



An
Bord
Pleanála

Board Direction
BD-013229-23
ABP-313195-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/08/2023.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Amend condition number 5:

The proposed development shall be revised as follows:

At sixth floor level, the area comprising bedrooms 601, 602 and 603 that present onto Middle Abbey Street and the associated en-suites and ancillary corridors shall be omitted from the proposed development. The lift enclosure / shaft shall remain. Revised drawings reflecting the required alterations shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of the development.

Reason: To ensure that the proposed development would not have an adverse impact on its receiving sensitive environment and would make a positive contribution to the historic context.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022 - 2028, the pattern of development and recent permissions in the area and to the nature and scale of the additional accommodation proposed, it is considered that, subject to compliance with the amended condition number 5, resulting in a greater set back onto Middle Abbey Street at the sixth floor level, the proposed development would not have an adverse impact on its sensitive environment and would make a positive contribution to the historic context within which it is proposed. The proposed development including the amended condition number 5 would, therefore, be in accordance with the proper planning and sustainable development of the area.

Note

Departure from Inspectors Recommendation (in part)

In departing from the inspector's recommendation to omit the entire sixth floor, the Board noted, and agreed with the inspector (Section 7.21 of the inspector's report) that the proposed development would not involve a significant increase in height over the prevailing context.

The Board therefore considered that the planning policy to be applied in the assessment of increased heights in the city centre applicable to the subject site is set out in Section 4.1 of Appendix 3 of the Dublin City Development Plan 2022-2028, being a requirement to ensure that proposals demonstrate that they do not have an adverse impact on these sensitive environments and make a positive contribution to the historic context.

In arriving at its decision, the Board took into account the sensitive context of the site and proposed development as it presents onto the south side of Middle Abbey Street, including its fine grain and the reasonably uniform four/five-storey parapet height that contributes to the street's architectural merit and the specific location of the proposed development in close proximity to five protected structures including two that adjoin the application site.

The Board considered that the design of the upper two storeys and materials proposed, would result in an unbalance in scale and form an obtrusive element

within a historic streetscape in a sensitive environment and would not make a positive contribution to the historic context. This was particularly so when viewed from the western end of Middle Abbey Street supported by reference to the submitted photomontage V 01.

Against this consideration, the Board noted the building is located in the central commercial area of the city, adjacent to high frequency transport and active travel modes, and is therefore a highly suitable location for densification and increased building heights in accordance with policy set out in the Dublin City Development Plan 2022-2028.

The Board was satisfied that the right balance could be struck by requiring a greater set back of the sixth-floor storey along Middle Abbey Street and that this could be achieved by directing the planning authority to amend condition number five (as set out above) and that the removal of the entire floor as recommended by the inspector was not warranted. The Board did not have concerns about the impact of the development in its central portion or along North Lotts to the northern end as the context is less sensitive and the design and materials that are proposed at the upper fifth and sixth floor level at these locations are visually acceptable. Therefore, the Board was satisfied that the sixth storey element could be maintained in the central area and along North Lotts and the amended condition five is reflective of this.

Board Member:


Patricia Calleary

Date: 11/08/2023

