



## Board Direction

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**Ref: PL29S.245460**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19<sup>th</sup> January 2016.

The Board decided to refuse permission generally in accordance with the draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

1. Having regard to its height, scale and bulk, to the elevation and location of open space and the nature of its use, and the close proximity to boundaries, it is considered that the proposed development would seriously injure the visual and residential amenities of property in the vicinity, particularly the rear garden amenity of houses to the east by reason of overlooking, overshadowing, overbearing impact, visual obtrusiveness and diminution of privacy and daylight, as well as overshadowing and overbearing impacts for residential property and associated open amenity space to the west. The Board also considered that the proposed boundary treatment is inadequate and would be likely to result in a poor relationship between the proposed development and its surrounds, including the effective 9 m walls at or close to the open space serving residential property to the south and west. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is proposed to add the front elements of the Rialto Cinema to the record of protected structures. The Board is not satisfied that the proposed alterations appropriately reflect the architectural heritage of the original design. Furthermore, the Board considers that the proposed development is over-dominant and would be visually obtrusive in relation to the front elements of the existing building. It is considered that the proposed development would result in the erosion of character of a structure of architectural and social value, would diminish the contribution of the cinema to the streetscape, would seriously injure the amenities of the area and of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board shared his concerns in relation to the impacts of the proposed development on the houses to the east, but did not share his view that the orientation or location of these houses in an inner urban area would justify a grant of permission in the context of the scale and extent of the impacts arising in this case. Neither did the Board share the Inspector's view that the proposed setting back of the upper floors to the west would resolve overshadowing and overbearing impacts. Furthermore, the relationship between the site and the public realm is currently very poor to the south and west, and the proposed development would exacerbate it by its scale and proximity to these boundaries, which would be visually overbearing, as well as the extensive use of hard materials and the absence of provision for any effective boundary landscaping at this level. It was considered that the proposed development would diminish the character of the streetscape to the south and west. The further overshadowing of the public amenity area to the west serving neighbouring residential property was also of concern.

Furthermore, the Board had significant concerns in relation to the impact of the proposed development on the architectural heritage of the cinema, the potential for the erosion of character of a structure of architectural and social value, and the diminution of the contribution of the cinema to the streetscape.

*Note:*

Preliminary Flood Risk Assessment mapping issued by the Office of Public Works (2011) indicates that the subject site is located within an identified pluvial flood risk zone. The attention of the applicants is drawn to the provisions of the "Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government and by the Office of Public Works (2009), in relation to the need for a detailed and site-specific flood risk assessment, and the provision of flood resilience measures that may be necessary to serve any proposed development on this site. This was considered to constitute a new issue in the context of the appeal, but having regard to the substantive reasons for refusal, the Board decided not to pursue this serious concern further with the parties.

*Please issue a copy of this Direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 19<sup>th</sup> January 2016  
Fionna O' Regan