



An
Bord
Pleanála

Board Direction
BD-012009-23
ABP-311122-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/04/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to the bulk, height and siting of the proposed development, the forward positioning of the structure from the existing terrace along Herbert Place and the consequent nature of the proposed interface with No. 4 Herbert Place, it is considered that the development as proposed would detract from the setting, character and appearance of this Conservation Area and would seriously injure the amenities of the area. The proposed development would, therefore, fail to satisfy policy BHA9 of the Dublin City Development Plan 2022-2028 which seeks to protect the special interest and character of Dublin's Conservation Areas where development within or affecting a Conservation Area must contribute positively to its character and distinctiveness. It is considered therefore that the development as proposed would be contrary to the proper planning and sustainable development of the area.

Note 1

The Board noted and shared the concerns of the Inspector in respect of the contested nature of the analysis of daylight and sunlight and the resulting uncertainty in respect of the impact on the residential amenities of adjoining properties and

considered that ordinarily this issue would warrant further consideration and clarity. However, given the substantive reason for refusal set out above, it was decided not to pursue this matter further under the current appeal.

It also considered that the nature of the aspect and amenity which would be enjoyed by the future occupiers of the proposed residential units would ordinarily warrant further consideration. However, given the substantive reason for refusal above it was decided not to pursue this matter under the current appeal.

Note 2

The Board noted the Inspector's conclusion and recommendation in respect of the matter of the curtilage and the nature of the relationship of the subject site to adjoining protected structures. However, it was considered that it was not possible to reach a definitive conclusion on this matter by reference to the documentation including the historic maps submitted with the application and appeals.

Board Member



Date: 05/04/2023

Una Crosse