

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4046/15

An Bord Pleanála Reference Number: PL 29S.246166

APPEAL by Tanya Quinn and Christian Fraunfelder care of Solearth Architecture of Daintree Studio, 62 Pleasants Place, Dublin against the decision made on the 21st day of January, 2016 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from storage area at fourth floor attic level to a two-bedroomed apartment with dormer window to the north and with mezzanine gallery living area and associated roof terrace. The area of the fourth floor remains at 101.9 square metres, with an additional 26 square metres gallery being added at mezzanine level. The total increase in height of the building will not be more than two metres. It is proposed to provide replacement balconies with a depth of 1.4 metres to the rear of each existing apartment with an additional balcony at fourth floor level. Additional waste and bicycle storage facilities will be provided, all at 43-44 James's Street, Dublin.

DECISION

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 3 (a) and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed gallery structure, the Board considered that the proposal; would constitute a visually incongruous feature on the streetscape and would injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to remove condition number 3(a), the Board considered that the visual impact of the gallery in the context of the surrounding roofscape and the streetscape was significant and represented a visually obtrusive intervention.

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.

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

Dated this day of 2016.