

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2237/16

An Bord Pleanála Reference Number: PL 29S.246749

APPEAL by Upper Leeson Street Area Residents Association of P.O Box 8411, Ballsbridge, Dublin and by RGRE Embassy Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 20th day of May, 2016 by Dublin City Council in relation to an application by the said RGRE Embassy Limited for permission for (i) change of use of part (96.5 square metres gross) of the main building at number 32 Burlington Road at lower ground floor from residential use to embassy office use and the change of use of the remainder of the building (447.5 square metres) from residential to embassy residential use. The total gross floor area of the building is 544 square metres; (ii) change of use of the existing mews building (146.9 square metres gross) from residential to live/work use and (iii) all associated and ancillary works, including internal amendments to number 32 Burlington Road, all on a site of 0.12 hectares at number 32 Burlington Road, and the mews property at number 32 Burlington Road and 96 Waterloo Lane, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the change of use of part (96.5 square metres gross) of the main building at number 32 Burlington Road at lower ground floor from residential use to embassy office use and the change of use of the remainder of the building (447.5 square metres) from residential to embassy residential use and to refuse permission for the change of use of the existing mews building (146.9 square metres gross) from residential to live/work use):

DECISION

GRANT permission for the change of use of part (96.5 square metres gross) of the main building at number 32 Burlington Road at lower ground floor from residential use to embassy office use and the change of use of the remainder of the building (447.5 square metres) from residential to embassy residential use and all associated and ancillary works, including internal amendments in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the change of use of the existing mews building 146.9 square metres gross from residential to live/work use based on the reasons and considerations marked (2) under.

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)

It is considered that, subject to compliance with the conditions set out below, the proposed change of use of the house at 32 Burlington Road from a dwelling to an embassy office use would comply with the Z2 zoning objective for the site under Dublin City Development Plan 2011-2017, would not endanger public safety by reason of traffic hazard, would not seriously injure the residential amenities of the area and would, therefore, 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, as amended by the further plans and particulars submitted on the 25th day of April 2016, 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 interest of clarity.

2. The embassy office use shall be restricted to that part of the ground floor denoted as being the subject of this use on the submitted plans.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:

Four cycle stands shall be provided.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to promote cycling as a sustainable mode of transport.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays 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.

6. The developer shall pay to the planning authority a financial contribution of €3,380 (three thousand, three hundred and eighty euro) 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. The application of any indexation required by this condition 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.

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)

The proposed conversion of the mews dwellinghouse at 96 Waterloo Lane to a live work unit would, by reason of the siting, design and layout of this dwellinghouse, materially contravene Section 17.9.13 of the Dublin City Development Plan 2011–2017, which sets out the characteristics of live work units. Furthermore, on the basis of the submissions made in connection with the planning application and the appeal, it is considered that the applicant has failed to demonstrate that the dwellinghouse, which adjoins another mews dwellinghouse and is adjacent to the main house on the site, would be capable of being converted to a live work unit in a manner that would be compatible with the amenities of these residential properties, by reason of noise insulation and ventilation requirements. The proposal would be served by poor quality private open space that would fail to afford a satisfactory standard of amenity to future occupiers and 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.