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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3804/19.**

**Appeal** by Abbey Cottages Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 10<sup>th</sup> day of October, 2019 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** A development consisting of modifications to a previously permitted development (An Bord Pleanála appeal reference number PL 29N.249037 (planning register reference number 2971/17) and planning register reference number 2954/18 resulting in the omission of the previously permitted basement level -3 and resultant reconfiguration of the remaining two number basement levels, the installation of double height glazing at ground and first floor level of the northern elevation and part of the eastern elevation, the removal of the previously permitted mezzanine to the first floor level, the removal of first floor guest bedrooms and their replacement with dining spaces, food preparation area, circulation and toilets, amendments to the fenestration resulting in the addition of five number opaque windows per floor on the western elevation from the first to the tenth floor and the use of clear glazing instead of the previously permitted opaque

glazing at two number windows on the first floor and four number windows on the second floor of the eastern elevation, the repositioning of the facade at seventh and eighth floor levels to align with a recently granted scheme at the neighbouring numbers 31 to 34 Abbey Street Upper (planning register reference number 3172/18), the construction of two number additional floors each measuring 380 square metres, the relocation of the previously permitted condensers from eighth floor level to the roof level, the removal of previously permitted solar panels at roof level and their replacement with a domestic hot water heat pump and all associated elevational changes and site development works above and below ground. The proposed development will result in the increase of the total number of rooms from 127 number (permitted under planning register reference number 2954/18) to 151 number rooms and an increase in the gross floor area from 4,927 square metres (permitted under planning register reference number 2954/18) to 5,355 square metres, all provided in an 11 number storey over two number levels of basement building. All at 35-36, Abbey Street Upper and Abbey Cottages, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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 Z5 zoning provision of the Dublin City Development Plan 2016-2022, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018, the pattern of development and recent permissions in the area and to the nature and scale of the additional accommodation proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would respect the character and pattern of development in the area and would not seriously injure the character of the adjoining Georgian building. The proposed development 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 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. The development shall be carried out and completed in accordance with the conditions attached to the permission granted under An Bord Pleanála appeal reference number PL 29N.249037 (planning register reference number 2971/17) and planning register reference number 2954/18, except as may otherwise be required in order to comply with the following conditions.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. All eastern elevation windows facing directly onto the residential apartments on the upper floors of the mews buildings backing onto the side laneway 'Abbey Cottages' shall be finished in obscure glazing.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of orderly development and visual and residential amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

8. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Paul Hyde**

**Member of An Bord Pleanála**

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

**Dated this            day of            2020.**