

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2942/16

An Bord Pleanála Reference Number: PL 29S.247059

APPEAL by Weiyu Wu care of Plus Architecture Limited of Chancery Lane, Dublin against the decision made on the 12th day of July, 2016 by Dublin City Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Development comprising: (1) demolition of the existing structures on site at 10 and 11 Montague Lane including the three storey late 20th Century commercial buildings at the rear of the site at Montague Lane and demolition of a two storey late 20th Century ancillary building to the rear of 10 Montague Lane; (2) construction of three-storey plus single level setback level office building facing Montague Lane, over a single level basement car park comprising three number car parking spaces, bin store and bicycle parking facilities for the proposed development with access from 10 Harcourt Street; (3) works to the Protected Structure at 10 Harcourt Street include the following external alterations: removal of a modern rear return extension at first and second level, reinstatement of two windows at first and second half-landings at ground floor, replacement of the modern corrugated roof over the return, removal of two modern windows and part of the rear wall and replacement of the existing shopfront; at basement level: removal of two modern windows and section of the rear wall and removal of two modern doors and a section of the front wall; at roof: remove the existing cement slating and recover in natural slates, repoint the front and rear brick facades. Internal alterations include: at basement: removal of modern partitions and linings; at ground floor: removal of modern toilets, stores and partitions in the rear room and alteration to floor of front room to provide internal ramp for disabled access, removal of toilet and insertion of a new door opening in the party wall of ground floor return; at first floor: removal of modern cupboard on landing and reinstatement of two original doors; at second floor: in front room, removal of modern ceiling and reopen original doorway to hall; at third floor: removal of modern partitions in front and rear rooms to restore original layout; (4) a change of use of an existing members

club at basement level to office use is proposed and (5) the total development gross internal area is 2,888 square metres comprising the existing property at 10 Harcourt Street (581 square metres) and the proposed new development area (2,307 square metres). The total site area is 678 square metres (0.0678 Hectares), all on site of a Protected Structure at 10 Hacourt Street, extending to 10 and 11 Montague Lane, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions 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

Having regard to the nature and scale of the proposed development including the modifications made by the applicant at appeal stage and to the established character and pattern of development in the vicinity of the site, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining properties or the established amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the amendments to the proposed development contained within the applicant's response to the section 137 notice issued by the Board adequately overcome the Planning Inspector's concerns as set out in her recommended reasons for refusal.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the modifications received by An Bord Pleanála on the 10th day of February 2017, in response to the section 137 Notice issued by An Bord Pleanála, 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 top floor of the extension proposed onto Montague Lane as originally proposed shall be omitted in accordance with the revised plans and particulars submitted by the applicant and received by the An Bord Pleanála on the 10th day of February, 2017.

Reason: In the interest of clarity.

3. Details of the colour and texture of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a Construction, Demolition and Waste 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

5. All works to the protected structure, shall be carried out under the supervision of a qualified architect with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice

6. 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

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

Dated this day of 2016.