



An
Coimisiún
Pleanála

Direction
CD-020926-25
ABP-319168-24

The submissions on this file and the Inspector's report were considered at a meeting held on 09/10/2025.

The Commission decided to make a split decision (grant part, refuse part) as set out below and for the reasons and considerations also set out below.

Planning

Commissioner:

Patricia Calleary
Patricia Calleary

Date: 10/10/2025

DRAFT WORDING FOR ORDER

GRANT permission for the following elements of the proposal:

- Change of use of Nos. 37 and 41 Mount Street Upper from office to residential to provide 8 no. 1 bed apartment units and 1 no. 3 bed apartment unit and 1 no. 4 bed apartment unit;
- Conversion of the existing mews building at No. 50 James's Place East (to the rear of No. 50 Mount Street Upper) to a residential dwelling (2 no. bedrooms);
- Construction of a 3 storey residential building to the rear of No. 47 Mount Street Upper fronting onto James's Place East to provide for a total of 2 no. 2 bedroom apartment units;

- Construction of a 3 storey residential building located between the rear of No. 50 Mount Street Upper and the rear of No. 50 James's Place East to provide for a total of 1 no. studio unit and 2 no. 2 bedroom apartment units;
- Provision of a park within the grounds of Nos. 33-34 Mount Street Upper;
- Provision of bicycle spaces to serve the proposed development and;
- All ancillary landscaping, boundary treatments, associated infrastructure, and site development works to support the development.

For the reasons and considerations marked (1) hereunder and the conditions set out below.

REFUSE permission for the following elements of the development in accordance with the reasons and considerations marked (2)

- The demolition of the existing buildings at Nos. 38-43 James's Place East.
- The construction of a part 4, part 5 part 6 and part 7 storey Hotel building over basement level on the site to the rear of Nos. 37-43 Mount Street Upper fronting onto James's Place East;
- Change of use of No. 38, 39 and 40 Mount Street Upper from office to hotel use and associated changes to layout to accommodate the change of use;
- The hotel will provide for a total of 300 no. guest rooms and will have an overall floor area of c.11, 550 sqm within the new build development, and 1, 540 sqm within Nos. 38, 39 and 40 Mount Street Upper;
- Provision of a glazed link and bridge from the rear of Nos. 38 and 39 Mount Street Upper to the proposed hotel building at ground floor level;
- Provision of 2 no. platform lifts to the front of No. 38 and 39 Mount Street Upper;
- Provision of a glazed link and bridge from the rear of No. 38 and 39 Mount Street Upper to the proposed hotel building at ground floor level;
- Provision of a multi-use school space (c. 180 sqm at ground floor level within the hotel building fronting James's Place East;

- Provision of an arts/cultural space (c. 130 sqm at lower ground floor level within No. 38 Mount Street Upper;

Reasons and Considerations

Reasons and Considerations (1)

Having regard to the Z8 Georgian Conservation Areas zoning ('to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective') and the Z10 Inner Suburban and Inner City Sustainable Mixed Use zoning ('to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses'), the policies and objectives set out in the Dublin City Council Development Plan, 2022 to 2028 and the pattern of development in the area, it is considered that the proposed residential development on Plots A, B, E and F, will serve to positively enhance the area and that subject to compliance with the conditions set out below, would not significantly detract from the amenities of the area and would be acceptable on planning grounds. The proposed development would 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 interests of clarity.

2. Prior to the commencement of development, the developer shall submit the following to the Planning Authority for prior written approval:

- i) Revised site layout plan omitting the existing car parking to the rear of no. 50 Mount Street Upper (Plot A). Revised landscaping plan for the same property which shows the inclusion of a new amenity space in place of said car parking to be removed. Revised floor plans and elevations for the proposed new Apartment building on Plot A which restricts vehicular access to the rear of the site and facilitates pedestrian access only.
- ii) 2 no. car parking spaces at no. 47 James's Place East (Plot B) shall be reserved for the proposed residential use on site. Proposals for same to be agreed with the Planning Authority.
- iii) Revised floor plans and elevations for no. 41 Mount Street Upper (Plot E) which omits Apartment no. 3. The lower ground floor and ground floor of no. 41 shall be the same as that of no. 37 Mount Street Upper as indicated on drawing no. A2111-03-010 and A2111-03-011. A revised site layout drawing for no. 41 Mount Street Upper (Plot E) showing the reinstatement of the rear site boundaries of this site.
- iv) A revised site layout drawing for no. 37 Mount Street Upper (Plot F) showing the reinstatement of the rear site boundaries of this site.
- v) Cycle parking, bin storage and final access arrangements for Plots A, B, E & F shall be as per the requirements of the Planning Authority.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

- 3. Prior to commencement of development, the developer shall submit the following to the Planning Authority for written approval:

- i) Proposals for a meaningful garden/ external amenity space to serve no's 37 & 41 Mount Street Upper including 1:50 drawings of the historic boundary walls with clear indications of the repairs required and proposed and A Conservation method statement for the repair of the historic news walls.

- ii) Revised plans, sections and elevations providing full details in relation to service runs and the impact on historic fabric.
- iii) Revised proposals for the front and rear fenestration arrangements for each of the proposed new apartment buildings on Plots A and B. The revised proposals shall suitably reduce the extent of glazing proposed as per the requirements of the Planning Authority.
- iv) A Conservation Architect with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structures.
- v) All works to the structure shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.
- vi) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- vii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- viii) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: To ensure that the integrity of the protected structure is maintained and that all works are carried out in accordance with best conservation practice.

- 4. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

and collection of the waste and, in particular, recycling materials shall be submitted to, and agreed in writing with, the Planning Authority, prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, in particular, recyclable materials, in the interest of protecting the environment.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection and residential amenities.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The fibrous cement cladding to the proposed units on Plots A and B shall be omitted and replaced with a high-quality material/ metal to be agreed with the Planning Authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. Public lighting shall be provided in accordance with a scheme, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

13. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended and any statutory provision replacing or amending them, no development falling within Classes 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interests of the amenities of the area.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement is not reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

17. 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.

18. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City 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 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.

Reasons and Considerations (2)

The proposed hotel development on Plots C and D, by reason of its height, scale, massing, form and design, together with the proposed excavation of a large basement area to the rear of no's 37, 38, 39, 40 & 41, Mount Street Upper, would result in a visually obtrusive and overly dominant feature resulting in an abrupt transition within the historic terrace which would detract from the prevailing height, scale and architectural character of the traditional streetscape which incorporates important Protected Structures and forms part of a conservation area. The proposals would also have a significantly adverse and injurious impact on the former mews lane at James's Lane East. The proposed hotel development would materially contravene Policies BHA2 (a), (b), (d), (e), (f), (g), (h), BHA9 and BHA14, and Section 14.6 (Transitional Zone Areas), Section 15.13.5.1 (Mews – Design and Layout) and Section 15.13.5.2 (Mews – Height, Scale and Massing) of the Dublin City Development Plan 2022-2028, would set an undesirable precedent for similar

type development and would be contrary to the proper planning and sustainable development of the area.

The Commission did not attach the inspector's recommended reason number two which centres around the point that the proposed development might seriously injure the amenities of the surrounding properties at Mount Street Upper and on James's Place East by reason of overbearance, overlooking, potential noise and disturbance and access to daylight and sunlight. The Commission did not share this view, having regard to the city centre location, policy support for densification at all levels and that none of the surrounding properties are in residential use. In relation to daylight and sunlight, The Daylight and Sunlight Assessment (including the addendum report that took into account the proposal to reduce the overall height and scale) confirms a high level of compliance with 100% meeting the minimum level and 93.3% meeting the Target level. The classrooms on the school to the south will continue to be well lit throughout the year. It is considered that the proposed development is acceptable in terms of Daylight and Overshadowing. A separation distance of 22 metres would be achieved between the proposed Hotel and the rear elevation of the adjacent protected structures. Therefore, no proposal will therefore not result in any undue overbearing.

In relation to the matter of overlooking, the Commission again took into account that none of the surrounding properties are in residential use and was satisfied that adequate separation distances are provided and the proposed proposed roof gardens are set back which would ensure no direct overlooking of the school. The Commission was satisfied that the proposed development would not seriously injure the amenities of the surrounding properties at Mount Street Upper and on James's Place East.

Note:

The applicant is advised that any future application on the appeal site that may include proposals for building demolition, should be accompanied by a justification that addresses impacts related to embodied carbon.

