



An
Bord
Pleanála

Board Direction
BD-016348-24
ABP-316235-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/05/2024.

The Board decided to make a split decision, to

(1) grant permission (subject to conditions) for

- Item (iii) - opening up of existing party wall, new stair core and new build
- Item (iv) – fitting of louvered screens to bedrooms
- Item (v) – ancillary works including reconfiguration of floor levels

All as described in the public notices submitted with the application

for the reasons and considerations set out under Schedule 1 and subject to the conditions set out below, and

(2) refuse permission for

- Item (i) – new recessed sixth floor level comprising 6 bedrooms
- Item (ii) – reduction in footprint of fifth floor level

both as described in the public notices submitted with the application

for the reasons and considerations set out under Schedule 2 below.

Schedule 1

Reasons and Considerations

Having regard to the City Centre zoning of the site, the nature and scale of the proposed development, and the provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would be consistent with Policy BHA11 (Rehabilitation and Re-use of Existing Older Buildings) and would not detract from the character and setting of No.3 Parnell Street, a Protected Structure, and would not seriously injure the amenities of existing residents of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Development shall be carried out and completed in accordance with planning permission Register Reference 3281-20/ABP 309511-21 for this site except for the following amendments only:

- Item (iii) - opening up of existing party wall, new stair core and new build
- Item (iv) – fitting of louvered screens to bedrooms
- Item (v) – ancillary works including reconfiguration of floor levels

as described in the public notices submitted with this application.

Reason: In the interest of clarity

3. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.
Reason: In the interests of clarity and public health.
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.
6. The developer shall pay to the planning authority a financial contribution in respect of the LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 the Board 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Schedule 2

Reasons and Considerations

The proposed development of an additional sixth floor and involving amendments to the permitted fifth floor of the development permitted under planning permission Register Reference 3281-20/ABP 309511-21 would contravene Policy BHA2 and Policy BHA7 and Sections 15.5.1 and 15.5.2 of the Dublin City Development Plan 2022-2028. The proposed works would injure the special architectural character of this Protected Structure and would seriously injure the visual amenities of the streetscape and adversely affect the Capel Street and Environs Architectural Conservation Area. The proposed development would thereby be contrary to the proper planning and sustainable development of the area.

Board Member:


Stewart Logan

Date: 17/05/2024