



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2547/18

APPEAL by Thomas Doone care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 15th day of May, 2018 by Dublin City Council to refuse permission.

Proposed Development:

1. Alterations to numbers 48/49 Wellington Quay (Protected Structure) to provide link at ground floor level to link into number 4 Merchant's Arch and from there at first floor level into numbers 1, 2 and 3 Merchant's Arch, to provide an enlarged restaurant/public house premises.
2. Refurbishment/alterations at ground floor of number 4 Merchant's Arch as a retail unit.
3. Reinstatement of existing cellar to number 1 Merchant's Arch to cold store use.

4. Refurbishment/alterations to and change of use of existing buildings at number 1 Merchant's Arch at ground and first floor levels and at first floor level at numbers 2, 3 and 4 Merchant's Arch from retail to restaurant/public house.
5. Removal of dividing wall between numbers 3 and 4 Merchant's Arch at first floor.
6. New shopfronts, signage, lighting and canopy to number 1 Merchant's Arch at ground and first floor level.
7. All associated works.

All at numbers 48/49 Wellington Quay, Dublin (Protected Structure), number 1 Merchant's Arch, Dublin and at first floor at numbers 2 and 3 Merchant's Arch, Dublin and number 4 Merchant's Arch, Dublin.

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

1. Having regard to the existing scale of the existing public house/restaurant at numbers 48/49 Wellington Quay, and the extent of additional floorspace that is envisaged for such use at numbers 1- 4 Merchant's Arch, it is considered that the proposed development would lead to a significant intensification of the existing use, and that a licensed premises of this significant scale would have a detrimental impact on the historic fabric and character of the subject site and of the local area. Furthermore, having regard to the resultant expansion of the public house/restaurant use into Merchant's Arch and Temple Bar Square, it is considered that the proposed development would lead to an overconcentration of licensed premises in this area of the city, which it is the policy of the planning authority to discourage and restrict, and would lead to conditions that would seriously injure the residential amenities of existing residents in the area, by reason of additional levels of noise and disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the protected structure status of numbers 48/49 Wellington Quay, a building of significant historical importance and architectural character, it is considered that the proposed development would be contrary to sections 11.1.5.3 and 11.1.5.4 of the Dublin City Development Plan 2016 – 2022, where it is the policy of the planning authority to discourage any development which does not relate sensitively to, and complement the special character of, a protected structure. This policy is considered to be reasonable and in accordance with national policy in relation to Architectural Heritage Protection. The proposed merging of two or more units or buildings into one unit or building at ground and/upper floor level through the demolition of dividing walls or the provision of interconnecting doors or entranceways can only be permitted in exceptional circumstances, and it is considered that, in this instance, no such exceptional circumstance to warrant such intervention has been proven. In addition, it is considered that the proposed link between numbers 48/49 Wellington Quay and number 4 Merchant's Arch at ground floor, through the historic elliptical staircase, which is an important part of the special interest and character of the protected structure, would cause serious injury to the plan form of the staircase hall as well as negatively impacting on the clarity of the architectural space of the elliptical staircase hall concerned. The proposed development would, therefore, have a detrimental impact on the essential qualities of the protected structure, thereby materially affecting its character, would conflict with the policies of the Dublin City Development Plan 2016 – 2022, and would be contrary to the proper planning and sustainable development of the area.

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.