential demands great care given the regulatory implications. It is also submitted that Sections 53 and 54 of the Act mandates careful definition of relevant features or parts thereof of the proposed protected structure, including 'specified parts' or 'a specified feature of the attendant grounds of a structure'. (Issues raised in No. 2 relating to the serving of notice and the definition of the protected structure are dealt with separately in the responses).

Response:

The implications of recommendations and decisions in favour of making an addition of a structure to the Record of Protected Structures are fully understood by Dublin City Council and its Planning and Property Development Department, and the procedures are carefully and consistently undertaken in accordance with the statutory requirements of the Planning and Development Acts, 2000 (as amended), the Planning and Development Regulations, 2001 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

It is noted that the cornerstone of Part IV: Architectural Heritage, Chapter 1: Protected Structures, Section 51(1) is not referred to in the submission; i.e. the planning authority shall include every structure or part(s) of a structure which, in the opinion of the planning authority, are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, in a record of protected structures under the development plan; (*underlined: our emphasis*).

Section 54(1) of the Act provides that a planning authority may add (etc.) to its record of protected structure, a structure (etc.) where the authority considers the addition is

necessary or desirable in order to protect a structure of specific special interest(s), whether or not a recommendation has been made by the Minister under Section 53.

The reference to Section 53(1), which refers to a Ministerial recommendation, is noted, but the submission omits subsections (2) and (3) thereof, in relation to how the planning authority may consider that recommendation.

Again, the Planning Authority is aware of the provisions of Section 54(1) of the Act and its contents in relation to a structure or parts of a structure. This refers back to RPS additions and deletions provided under Section 51(1) and the statutory obligation on the planning authority to add structures or parts of structures to the RPS based on the authority's opinion (*our emphasis*) of their special interest.

In relation to protecting part of a protected structure, the Architectural Heritage Protection Guidelines (2011) provide clear guidance in Section 2.5.2 'Protecting part of structure' (page 24), including the following: *"The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building. Generally, a façade relates integrally to its building, which may retain interior detail of note, including, for example, the original spatial plan, shop-fittings or decorative elements such as chimneypieces, staircases, window shutters or cornices. Elements of the external envelope and/or within the curtilage may also be of intrinsic interest and worthy of protection; these might include the roof, the rear elevation, outbuildings and other site features."*

In making an addition to the RPS, the planning authority must have regard to any Ministerial recommendation, but having considered same, may decide not to comply with that recommendation and can inform the Minister accordingly.

The opinions of experts quoted from the conveyancing and legal journals, including that submitted, are of general interest, but do not neutralise, negate nor rebut the implementation of Section 51 and the remainder of Chapter 1 of Part IV of the Act, with regard to the 'special interest' of a structure or parts of structures proposed for protection.

It should be noted that matters of *land use zoning, conservation areas, regeneration, urban investment, development risk* are not referred to whatsoever in the provisions relating to the making of an addition to or deletion from the Record of Protected Structures under Part IV: Architectural Heritage, Chapter 1: Protected Structures, of the Planning and Development Acts, 2000-2022.

- Procedural errors in service of notice (No. 3 of Submission)

The submission contests the validity of the notification under the 'Planning Acts and Ministerial Guidelines, and refers to Sections 1.5, 2.6.1 and 2.6.4 of the Architectural Heritage Protection Guidelines (2011) and Sections 2 and 55 of the Planning and Development Act, 2000 (as amended); highlighting the fact that Dublin City Council failed to follow the procedure explicitly set out in the Ministerial Guidelines; that it did not serve notice on Reurban Ltd., the property owner of No. 16, not did it serve notice on the neighbouring property No. 17 Halston Street and in lieu of serving a notice on the property owner DCC failed to erect a notice on or near the premises per Section 2.6.4 of the Guidelines.

Response:

Sections 55(1)(a) and 55(2) of the Planning and Development Act, 2000 (as amended) provide for the notification of parties by the planning authority regarding a proposed

addition to its record of protected structures, other than in the course of making its development plan.

Section 2.6, Stage 3: Notification of the Architectural Heritage Guidelines for Planning Authorities provides that “Valid notification of all owners and occupiers under Act is necessary for a structure to become a proposed protected structure”, with reference to Section 2 of the Act.

Regarding ‘Serving the Notice’, Section 2.6.4 of the Guidelines states “*The planning authority must make reasonable efforts to ascertain the identity of the owners and occupiers of a proposed protected structure*”. The City Council’s Property & Title Research Section undertook a title search, including an inspection of Land Registry Digital Maps, a search of the Registry of Deeds and research in the records of the Company Registration Office, as detailed below.

Section 2.6.4 of the Guidelines continues “*Where the owner cannot be identified, and no occupier is available to receive the notice, it is acceptable to affix a notice in a conspicuous place on or near the land or premises*”.

In this instance, following more than reasonable efforts undertaken, notices were served on the identified occupier and relevant parties, along with the apparent owner of the property as advised by means of the title search and associated research.

A title search for 16 Halston Street, along with No. 17, was undertaken by the City Council’s Property & Title Research Section in the Law Department, and a report provided on the 27th May 2021. The title search included an inspection of Land Registry Digital Maps which showed the property as unregistered. A search of the Registry of Deeds revealed a Deed of Assignment in June 2000 and followed up with a conversation with the registered owners, who confirmed sale of the property two years previously; c. 2019.

The *Application Form in respect of a Strategic Housing Development* as submitted for ABP-308228-20 states the applicant is Fruitmarket Partnership and names it as owner of the properties at 16/17 Halston Street, 5/4 Little Green Street, 2 Little Green Street, 6 Mary’s Lane and 21 Halston Street, Dublin 7. Furthermore, it states that The Fruitmarket Partnership consists of the Fruit Market Development Company Ltd. and the Halston Square Development Company Ltd. It is noted that the decision/direction on the SHD application was issued on the 12th January 2021.

Following further investigation, evidence was found of the Fruit Market Development Co. Limited acquiring 4 and 5 Little Green Street, 6 Mary’s Lane and 2 Little Green Street by Deed of Assignment in 2018; these properties comprised part of the SHD planning application lands (above).

The title search report concluded that, “*It appears that the Fruitmarket Partnership consisting of the Fruit Market Development Co. Limited and Halston Square Development Co. Limited is the current owner of 16 and 17 Halston Street, Dublin 7 however I can find no evidence of them acquiring the premises having been registered.*”

Details of the above companies were identified at the Company Registration Office, including their registered office and addresses of the Director and Company Secretary. An email was sent to the Secretary of both the Fruit Market Development Co. Ltd. and Halston Square Development Co. Ltd., but no response was received by the Law Department.

No evidence was found during the title search of any title to 16 Halston Street, Dublin 7 in favour of Reurban Ltd.; - an inspection of Land Registry Digital Maps showed the property as unregistered.

The legal and companies research identified a Short Term Lease of the premises at 16 and 17 Halston Street, Dublin 7 in favour of Tyrells, which may trade as N. Tyrell Wholesale, along with the company, Drumlink Limited, with David Christopher Tyrell, Director and Karyn Tyrell, Secretary, which has a registered office at 16/17A Halston Street, Dublin 7 since 8th December 2019.

On the basis of the above title search and the research at the Companies Registration Office, written notification of the proposed addition of 16 Halston Street, Dublin 7 to the Record of Protected Structures, in accordance with Sections 55(1)(a) and 55(2) of the Planning and Development Act, 2000 (as amended) was sent by post to each of the following on 11th August 2021:

Re: Owner No. 16 Halston Street, Dublin 7, as per legal search:

- Fruit Market Development Co. Ltd & Halston Square Development Co. Ltd, 6/8 Exchequer Street, Dublin 2 7 (registered addresses with the Companies Registration Office). .
- Damian Kennedy, Director, Fruit Market Development Company Limited, with registered address at 6/8 Exchequer Street, Dublin 2, at his address as provided to the Companies Registration Office.
- Adrian Kennedy, Secretary, Fruit Market Development Company Limited, with registered address at 6/8 Exchequer Street, Dublin 2, at his address as provided to the Companies Registration Office.
- Michel Defauw, Director, Halston Square Development Company Limited, at his address as provided to the Companies Registration Office.
- The Owner, 16 Halston Street, Dublin 7.

Note the last addressee is: The Owner, 16 Halston Street, Dublin 7.

Re: Occupier No. 16 (and 17) Halston Street, Dublin 7 as per legal search:

- N. Tyrrell Wholesale, 16/17 Halston Street, Dublin 7.
- Drumlink Limited, 16/17 Halston Street, Dublin 7 (registered address with the Companies Registration Office).
- David Christopher Tyrrell, Director of Drumlink Limited, with address at 16/17A Halston Street, Dublin 7, at his address as provided to the Companies Registration Office.
- Karyn Tyrrell, Director of Drumlink Limited, with address at 16/17A Halston Street, Dublin 7, at her address provided to the Companies Registration Office.
- The Occupier, 16 Halston Street, Dublin 7.

It is noted that the Submission Cover Letter dated 21 September 2021 from MacCabe Durney Barnes Consultants include a cc to Reurban Ltd., 16 Halston Street, Dublin 7. No further details or evidence of ownership have been referred to in the submission, nor reference as to when Reurban Ltd. acquired ownership of the property, or if there is a Company Registration number or registered address.

Following receipt of the submission by MacCabe Durney Barnes Consultants, the Conservation Section requested the City Council's Property & Title Research Section in the Law Department to review the ownership issues raised in the submission, including the ownership of No. 16 by Reurban Ltd.

The response from Property & Title Research Section on 1 October 2021, further identified Roundstone Limited and Pontvallen Limited, with registered assignments and debentures in buildings in the vicinity at Mary's Lane and Halston Street, between 2005 and 2015, but with limited descriptions of the actual buildings or where details are provided, no reference could be found to 16 and/or 17 Halston Street.

It is understood that Pontvallen Limited have subsequently assigned most of the premises in its Mortgage Debenture to the Fruit Market Development Company Limited and part, namely 12 and 12A Little Britain Street to Reurban Partners Limited. The response states further that "It would appear that Reurban Partners Limited is the largest shareholder of Pontvallen Limited", but concludes that no documentary evidence can be found that Reurban Limited acquired any interest in numbers 16 - 17 Halston Street.

As already stated above, the statutory notification letter was also addressed to "The Owner, 16 Halston Street, Dublin 7, on the 11th August 2021"

Furthermore, and in accordance with Section 55(1)(c) of the Planning and Development Act, 2000 (as amended) requiring publication of notice of the proposed addition in (at least) one newspaper circulating in the area, the proposed addition of 16 Halston Street, Dublin 7 to the City Council's Record of Protected Structures, was advertised in the Irish Independent on Wednesday 11th August 2021.

On the basis of all of the above, the City Council is satisfied that it has made reasonable efforts to ascertain the identity of the owner(s) of the property and has identified the occupier. Statutory notification of the proposed addition of 16 Halston Street was served on the identified parties in accordance with Section 55(1) and (2) of the Act. The proposed addition of 16 Halston Street, Dublin 7 to the City Council's Record of Protected Structures, was advertised in the Irish Independent on Wednesday 11th August 2021.

As of the latest review on the 1st October last, no documentary evidence can be found that Reurban Limited acquired any interest in numbers 16 - 17 Halston Street.

- Definition of the structure and curtilage (No. 4 of the Submission)

It is submitted that the extent of protected structure and curtilage as currently delineated are inaccurate. The salient points made in the submission with regard to the extent of the structure and its curtilage are as follows:

- No. 16 Halston Street was constructed as a commercial property where the building footprint is analogous with its curtilage. As an office building it did not have a rear curtilage.
- The 'return structure' was not physically linked to No. 16 Halston Street. There are no apparent ground floor connections to any of the structures to the rear of the site.
- The deeds of the property further corroborate the evidence that the area delineated in red is associated with the curtilage of No. 17 Halston Street.
- The heritage value of No. 16 Halston Street is wholly associated with the redbrick building fronting onto the street.

The submission provides details of the rear return structure, highlighting that the structure is associated with No.17 Halston Street with visible fabric being of modern construction.

Response:

It is acknowledged that the curtilage and extent of protected structure as delineated on the initiation report and the public display report were estimated; due in part to the lack of any response to letters requesting an internal inspection of the property. The evidence provided in the submission regarding the extent of the structure at 16 Halston Street is accepted and the extent of proposed protected structure (illustrated in Fig. 2 of the initiation and display reports), has now been amended to comprise only the red brick structure of No.16. Reference to the rear return structure, but not including the shallow full-height return to the northwest corner of No. 16, has been removed from the report. The information submitted relating to this structure and its possible age is noted.

- Inconsistency with National Inventory of Architectural Heritage (NIAH) (No. 4.5 of the Submission)

The submission states that the curtilage is not in keeping with the National Inventory of Architectural Heritage's description and appraisal of the site, which does not note the rear return. It is stated that the '*...NIAH only includes an appraisal of the red brick building designed by George Luke O'Connor, which occupies a constrained and defined plot reflective of its commercial operation. DCC's report gives the impression that it consistent with NIAH areas of Special Interest of Architectural, Historical, and Social, but notably does not quote what the NIAH actually states and in fact departs quite radically from the NIAH in associating a curtilage that is not referred to in the National Inventory.*'

Response:

The National Inventory of Architectural Heritage makes reference to extensions to the rear (west) elevation in its description. The NIAH survey and record largely details the front elevation as its survey of the city is largely conducted from the street and normally does not access the interior or rear of a building/structure. Dublin City Council's assessment of the building was also prepared without the benefit of internal access, although this was requested by letters sent by the Conservation Section on a number of occasions to a number of parties as outlined under the heading *Site Access* above. The evidence submitted with regard to the structures to the rear of the main red brick structure at 16 Halston Street is welcomed and this report now omits that structure in the revised *Exterior Description*, the revised *Assessment of Special Interest* and the amended recommendation and proposed RPS entry. .

Dublin City Council are in agreement with the *Categories of Special Interest* assigned by the NIAH. However, the Assessment of Special Interest is Dublin City Council's own appraisal and opinion of the of the architectural heritage interest of the structure, having regard to Section 51(1) of the Act in particular, the other provisions of Chapter 1, Part IV of the Act and the Architectural Heritage Protection Guidelines for Planning Authorities (2011). The architectural heritage opinion of the planning authority is not required by any provisions of the Act, Regulations or Guidelines to fully align with that of the NIAH.

Furthermore, the Minister has been formally notified of the RPS addition as proposed in accordance with Section 55(1)(b) of the Act and the subject submission received from MacCabe Durney Barnes Consultants (including the Architectural Heritage Report) has been forwarded to the Minister for any observations thereon. No observations have been received from the Minister on the submission within the period provided under Section 51(3)(b) of the Act.

- An Bord Pleanála's analysis of the heritage value of the site (No. 5 of the Submission)

An Bord Pleanála's inspector's assessment of the site as part of a proposed SHD application concluded that while the proposal for the site was not appropriate due to its design scale and mass, the approach to the conservation and development of the site was fundamentally logical and correct. The retention of the façade was an appropriate

response and would not contravene Section 57 (10)(b) of the Act relating to the demolition of a protected structure and elements which contribute to its special interest, or contravene Policy CHC2, CHC4 or CHC5 of the City Plan relating to the protection of structures and conservation areas

Response:

An Bord Pleanála has no statutory remit in the making of an addition to or deletion from the Record of Protected Structures (RPS); - this is solely the domain of the (local) planning authority in accordance with Sections 51(1) and 54(1) & (2) of Part IV of the Act.

As already stated in response to *The Implications of Protected Status* above; the planning authority shall include every structure or part(s) of a structure which, in the opinion of the planning authority (*our emphasis*), are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, in a record of protected structures under the development plan.

Furthermore, the planning inspector and An Bord Pleanála would have considered the SHD application within the heritage context and status of the structures at the time of her assessment and report. The Inspector's Report on the SHD application (ABP 308228-20), clearly states at 11.3.3 on page 41, "In relation to the interventions at no. 16 Halston Street I would note that this building is not a protected structure". The Inspector's Report continues to assess the development proposals in respect of 16 Halston Street having regard to that specific observation and other built heritage context relevant at that time.

Regarding the protection of part of a protected structure, the Architectural Heritage Protection Guidelines (2011) provide very clear guidance in Section 2.5.2 'Protecting part of structure' (page 24), including the following: "*The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building. Generally, a façade relates integrally to its building, which may retain interior detail of note, including, for example, the original spatial plan, shop-fittings or decorative elements such as chimneypieces, staircases, window shutters or cornices. Elements of the external envelope and/or within the curtilage may also be of intrinsic interest and worthy of protection; these might include the roof, the rear elevation, outbuildings and other site features.*" (our emphasis, underlined, given features at 16 Halston Street).

- Architectural Heritage Report

The submission includes an Architectural Heritage Report prepared by Kelly & Cogan Architectural and Design Consultants. The salient points of this report are as follows:

- The masonry fabric to the front and gable elevations as well as of the primary roof form, chimneys, and external window and door joinery, while not of exceptional architectural historic, social, artistic scientific or other importance does present a cohesive urban 'face' to Halston Street and has an 'urban' value.

That the interior layout of No. 16 has been highly compromised by demolitions and alterations which had erased its original character and that the few surviving internal elements internally are unexceptional, being machine made and still in manufacture (e.g.: the cornice profile at ground level). The interior layout, disposition, detail etc. of the No. 16 to convincingly merit protection.

Response:

Noted. The interior of the building has been altered to a degree, with the removal of internal walls and some fabric. However, it is considered that the building retains sufficient fabric that contribute to its special character as an early twentieth-century commercial building to warrant addition to the Record of Protected Structures. While the value of some elements might be considered to be unexceptional, they are of their time and the cumulative effect of all surviving original elements contributes to the building's Regional rating as afforded by the NIAH.

Once again, in relation to protecting part of a protected structure, the Architectural Heritage Protection Guidelines (2011) provide clear guidance in Section 2.5.2 'Protecting part of structure' (page 24), including the following: "*The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building. Generally, a façade relates integrally to its building, which may retain interior detail of note, including, for example, the original spatial plan, shop-fittings or decorative elements such as chimneypieces, staircases, window shutters or cornices. Elements of the external envelope and/or within the curtilage may also be of intrinsic interest and worthy of protection; these might include the roof, the rear elevation, outbuildings and other site features.*"

A property owner can make a written request to the planning authority for a declaration under Section 57 of the Planning and Development Act, 2000 (as amended) in relation to the type of works which would or would not be considered exempted development to a protected structure. A Section 57 Declaration will take into account the elements of the building that are considered to be integral to the building's special character also. The owners of No.16 Halston Street are encouraged to apply for a Section 57 Declaration.

- Notification of the proposed addition of No. 16 to the Register of Protected Structures has not been properly served upon the owner of No. 16, Messrs. Reuban Ltd.

Response:

This issue as raised in the submission by MacCabe Durney Barnes Consultants and the Architectural Heritage Report is addressed the section of this report on *Procedural errors in service of notice* above.

- The curtilage of No. 16 to the Record of Protected Structures has been incorrectly delineated and identified within the Report prepared and issued by Dublin City Council describing the proposed addition.

Response:

The extent of protected structure and curtilage have been amended to reflect the evidence put forward in the submission.

- There is no evidence on site physically or indeed within the map record for the presence of an early structure along the northernmost boundary of the lands at 17 Halston Street, to the rear of no. 16 Halston Street.

Response:

Noted. The reference to the structure running east-west to the northwest of No.16 has been removed based on evidence that it is outside the curtilage of the subject site and therefore any assessment of its significance is outside the scope of this report. The proposed RPS entry has also been amended to remove reference to it.

- There are a number of errors in the descriptive summary of No. 16 Halston Street as described within the Report prepared and issued by Dublin City Council describing the proposed addition of No. 16 to the Record of Protected Structures. Some of the conclusions within the descriptive summary of No. 16 Halston Street as described within the Report prepared and issued by Dublin City Council describing the proposed addition of No. 16 to the Record of Protected Structures, are of questionable accuracy (e.g.: the function of the piers on the rear wall, the assumption that the cash deposit system represents original fabric etc.).

Response:

The Site Description has been amended based on the additional information on the building's interior contained within the *Architectural Heritage Report*. The Conservation Section's report was prepared without the benefit of internal access to confirm specific elements. This was reflected in the building's description, which noted that the function of the brick projections was not conclusive. Furthermore, the cash deposit box to the front elevation is not claimed to be original but an element that speaks to the building's original commercial function. This has been made clearer in the report.

Ministerial Observations

The Planning and Development Act, 2000 (as amended) provides that submissions and observations received by the planning authority in relation to a structure recommended for addition to the RPS by the Minister of Culture, Heritage and the Gaeltacht, shall be sent to the Minister for his observations. This was duly done by post and email on 27th September 2021.

No observations have been received to date from the Minister in relation to the written submission/observation received.

Revised Assessment of Special Interest under the Planning & Development Act 2000 following Submission/Observation Received (above)

The National Inventory of Architectural Heritage assigned this building ARCHITECTURAL, HISTORICAL & SOCIAL interest. The Conservation Section, following an external inspection (see Site Access above) of 16 Halston Street, Dublin 7, has considered the opinion of the NIAH and is in agreement with the three categories of special interest assigned. 16 Halston Street, Dublin 7, is considered by the Conservation Section to be of special interest under the following headings:

- ARCHITECTURAL:
 - No.16 Halston Street is an exemplar of good quality commercial design, dating to the first decade of the twentieth-century. It is a well-proportioned structure, built in the classical tradition including a hierarchical treatment to the fenestration. Architectural detailing and design are clearly apparent in this structure and its form is enhanced by well-finished materials such as the crisp machine-made brick walls, shaped brick decorative detailing and cast-stone embellishments. The unusual cast-iron windows to the basement add further interest to the building. The building's red brick construction forms an appealing contrast to the more muted colours of the buildings within the block including the granite elevation of the adjacent St Michan's Church.
 - No.16 Halston Street was designed by George Luke O'Connor, a Dublin architect, whose earliest works date to c.1890 when he worked in the office of John Loftus Robinson. Following Robinson's death in 1894, he carried on the practice. Throughout O'Connor's career his commissions were many and varied, including

Catholic churches, various buildings for the Sisters of Mercy and the Christian Brothers, hospitals, libraries, commercial premises, cinemas, public and private housing. In 1911, he was appointed architect for a scheme of some 600 houses at various locations in the Pembroke district of Dublin and for further housing in the same district in 1919. He was associated with the original Greater Dublin town planning scheme.

- The building makes a notable and positive addition to the streetscape of Halston Street. Though obviously of its time, the cast-stone detailing to the front elevation recognises the building lines of its earlier building, adding a harmony to the group of buildings.
- HISTORICAL:
 - Halston Street is located within an area which thrived as a market district from at least the eighteenth century. No.16 has a long association with the Carton family, who were poultry, game, egg, butter and cheese agents and likely chose this location for their premises due to its proximity to the Egg and Poultry Market. Thus this building serves as a reminder of the historic and indeed continuing market tradition of this area of the city.
 - The survival of the lodgement hatch to the front elevation of the structure, though a later insertion, is a noteworthy memento of the building's commercial past. Similarly, the two doors to the property and the large ground floor windows also serve as a reminder of the building's historic use, highlighting its central importance in the twentieth-century operations of Carton Bros.
- SOCIAL:
 - The building's association with the historic markets area of Dublin is evocative of past society where goods were transported to the city from the surrounding hinterland for redistribution through the relevant market.

Conclusion

Dublin City Council Conservation Section has carried out an assessment of 16 Halston Street and has also considered the NIAH record for the site (see Appendix 2), together with the Ministerial Recommendation for the addition of the building to the record of protected structures. The Conservation Section concludes that 16 Halston Street merits inclusion on the Record of Protected Structures.

The following is a brief summary of the detailed responses to and considerations of the key matters raised in the Submission of MacCabe Durney Barnes Consultants (including the Architectural Heritage Report) on behalf of Reurban Ltd.;

- The implications of recommendations and decisions in favour of making an addition of a structure to the Record of Protected Structures are fully understood by Dublin City Council and its Planning and Property Development Department, and the procedures are carefully and consistently undertaken in accordance with the statutory requirements of the Planning and Development Acts, 2000 (as amended), the Planning and Development Regulations, 2001 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011.
- The City Council is satisfied that it has made reasonable efforts to ascertain the identity of the owner(s) of the property and has identified the occupier through a title search, including an inspection of Land Registry Digital Maps, a search of the Registry of Deeds, and associated research of the records of the Companies Registration Office. Statutory notification of the proposed addition of 16 Halston

Street was served on the identified parties in accordance with Section 55(1) & (2) of the Act, including 'The Owner, 16 Halston Street, Dublin 7'. The proposed addition of 16 Halston Street, Dublin 7 to the City Council's Record of Protected Structures, was advertised in the Irish Independent on Wednesday 11th August 2021.

- The *Application Form in respect of a Strategic Housing Development* as submitted for ABP-308228-20 states the applicant is Fruitmarket Partnership and names it as owner of the properties at 16/17 Halston Street, 5/4 Little Green Street, 2 Little Green Street, 6 Mary's Lane and 21 Halston Street, Dublin 7. The latest title search and review by City Council on the 1st October last (following receipt of the submission), stated that no documentary evidence can be found that Reurban Limited acquired any interest in numbers 16 - 17 Halston Street. No evidence of the ownership of 16 Halston Street by Reurban Limited was provided in the submission received.
- It is acknowledged that the curtilage and extent of protected structure as delineated on the initiation report and the public display report were estimated; due in part to the lack of any response to letters requesting an internal inspection of the property. The evidence provided in the submission regarding the extent of the structure at 16 Halston Street is accepted and the extent of proposed protected structure has now been amended to comprise only the red brick structure of No.16.
- The architectural heritage opinion of the planning authority is not required by any provisions of the Act, Regulations or Guidelines to fully align with that of the NIAH.
- An Bord Pleanála has no statutory remit in the making of an addition to or deletion from the Record of Protected Structures (RPS); - this is solely the domain of the (local) planning authority in accordance with Sections 51(1) and 54(1) & (2) of Part IV of the Act.
- The Architectural Heritage Protection Guidelines (2011) provide very clear guidance in Section 2.5.2 'Protecting part of structure' (page 24), including the following: *"The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building. Generally, a façade relates integrally to its building, which may retain interior detail of note, including, for example, the original spatial plan, shop-fittings or decorative elements such as chimneypieces, staircases, window shutters or cornices. Elements of the external envelope and/or within the curtilage may also be of intrinsic interest and worthy of protection; these might include the roof, the rear elevation, outbuildings and other site features."*
- The Site Description has been amended based on the information submitted on the building's interior contained in the *Architectural Heritage Report*. The Conservation Section's report was prepared without the benefit of internal access to confirm specific elements, notwithstanding a number of letters written to relevant parties requesting same.
- On the basis of evidence included with the Submission/Observation received (see above) including the Architectural Heritage Report it was noted that the structure running east-west to the northwest of No.16 forms part of No.17 Halston Street and is therefore outside the curtilage of the subject site. Accordingly, reference to it should be removed from the proposed description to appear on the Record of Protected Structures for 16 Halston Street.

It is recommended that the description as originally recommended and displayed be amended as follows:

Recommendation	
Address	Description (to appear on RPS)
16 Halston Street, Dublin 7	Twentieth century commercial building and earlier, northern rear return

The extent of the proposed Protected Structure status and curtilage is outlined in Fig. 2 of this document (below).

Recommendation to the City Council

In accordance with Section 55 of the Planning and Development Act 2000 (as amended), it is recommended that 16 Halston Street, Dublin 7 be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

Recommendation	
Address	Description (to appear on RPS)
16 Halston Street, Dublin 7	Twentieth century commercial building

The making of any addition to the Record of Protected Structures is a reserved function of the City Council.

Richard Shakespeare
Assistant Chief Executive.
20th October 2021

Extent of Protected Structure Status & Curtilage

The proposed protected structure is outlined below in red. The curtilage extends to the boundaries as shown on the map below.

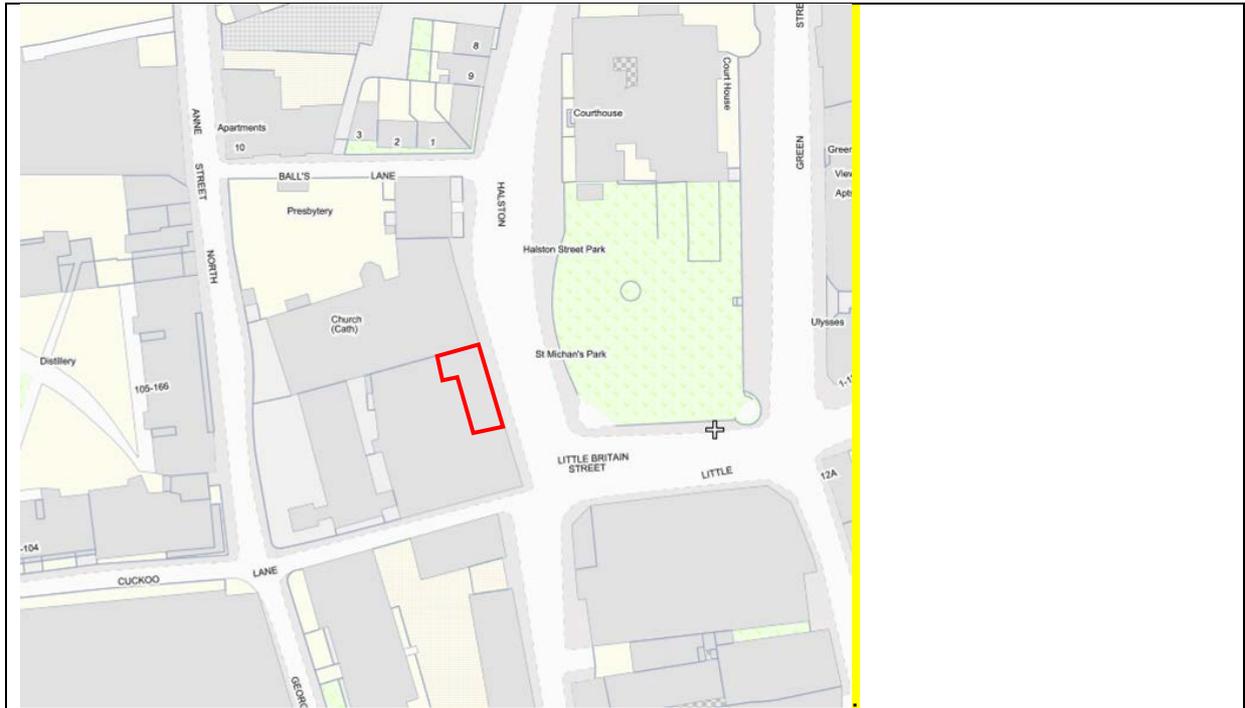


Fig. 2 16 Halston Street: extent of Protected Structure status outlined in red.

Appendix 1: Short Photographic Record & Historical Maps



Fig. 3 View from southeast



Fig. 4 View of Nos. 16-17 from northeast

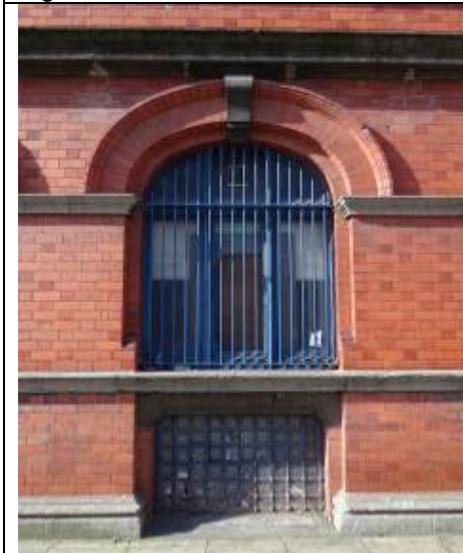


Fig. 5 Ground floor bay, east elevation



Fig. 6 Detail of keystone



Fig. 7 First and second floor windows, east elevation



Fig. 8 Basement window, east elevation



Fig. 9 Extract from John Rocque's An Exact Survey of the City and Suburbs of Dublin, 1756 with approximate location of No.16 Halston Street arrowed red

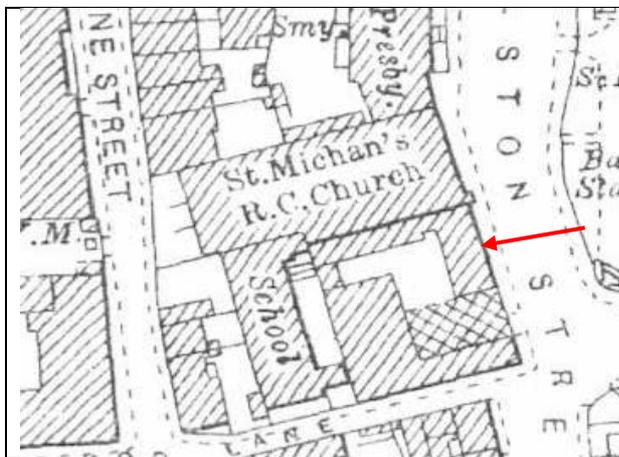


Fig. 10 Extract from c.1900 Ordnance Survey Map Revision with No.16 Halston Street arrowed red

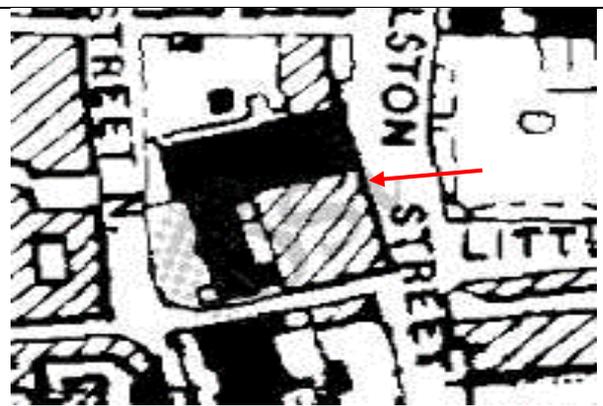


Fig. 11 Extract from c.1930 Ordnance Survey Map Revision with No.16 Halston Street arrowed red

Appendix 2: NIAH Record

NIAH Assessment for 16 Halston Street, Dublin 7

	<p>Reg. No. 50070305 Address <u>Glendawn Herbs, Halston Street, Dublin 7, Dublin City</u> Date 1905 – 1910 Previous Name County Dublin Coordinates 315149, 234592 Categories of Special Interest ARCHITECTURAL; HISTORICAL; SOCIAL Rating Regional Original Use Office, commercial services, commercial</p>
<p>Description: Attached five-bay three-storey former office, built 1908, with extensions to rear (west) elevation. Now in use as warehouse. Hipped slate roof with red brick chimneystack and cut granite cornice. Cast-iron rainwater goods. Machine-made red brick walls laid in Flemish bond to front (east) and south elevations, carved granite string course and plinth course. Camber-headed window openings to upper floors with brick voussoirs and granite keystone, continuous carved granite sills courses. Segmental-headed window openings to ground floor, having moulded red brick voussoirs, carved granite impost course and sill course. Timber casement windows throughout. Shouldered square-headed openings below ground floor windows, having cut stone lintels, glass bricks, cast-iron mullions, and cut limestone sill. Round-headed door openings to end bays, with moulded red brick surround with carved keystone. Concrete paving to east with granite kerbstones.</p>	
<p>Appraisal: A well proportioned building designed by George Luke O'Connor as offices for Carton Bros., poultry, game, egg, butter and cheese agents. The area west of Capel Street thrived as a market district throughout the eighteenth, nineteenth and twentieth centuries, and the building is evidence of that continuing tradition. The use of crisp machine-made red brick combined with the continuing classical tradition is indicative of early-twentieth century construction. A lodgement hatch to the front elevation may have been used for commercial transactions. The cut stone is evidence of the skilled workmanship still available in the early twentieth century, and enhances the simple form of the building. It appears to have been in the same ownership as the earlier building on the corner to the south from the mid-nineteenth century, and an extension by Jones & Kelly built in 1949 joins the two.</p>	