

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3237/15**

An Bord Pleanála Reference Number: PL 29S.246099

**APPEAL** by Butlers Irish Chocolates care of Manahan and Associates of 38 Dawson Street, Dublin and by Lufa Limited (Steps of Rome) care of Fitzgerald and Company of 35-36 Arran Quay, Dublin against the decision made on the 8<sup>th</sup> day of January, 2016 by Dublin City Council to grant subject to conditions a permission to Adelaide Real Estate Investments PLC care of IMG Planning of 75 Fitzwilliam Lane, Dublin.

**PROPOSED DEVELOPMENT:** The proposed development will consist of the redevelopment of Chatham Court entailing the demolition of the existing three-storey building on the site (retail and restaurant uses at ground floor and nine number apartments at first and second floors) and the construction of a 6,208 square metres (gross) five-storey over double basement mixed use building comprising a 993 square metres (gross) lower basement containing 12 number car parking spaces (10 number new and two number relocated), plant areas, shower rooms, 44 number cycle parking spaces and storage areas; 993 square metres (gross) of retail floor space in the upper basement; a total of 732 square metres (gross) of retail floor space on ground floor; a total of 1,155 square metres (gross) of retail floor space on first floor; 935 square metres (gross) of office accommodation on second floor with external terraces on the northern and western elevations; 795 square metres (gross) of office accommodation on third floor with an external terrace on the northern elevation; and 605 square metres (gross) of office accommodation on fourth floor with external terraces on the northern and western elevations, all at Chatham Court, Chatham Street, Dublin, bounded to the north by Chatham Street, to the south by the rear of The Gaiety Centre, King Street South, to the west by Clarendon Row and to the east by 6 Chatham Street and The Gaiety Theatre (Protected Structure).

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **REASONS AND CONSIDERATIONS**

The existing development on Chatham Street proposed for demolition - while not of any particular architectural merit - includes a mix of small scale commercial units fronting the street, and these contribute positively to the diversity, vitality and character of Chatham Street. The residential use of the upper floors apartments also contributes positively to the mix of uses and vibrancy in the area. By reason of its scale and monolithic form, the failure to re-create an animated and diverse street frontage or mix of uses on Chatham Street, and its failure to maintain any residential use at upper floor levels, it is considered that the proposed development would be detrimental to the character of the area, would fail to integrate successfully with the pattern of development in the area, and would detract from the civic design character and sense of place of the street. It is therefore considered, notwithstanding the location of the site on a Category 2 Retail Street, and the acceptability in principle of achieving greater utilisation of this city centre site, that redevelopment in the form proposed would not comply with the Z5 zoning objective of the area, which is to consolidate and facilitate the development of the central area, and to identify, re-inforce, strengthen and protect its civic design character and dignity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation the Board gave significant weight to the contribution that the existing variety of uses make to the vibrancy and character of the area and the desirability of maintaining both this ambience and some element of residential activity. The Board considered that the proposed configuration of the development at street level - which lacks any smaller units or adequate permeability or animation – coupled with lack of residential use, resulted in detrimental impacts as described above that would not be outweighed by the positive aspects of the development as supported by the Inspector.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**