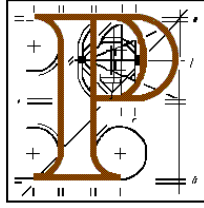


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dublin City Council

Planning Register Reference Number: 2851/17

An Bord Pleanála Reference Number: ABP-300041-17

Appeal by Alan Corrigan of 70 Powerscourt, Mount Street, Dublin and by Tim O'Connor care of Brock McClure pf 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 2nd day of October, 2017 by Dublin City Council to grant subject to conditions a permission to the said Tim O'Connor in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of the demolition of existing vacant two-storey public house (479.6 square metres) and the construction of a new five and part six storey over basement aparthotel and restaurant/bar/café. The building will accommodate 36 aparthotel suites on the upper floors, over a ground floor restaurant/bar/café with basement and includes all ancillary service areas. The total gross floor area of the building is 1,556.4 square metres (including basement) of which 446 square metres will be restaurant/café use. The proposed development includes mechanically vented internal plant area at basement and fifth floor level, screened refuse enclosure at ground floor, proposed signage to south-east and north-east elevations and a covered outdoor terrace at ground floor on the south-east elevation and all ancillary site and development works, all at Scruffy Murphy's public house, 1-2 Power's Court, Dublin, as amended by the further public notice received by the planning authority on the 5th day of September, 2017.

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. Having regard to the pattern of existing development in the vicinity, and in particular the existing two storied residential dwellings in immediate proximity to the subject site, it is considered that the proposed development, by reason of its height and of its form and nature, would represent significant overdevelopment of a restricted site, would be overbearing in the context of adjoining residential properties and would seriously injure the residential amenities of such properties. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. Having regard to the zoning objective applying to the subject site – Z1 “To protect, provide and improve residential amenities” - it is considered that the proposed development, by reason of its scale and nature, and the potential for disturbance that such a commercial use would represent, would conflict with the overall purpose of the zoning objective, and would, notwithstanding the previous use of a site as a public house, lead to an intensification of activity in this predominantly residential area, including increased commercial servicing on Verschoyle Place, which would seriously injure the residential amenities of nearby properties. 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 did not consider that the proposed use, notwithstanding the previous use of the subject site as a public house, would be compatible with the protection of the residential amenities of neighbouring properties. In this regard, the Board had regard to the overall purpose of the zoning objective applicable to this site, and considered that the proposed use would conflict with this purpose, particularly having regard to the close proximity of the development to such residential properties. Furthermore, the Board did not consider that the overbearing impact of the proposed development could be successfully mitigated by the removal of one (or more) floors from the proposed building, and noted that the plot ratio of the proposed development, even with the removal of such floors, would be significantly in excess of the maximum indicative plot ratio for Z1 zonings in the inner city, as set out in the statutory Development Plan, and would, therefore, represent significant overdevelopment of this restricted site.

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

Dated this day of 2018