



Board Direction

Ref: PL29S.246580

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5th September 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed development is located within the designated Georgian Conservation Area, within the curtilage of a protected structure at 70 Merrion Square, and adjoining an original mews building that is within the curtilage of the protected structure at 71 Merrion Square. Having regard to its height, scale, design, and its projection forward of the building line of the original mews buildings, it is considered that the proposed development would have a serious and detrimental impact on the character and setting of the original mews building and on the protected structures, and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, contravene the provisions of the "Architectural Heritage Protection – Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht (2011), and would be contrary to the proper planning and sustainable development of the area.
2. The proposed site is designated with a Z1 residential land-use zoning objective, which is to protect, provide and improve residential amenities, where office use is deemed not to be permissible in principle. The proposed development would result in the intensification of a non-conforming office use, for which no record of permission exists, and would materially contravene the Z1 zoning objective for the site. The scale and character of the development would seriously injure neighbouring residential amenity by reason of overlooking, loss of privacy, overshadowing and overbearing impacts, would detract from the character and setting of protected structures, and would, therefore, fail to comply with Section 15.8 of the Dublin City Development Plan 2011-2017 whereby extensions to or improvements of a non-conforming use may be granted where the use would not adversely affect the amenities of premises in the vicinity. The proposed development would create a precedent for inappropriate development on Fitzwilliam Lane, and would be contrary to the proper planning and sustainable development of the area.

3. Section 17.10.7 of the Dublin City Development Plan 2011 – 2017 seeks to protect the special interest and visual character of protected structures and sensitive areas from visually obtrusive car parking and associated hard surfacing in the rear gardens of protected structures and in Conservation Areas. Having regard to the extensive scale of hard surfacing proposed, which also facilitates access to car parking, in the former rear garden of the protected structure at 70 Merrion Square, it is considered that the proposed development would fail to comply with Section 17.10.7 of the Development Plan, would seriously detract from the visual amenities of protected structures in the vicinity, both by itself and cumulatively with similar development in the area, and would contravene the provisions of the “Architectural Heritage Protection – Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member: _____ Date: 6th September 2016
Fionna O’ Regan