



An  
Bord  
Pleanála

**Board Order**  
**PL 29S.249430**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3541/17**

**Appeal** by NCP Properties Limited care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 22<sup>nd</sup> day of September, 2017 by Dublin City Council to refuse permission for development comprising amendments to the under construction permission granted under planning register reference numbers 2896/13 and 2473/16 to facilitate the change of use of the seven number apartments from residential dwellings to apartments (with balconies serving each) suitable for short term letting for holiday and business use (three number one bedroom and four number two bedroom units) at first, second, third and fourth floor of this permitted five-storey mixed use development with no solar panels at roof level. Amendment to the ground floor front elevation of the café/retail unit. No other changes are proposed and will continue to include a café/retail unit (93 square metres) at ground floor with internal ground level bike store for eight number bicycles and a landscaped garden to the rear, all at 98-99 Francis Street, Dublin in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for amendment to the ground floor front elevation to the café/retail unit 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 amendments to the under construction permission granted under planning register reference numbers 2896/13 and 2473/16 to facilitate the change of use of the seven number apartments from residential dwellings to apartments (with balconies serving each) suitable for short term letting for holiday and business use (three number one bedroom and four number two bedroom units) at first , second, third and fourth floor of this permitted five storey mixed use development with no solar panels at roof level 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)**

Having regard to the planning history on the site, the provisions of the Dublin City Development Plan 2016-2022 and the design, it is considered that the proposed alterations, subject to compliance with the conditions set out below, would not adversely affect the character and setting of the adjoining protected structure or the Architectural Conservation Area and would 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 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted under planning register reference numbers 2896/13 and 2473/16, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

## Reasons and Considerations (2)

Having regard to the location of the site within the Liberties Strategic Development and Regeneration settlement area and on lands zoned Z4, in the Dublin City Development Plan 2016-2022, where it is an objective to support the provision of a diversity of unit types and tenures capable of establishing long-term integrated communities, it is considered that the proposed development, which would remove the provision of residential accommodation in Dublin City Centre, would contravene materially the following:

