



An  
Bord  
Pleanála

**Board Direction**  
**BD-019296-25**  
**ABP-319365-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/03/2025.

The Board decided to make a split decision, generally in accordance with the Inspector's recommendation, to

(1) grant permission, subject to conditions, for the reasons and considerations marked (1) under, for retention of

e) Alterations to the west (front) façade to provide two no. shopfronts with names over, and two storey extension (21sqm per total) to the rear, facing east, and

f) New window to east elevation, lower ground floor,

and

(2) refuse permission for the reasons and considerations marked (2) under for

a) The demolition of:

(i) recent (unauthorised) west walls to the carpark

(ii) timber-framed, glazed, garden room at lower ground floor (220sqm), roof profile to be modified as required at b) below, and

(iii) a previously existing roofed outdoor seating area at upper ground floor level (51sqm).

b) The construction of a five-storey extension (1395sqm) to the south part of the existing two-storey building, containing public house/restaurant on lower and

upper ground floors and boutique hotel bedrooms on first, second and third floors. Bedrooms to be provided with balconies/terraces facing east and west; public house/restaurant to have terraces facing east at both levels. Ancillary services to include waste storage at lower ground level with service lift to upper ground floor level (street level).

c) Enclosed plant room to rear (east) on roof of existing public house (first floor level).

d) Associated hard and soft landscaping, including drainage and works to public sewer and 8 No. of cycle parking spaces.

g) Retention of steel pedestrian gate at north-east corner of site.

### **Reasons and Considerations (1)**

Having regard to the Z1 zoning objective as set out in the Dublin City Development Plan 2022-2028, the design and layout of the alterations to the existing premises and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development proposed to be retained would not seriously injure the visual amenities of the area or the amenity of property in the vicinity. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be retained in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.

**Reason:** To clarify the plans and particulars for which permission is granted.

2. 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.

## **Reasons and Considerations (2)**

1. Having regard to the Z1 zoning objective as set out in the Dublin City Development Plan 2022-2028, the location of the site in the River Dodder Conservation Area, to the scale of the development and proximity to residential dwellings it is considered that the proposed development would lead to a significant intensification of the existing use and would have a detrimental impact on the residential amenities of existing residents in the area by reason of additional levels of noise, disturbance and overlooking. Furthermore, it is considered that having regard to its bulk, height and scale, the proposed development, in its specific form, would be a visually obtrusive form of development at this location. The proposed development would, therefore, be contrary to Policy CEE28 relating to 'visitor accommodation' that requires hotel developments to prevent unacceptable intensification of activity, particularly in predominantly residential areas, and would be contrary to Section 15.15.2.2 'Conservation Areas' where planning applications are required, inter alia, to protect the amenities of surrounding properties and to be cognisant and/ or complementary to the existing scale, building height and massing of the surrounding context. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The steel gate, for which retention planning permission is sought as part of the development description, and which is shown on the site layout plans to be located at the north eastern corner of the site, is not in situ at this location. In this regard it is considered inappropriate to grant permission in circumstances where the statutory description of the development seeking retention is not consistent with the existing status of the subject site. The proposed development would, therefore, be contrary to proper planning and sustainable development.
3. The applicant has not provided adequate information to allow the Board to assess the elements of the proposed development referred to as (c) enclosed plant room to rear (east) on roof of existing public house (first floor level) and (d) associated hard and soft landscaping including drainage and works to the public sewer and cycle parking spaces. In this regard it is considered inappropriate to grant permission in circumstances where the plans and particulars are insufficient to enable the Board to make a determination. The proposed development would, therefore, be contrary to proper planning and sustainable development.

**Notes:**

1. The Board shared the inspector's view that in the absence of an Ecological Impact Assessment Report and Construction Management Plan, as required by Section 15.2.3 and Table 15.1 of the Dublin City Development Plan 2022-2028 for commercial developments of this scale, as well as an absence of a lighting plan and detailed landscaping proposals, it was not possible to adequately assess the proposed development for its impact on ecology and water quality in order to demonstrate compliance with Policies GI14, GI18 and GI31 of the development plan. While ordinarily this would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.
2. The Board noted the inspector's recommended third and fourth reasons for refusal in relation to traffic hazard and the impact on the structural integrity of the adjacent residential properties at Millrace respectively. While noting the



inspector's concerns the Board consider that these primarily arose from an absence of information and assessments submitted with the application and did not constitute reasons for refusal in themselves under the current appeal.

**Board Member**

Mary Gurrle  
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**Date:** 01/04/2025