

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 2148/16

An Bord Pleanála Reference Number: PL 29S.247351

APPEAL by Oliver McGrath care of Downey Planning of 1 Westland Square, Pearse Street, Dublin and by Ciaran McGrath care of Stephen McGrath of 13 Duke Street, Dublin against the decision made on the 6th day of September, 2016 by Dublin City Council to grant subject to conditions a permission to James and Patrick Dooley care of Dalton and Patrick Dooley care of Dalton and O'Donnell, The Butterslip, Kilkenny.

PROPOSED DEVELOPMENT: 1. Internal alterations to basement level of protected structure and for partial change of use from storage to use as office and canteen, 2. alterations to ground floor of protected structure including repair/replacement of glass lights set in pavement and repairs to paved entrance from Westland Row, new shop front and alterations to windows and doors to building façade at entrance level and for change of use from office to use as reception and café, 3. internal alterations to first, second and third floor plans of protected structure, 4. works to rear of protected structure to include alterations to doors and windows and the enlargement of ope dimensions, 5. demolition of the existing two-storey building to the rear of 42/43 Westland Row facing onto Westland Court, 6. the construction of one three-storey building to rear of the site to be constructed from a steel portal frame, ground floor for use as restaurant/office with own door access, first and second floor for use as office, all to be accessed from both Westland Court and Westland Row, 7. the construction of an atrium between three-storey building to rear of site and protected structure with glazed roof and internal circulation consisting of stairs and glass lift and associated landings at each level to connect buildings to front and rear of site, and supported from ground level and proposed building to rear of site, 8. awning projecting two metre from rear of building facing onto Westland Court, and 9. new signage to shop front onto Westland Row and at entrance to rear building from Westland Court and

signage on proposed awning, all at 42/43 Westland Row (a protected structure), Dublin.

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

It is considered that the proposed development would constitute overdevelopment of the site and would seriously injure the amenities of neighbouring residential property by reason of overshadowing, overbearing and loss of daylight. 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 to grant permission, the Board considered that, notwithstanding the zoning of the area, the broadly positive nature and design of the proposed development, the fact that protected structures would be brought back into beneficial use and the pattern of development in the area, the scale of the proposed development of the three-storey atrium and rear building would result in unacceptably negative impacts on the amenities of neighbouring property including residential property, as outlined above.

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

Dated this day of 2017.