

An
Bord
Pleanála

Board Direction
BD-019640-25
ABP-316103-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2025. This followed consideration of the file at previous Board meetings held on 13/11/2024 and 01/08/2024.

At the meeting on 08/05/2025, the Board decided to refuse permission (on a 2:1 vote), generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Notwithstanding the information provided with the application and appeal, noting the constrained site size within which the proposed development of significant scale and density is proposed, the Board was not satisfied that the proposed development would provide an adequate level of public facilities (such as café, restaurant and bar uses to generate activity at street level throughout the day and night) and furthermore was not satisfied that the operational management including loading, waste collection and servicing was adequately demonstrated as feasible in the absence of the provision of a designated loading bay off road. Accordingly the Board was not satisfied that the proposed development would meet the relevant criteria for visitor accommodation set out in Policy CEE28 and Section 15.14.1.1 (Hotel Development) of the Dublin City Development Plan 2022-2028 and the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the revisions proposed in the grounds of appeal, it is considered that the proposed development, by reason of its excessive scale, massing and

architectural design, would be visually overbearing with an abrupt transition within the historic terrace which would detract from the prevailing scale and architectural character of the traditional streetscape which incorporates an important Protected Structure and forms part of a Conservation Area. The proposed development would, therefore, result in overdevelopment of the site, would negatively impact the setting of the Protected Structure and would seriously injure the amenities and setting of the Conservation Area. The proposal would, therefore, contravene policies BHA 9, Sections 15.4.2 Architectural Design Quality and 15.5.2 Infill Development and would fail to comply with the performance criteria set out in Table 3 of Appendix 3 of the current Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the design, scale and massing of the proposed building, to the proximity of the proposed hotel building and its terraces and large number of windows on the western elevation to the residential properties the western side of Liberty Lane, and to the results of the Daylight and Sunlight Assessment submitted with the application, the Board is not satisfied, notwithstanding the submission of a revised scheme of reduced scale with the grounds of appeal, that the proposed development would not seriously injure the residential amenities of the opposing properties on Liberty Lane by reason of overbearance, overlooking, potential noise and disturbance and access to daylight and sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

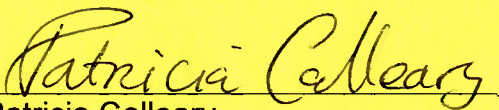
Notes

1. Beyond the Board's refusal reasons set out above, the Board did not share the inspector's recommended reason number one (in part) that the proposed development would exacerbate the existing over-concentration of hotel developments and prevent the delivery of other uses in the southeast quadrant of the city such as residential, social, cultural and economic uses and would fundamentally undermine the vision of the City Development Plan for the provision of a dynamic mix of uses within the city centre and fail to sustain the

vitality of the inner city. The Board was satisfied that the market analysis submitted by the appellant sufficiently demonstrated that there is a need to cater for additional influx of tourists and that the occupancy rate in 2019 at 82% aligns with this finding.

2. In considering the revisions presented at appeal stage, the Board noted that proposed height (6-storey) may be acceptable and therefore did not share the view of the inspector in this regard or include this element (height) in refusal reasons number 2 and 3. However, any future planning application should, in addition to addressing the reasons for refusal, also address the matter of height in the context of the prevailing height, scale and architectural character of the traditional streetscape which incorporates an important Protected Structure and forms part of a conservation Area.

Board Member


Patricia Calleary

Date: 12/05/2025