

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dublin City**

**Planning Register Reference Number: 3986/17**

An Bord Pleanála Reference Number: ABP-300529-17

**APPEAL** by Carman Developments Limited care of Thornton O'Connor Town Planning Limited of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 28<sup>th</sup> day of November, 2017 by Dublin City Council to refuse to the said Carman Developments Limited for the proposed development.

**PROPOSED DEVELOPMENT:** Amendments to permitted development (reference 4214/16) to include: (a) the construction of one number three-bedroom unit of 112 square metres to fourth floor level only, with private balcony of 41 square metres and (b) reduction in area of the communal terrace at fourth floor by three square metres, all at 27 Carman's Hall, 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:

- (a) the Z4 City Centre and the Z1 Residential zoning, and to the policies and objectives, in particular Section 16.7.2 Building Heights, as set out in the current Dublin City Development Plan,
- (b) the height strategy in The Liberties Local Area Plan,
- (c) the planning history on the site and immediate surrounding area,
- (d) the location of the site within the Thomas Street Architectural Conservation Area, and
- (e) the pattern of development in the vicinity,

it is considered that the proposed development would not seriously injure the residential or visual amenity of the area or be detrimental to the character and setting of Thomas Street and Environs Architectural Conservation Area. The proposed development 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, 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 permission granted under planning register reference number 4214/16, 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 permission.

3. 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

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

**Dated this                      day of                      2018.**