

An  
Bord  
Pleanála

**Board Direction**  
**BD-018706-25**  
**ABP-319034-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/01/2025.

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:

Attach condition number 4 of Decision 3912/23 in full including 4 (a), 4 (b) and 4 (c) which are subject of this appeal and amend the reason for the conditions to read as follows:

*The condition shall be revised as follows:*

- (a) *The development shall be six storeys over lower ground floor as per the height proposed in 'Option B' submitted with the further information response on the 5<sup>th</sup> day of October, 2023, with building height above ground being as per the 'Option B' elevations and sections on pages 2-6 of the further information response document prepared by Lawrence and Long Architects.*
- (b) *The separation distance between the protected structure, number 134 James Street, and the new annex structure, shall be no less than 2.25 metres above ground floor level. The cantilevering element on the southern side of the new annex structure on upper floors is omitted from the scheme.*

(c) *The third, fourth and fifth floor of the annex building shall each accommodate one number-two bedroom apartment. The permission is for 11 number apartment units as follows: one number studio, three number one-bed units and seven number two-bed units.*

(d) *No part of the development shall encroach upon the public realm.*

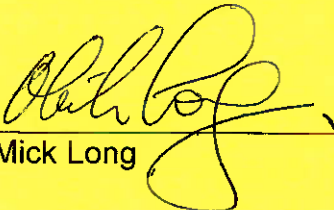
*The development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing with, the planning authority and such works shall be fully implemented prior to the occupation of the buildings.*

**Reason:** *In order to protect the character and setting of the protected structure, the amenity of future occupants and in the interest of clarity.*

### **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022-2028, the Z4 zoning objective “to provide for and improve mixed-use service facilities”, the pattern of development in the area, and the nature and scale of the previously permitted development on the site, it is considered that the imposition of condition number 4 (a) requiring a reduction in height of the new building, condition number 4 (b) requiring an increase in separation distance between the existing and proposed buildings on site and condition number 4 (c) that requires a revised unit mix, are necessary to protect the character and setting of the protected structure and the amenity of future occupants and would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Board Member:**

  
Mick Long

**Date:** 21/01/2025