



An  
Bord  
Pleanála

**Board Direction**  
**PL29S.246993**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on November 22<sup>nd</sup> 2016.

The Board decided to grant permission subject to compliance with the following conditions in accordance with the reasons, considerations and conditions set out below.

### **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan, the location of the proposed development, to the existing and surrounding uses and to the pattern of development in the area, it is considered that subject to compliance with the conditions as set out below, the proposed development, would be in accordance with proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the inspectors concern with regard to loss of residential amenity could be overcome by condition. Furthermore, the Board considered that an additional two floors would be visually acceptable and would not injure the visual amenities of the area but rather would enhance the visual cohesion of the area.

### **Conditions**

1. Plans and partics.

2. The roof garden shall be used solely for the benefit of permanent residents of the building and shall not be for the use of patrons of the guesthouse use.

**Reason:** In the interest of residential amenity of permanent occupants .

- 3 CMP condition.
- 4 As per PA condition 4.

5 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member** \_\_\_\_\_

**Date:** 22.11.16

Paul Hyde