



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2758/18

APPEAL by Stephen Tennant (Receiver) care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 11th day of June, 2018 by Dublin City Council to refuse permission to the said Stephen Tennant (Receiver).

Proposed Development: Demolition of existing seven number storey commercial/residential building (7,068 square metres) and construction of a seven number storey over basement level residential/commercial building (10,567 square metres). The proposed development will be set back at 6th floor level between circa 3.3 metres to circa 14 metres from the northern boundary with Lansdowne Place, and between circa 3 metres to circa 4.8 metres from the southern boundary with number 23 Shelbourne Road; the development will also be set back between circa 3.3 metres to circa 11.2 metres from the northern boundary at second to fifth floor level, circa 2 metres from the southern boundary at ground and 1st floor and circa 4.8 metres at second to fifth floor level; provision of 8 number residential units, comprising of seven number two bedroom and one number three bedroom unit with private balconies/terraces on all elevations; provision of 8.874 square metres office accommodation over lower ground to fifth floor level; provision of a communal terrace for residents (508 square metres) at second floor level on the northern elevation; provision of 38 number car parking spaces and 106 number cycle spaces at basement level, plant at basement and ground floor

levels and the provision of a green roof; provision of a new boundary treatment along all boundaries and vehicular access from Shelbourne Road; all associated site development works, including landscaping, SUDS drainage and site services, all on a site of circa 0.2765 hectares at Shelbourne House, Shelbourne Road, 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

Having regard to the Z1 residential zoning objective for the site, as set out in the Dublin City Development Plan 2016 – 2022, to protect, provide and improve residential amenities whereby office accommodation is a non-conforming use, it is considered that the proposal to demolish the existing office building and to rebuild a development whereby office accommodation is the predominant use would be contrary to the zoning objective of the site, and would set a precedent for other non-conforming uses in the area and as such would seriously injure the amenities of property in the vicinity and be contrary to the Development Plan. The proposed development would, therefore, contravene materially the development objective as set out in the Development Plan and 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 concurred with the planning authority that given the scale of the demolition and quantum of redevelopment and that the proposal for provision of office space is a non-conforming use, the Board considered that the proposed development would, therefore, be a material contravention of the zoning objective set out in the Development Plan.

Michelle Fagan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.