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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2177/18**

**Appeal** by Fowlers Public House Limited care of GVA Planning and Regeneration of 4<sup>th</sup> Floor, 2-4 Merrion Row, Dublin against the decision made on the 29<sup>th</sup> day of May, 2018 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A development consisting of an additional storey (with floor area of circa 49.9 square metres) on the existing three-storey over basement Protected Structure facing Fenian Street (bringing the total height to circa 12.1 metres and floor area to circa 345.13 square metres) and a new five-storey building to the south of site facing Denzille Lane with a total height of circa 15.4 metres and floor area of circa 308.61 square metres, connected to the existing building via a covered urban courtyard to provide for an overall aparthotel development with a gross floor area of circa 653.74 square metres. The proposed development incorporates the east and west walls of the main return of the house at ground and mezzanine level and sections of the three-storey modern return at the western end of the garden, it also includes the demolition of the rear (southern) garden wall (material to be incorporated into the new wall on the same line) and the modern return at first and second floor over the main return as well as all temporary ties and propping to facilitate the new construction. The proposed aparthotel will comprise 10 number units (six

number studios, three number double-bed apartments and one number two-bedroom duplex), reception area, plant rooms, housekeeping facilities and an urban courtyard. Bathroom pods will be inserted into the bedrooms in the existing structure. Works will also include the construction of a new slate and metal roof to the existing structure in location of existing, proposed signage area circa 0.36 square metres, metal louvred windows at basement level and all site clearance and site development works. The existing shop window on the front elevation will be removed and the original elevation re-installed. The proposed development includes the removal of existing render to all elevations and the repointing of brickwork, the repair of existing up and down sash windows to ground floor and the installation of new matching windows to other opes as well as a new front door within existing ope and sundry adjustments to opes at rear of existing dwelling. The proposed development includes re-rendering the basement area in lime render, new cast-iron hoppers and downpipes to front elevation, new area perimeter railing and access gate with steel ramp to front elevation and the reconstruction of upper levels to rear chimney breasts above existing levels with lime rendered masonry. All on a site of 191.6 square metres at 24-25 Fenian Street (a Protected Structure), RPS Number 2738) and site to rear facing Denzille Lane, Dublin.

## **Decision**

**Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 5 and the reason therefor.**

## **Reasons and Considerations**

Having regard to the inclusion of numbers 24 and 25 Fenian Street on the record of Protected Structures and to the location of the site of number 8 Herbert Street within an area subject to the zoning objective Z4 “to provide for and improve mixed use service facilities” according to the Dublin City Development Plan 2016-2022, the proposed development incorporating the five-storey, new build block indicated in the amended design proposal included in the further information submission to the planning authority on the 2<sup>nd</sup> day of May, 2018, would not seriously injure the character and setting of the existing historic building, a protected structure, including features of special interest within the curtilage or the visual amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

## **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.

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

**Dated this            day of            2018.**