

An  
Bord  
Pleanála

**Board Direction**  
**BD-012958-23**  
**ABP-313047-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/07/2023.

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

#### **Reasons and Considerations**

1) Having regard to:


- a) the Architectural Heritage Protection Guidelines,
- b) the Dublin City Development Plan 2022 – 2028, which identifies the site as lying within the Capel Street & Environs Architectural Conservation Area (ACA) and adjoining No. 57 Capel Street, a protected structure (RPS No. 1182),
- c) section 11.5.2 of the Development Plan, which seeks to protect and enhance the special character of an ACA designation area, and to ensure that development contributes positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting and to Policy BHA7 of the Development Plan, which seeks to protect the special interest and character and ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area.
- d) Section 15.13.5 which seeks to protect the character and setting of mews dwellings and to ensure all new proposals are respectful and appropriate in its context, and Policy BHA14 which promotes the redevelopment and

regeneration of mews lanes for sensitively designed, appropriately scaled, infill residential development, that restores historic fabric where possible,

It is considered that the existing buildings on the site are of historic interest within the context of the original curtilage of the protected structure, and the surrounding Capel Street and Environs ACA. These buildings also maintain a subsidiary relationship with the adjoining protected structure. As such they make a positive contribution to the setting of the protected structure and the character of the ACA. Under the proposal, the existing buildings on the site would be reworked to provide a larger building of uniform design, which would, consequently, dominate the protected structure. The historic interest of the existing buildings would thereby be lost, the setting of the protected structure would be adversely impacted upon, and the character of the ACA would be harmed. Sections 11.5.2 and 15.13.5 and Policies BHA7 and BHA14 of the Development Plan would be contravened. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2) Notwithstanding the applicants Daylight and Overshadowing Analysis in relation to the average daylight factor of the proposed ground floor studio unit, it is considered that the single aspect proposed ground floor studio unit would have poor levels of sunlight and daylight and would result in an unsatisfactory standard of residential amenity for the occupants. It was also considered that the proposed ground floor studio unit terrace fronting onto Jervis Lane Upper with no defensible space between the private open space and the street, in close proximity to the bin storage, was inadequate in terms of privacy, security and amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

  
Stephen Bohan

Date: 20/07/2023