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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4043/17**

**APPEAL** by Amaska Holdings Limited care of Fenton Associates of Unit 13, The Seapoint Building, 44-45 Clontarf Road, Dublin and by RGRE J and R. Fitzwilliam Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 4<sup>th</sup> day of December, 2017 by Dublin City Council to refuse permission to the said RGRE J and R. Fitzwilliam Limited.

**Proposed Development:** 1. Extension comprising a total net gross floor area increase of 268 square metres of the office space. The extension consists of (a) provision of new basement level generally under the rear garden level extending under mews building to Pembroke Lane, (b) new two-storey extension to mews building over new basement to provide a new parking area, (two number car parking spaces) at ground level (Pembroke Lane, currently a courtyard) and office above (first floor). This element of the extension provides for a revised elevational treatment with parking entrance to Pembroke Lane with a terrace at first floor level, (c) reconfiguration and associated works to internal layout of number 65 and mews building; 2. new rear garden level over new basement level and landscaping including traversable skylights to office below (as described above) with patio and open terrace. The new garden level provides access to the ground level of the mews building and to the basement and ground levels of the rear return of number 65 via stairs; 3. provision of new external lift structure to rear return of

number 65 providing access from basement level to the lower second floor; a small lean-to will be demolished to facilitate the lift; 4. all associated internal and external repair, cleaning and conservation works and all other associated site development works at 65, Fitzwilliam Square North, Dublin and associated mews building fronting onto Pembroke Lane. The subject site contains a protected structure - reference number 2860 and is located within an Architectural Conservation Area.

## **Decision**

**REFUSE permission for the above proposed development in accordance with 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**

Having regard to the inclusion of number 65 Fitzwilliam Square on the record of protected structures, and location within the area designated as the Fitzwilliam Square and Environs Architectural Conservation Area 2009 and, within areas subject to the zoning objective Z8, to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective, and "Z1" to protect, provide and improve residential amenities as set out in the Dublin City Development Plan 2016-2022, it is considered that the proposed development, by reason of:-

- (a) the proposed extent of underground excavation within the Architectural Conservation Area and within and adjacent to the protected structures, some of which are in residential use, would be in material conflict with section 16.10.15 of the Dublin City Development Plan which discourages such significant development in the context of protected structures,
- (b) the scale and extent of the expansion and interventions, including in the proposed extensions at basement level involving alterations to the garden level, the extensions and alterations above ground to the coach house and courtyard and, the external lift structure at the main house, all would be in material conflict with the provisions and policies set out in sections 11.1.5.3, 16.10.16 and 11.1.5.4 and, Policy Objective CHC4 of the Dublin City Development Plan, 2016-2022.

The proposed development as a result, would seriously injure the integrity of the historic fabric, context and setting of the protected structure and the visual amenities and adversely affect the character of the Architectural Conservation Area and would contravene materially the (Z8) zoning objective for the site as set out in the Dublin City Development Plan, 2016-2022 providing for protection of existing architectural and design character, and limited expansion consistent with the conservation objective. The proposed development would also fail to protect and provide for and improve residential amenities as provided for in the (Z1) zoning objective for the northern section of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Dated this            day of            2018.