



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4693/18

Appeal by Red Rock care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 21st day of February, 2019 by Dublin City Council in relation to an application by the said Red Rock for permission for development comprising alterations to previously approved development (planning register reference number 3014/18), consisting of provision of an additional floor above approved 6th floor level to provide two number one bedroom apartments at seventh floor level. This will increase the total number of apartments from 36 number to 38 number and increase the overall height of the building from the approved height of 22 metres to 25.2 metres. The apartments are provided with private balconies and access to a communal landscaped open space area, hot desk room, residents' lounge and bicycle parking area. Permission is also sought for alterations to condition number 5 of planning register reference number 3014/18 to allow the approved ground floor office unit at Blackhall Street to be let and operated as a Class 3 office use independent from the approved apartment units; all at 19-20 Blackhall Street, Smithfield, Dublin (with frontage to Oxmantown Lane) in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for alterations to condition number 5 of planning register reference number

3014/18 to allow the approved ground floor office unit at Blackhall Street to be let and operated as a Class 3 office use independent from the approved apartment units and to refuse permission for alterations to previously approved development (planning register reference number 3014/18), comprising provision of an additional floor above approved sixth floor level to provide two number one bedroom apartments at seventh floor level).

Decision

GRANT permission for alterations to condition number 5 of register reference 3014/18 to allow the approved ground floor office unit at Blackhall Street to be let and operated as a Class 3 office use independent from the approved apartment units in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the provision of an additional floor above the approved sixth floor level to provide two number one-bedroom apartments at the seventh floor level based on the reasons and considerations marked (2) under.

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)

It is considered that the alterations proposed to allow the approved ground floor office unit at Blackhall Street to be let and operated as a Class 3 office use independent from the approved apartment units, subject to compliance with the conditions set out below, would be acceptable, would facilitate an active use at ground floor level and 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 the 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. This permission excludes the following element of the proposal: -
Permission for the additional floor above approved sixth floor level to provide two number one-bedroom apartments at seventh floor level.

Reason: In the interest of clarity.

3. Any new signage proposed for the ground floor office shall be subject to a separate planning application for permission.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The terms and conditions of the permission granted under planning register reference number 3014/18 for the original development shall be fully complied with, except as amended in order to comply with the conditions attached to this permission.

Reason: To provide for an acceptable standard of development.

Reasons and Considerations (2)

The proposed eight storey penthouse onto Blackhall Street, by reason of its design, form, scale, height and proportions, would constitute overdevelopment of the subject site and would seriously injure the visual amenity of the streetscape. The proposed increase in height would negatively impact on the unified architectural treatment along Blackhall Street and the historic character and fabric of the area. The proposal would, therefore, 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 considered and agreed with the planning authority, that the additional two number apartments would result in overdevelopment of the site, would appear overly dominant when viewed in conjunction with the existing three-storey terraced properties in Blackhall Street and would not assimilate seamlessly into the existing proposed building on the site.

Terry Ó Niadh

Member of An Bord Pleanála

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

Dated this day of 2019.