

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2337/16

An Bord Pleanála Reference Number: PL 29S.246580

APPEAL by Michael Maughan care of Future Analytics of 23 Fitzwilliam Square (South), Dublin against the decision made on the 14th day of April, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Development comprising the demolition of existing three-storey mews building in existing office use (permission previously granted for residential use under register reference:1000/83) and construction of new three-storey over basement mews building for office and cultural use, with rooflight and set-back roof terrace to south-west/Fitzwilliam Lane elevation, five number car parking spaces and associated site works at Number 70 Fitzwilliam Lane, Dublin (the site being within the curtilage of Number 70 Merrion Square, Dublin, a 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

1. The proposed development is located within the designated Georgian Conservation Area, within the curtilage of a protected structure at 70 Merrion Square, and adjoining an original mews building that is within the curtilage of the protected structure at 71 Merrion Square. Having regard to its height, scale, design, and its projection forward of the building line of the original mews buildings, it is considered that the proposed development would have a serious and detrimental impact on the character and setting of the original mews building and on the protected structures and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, contravene the provisions of the “Architectural Heritage Protection – Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011), and would be contrary to the proper planning and sustainable development of the area.
2. The proposed site is designated with a Z1 residential land-use zoning objective, which is to protect, provide and improve residential amenities, where office use is deemed not to be permissible in principle. The proposed development would result in the intensification of a non-conforming office use, for which no record of permission exists, and would materially contravene the Z1 zoning objective for the site. The scale and character of the development would seriously injure neighbouring residential amenity by reason of overlooking, loss of privacy, overshadowing and overbearing impacts, would detract from the character and setting of protected structures, and would, therefore, fail to comply with Section 15.8 of the Dublin City Development Plan 2011-2017 whereby extensions to, or improvements of, a non-conforming use may be granted where the use would not adversely affect the amenities of premises in the vicinity. The proposed development would create a precedent for inappropriate development on Fitzwilliam Lane, and would be contrary to the proper planning and sustainable development of the area.
3. Section 17.10.7 of the Dublin City Development Plan 2011-2017 seeks to protect the special interest and visual character of protected

structures and sensitive areas from visually obtrusive car parking and associated hard surfacing in the rear gardens of protected structures and in Conservation Areas. Having regard to the extensive scale of hard surfacing proposed, which also facilitates access to car parking, in the former rear garden of the protected structure at 70 Merrion Square, it is considered that the proposed development would fail to comply with Section 17.10.7 of the said Development Plan, would seriously detract from the visual amenities of protected structures in the vicinity, both by itself and cumulatively with similar development in the area, and would contravene the provisions of the “Architectural Heritage Protection – Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht (2011). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2016.