



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3825/19.

Appeal by JD Wetherspoon PLC care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 2nd day of July, 2020 by Dublin City Council in relation to the application for permission for development comprising retention of: addition of “The Silver Penny” as the name of the establishment above the main entrance door to the front elevation of 12b Abbey Street Lower, addition of one number amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance, addition of one number aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower, addition of “Wetherspoon” as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street Lower and addition of one number projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level, all on lands (circa 0.09 hectares) at numbers 12b (a Protected Structure) and 12c Abbey Street Lower, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of: the addition of “The Silver Penny” as the name of the establishment above the main entrance door to the front elevation of 12b Abbey Street Lower and the addition of “Wetherspoon” as the proprietor name above the main entrance door to the front elevation of 12c Abbey Street

Lower and to refuse permission for retention of: the addition of one number amenity board to the front elevation of 12b Abbey Street Lower, to the left side of the main entrance, the addition of one number aluminium wall plaque to the right side of main entrance within portico of 12b Abbey Street Lower and the addition of one number projecting sign to the front elevation of 12c Abbey Street Lower immediately above fascia level).

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 condition 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 provisions of the Dublin City Development Plan 2016-2022 and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2004 (republished 2011) and to the visually sensitive and reversible nature of the works proposed to be retained, the Board was satisfied that, subject to compliance with the condition set out below, the proposed works to be retained would not materially or adversely affect the character and setting of the protected structure and, therefore, would be in accordance with the policies CHC1 and CHC2 of the Dublin City Development Plan 2016-2022 and Sections 12.1.2 and 12.6.3 of the Architectural Heritage Protection Guidelines, 2004. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission to retain the works, the Board was satisfied that the works proposed to be retained, having regard to their reversible nature, limited visual impact and minimalist level of intervention, would not materially or adversely affect the character and setting of the protected structure and, therefore, would be in accordance with Section 11.1.5.1 and policies CHC1 and CHC2 (a) (b) and (d) of the Dublin City Development Plan 2016-2022 and Sections 12.1.2 and 12.6.3 of the Architectural Heritage Protection Guidelines, 2004 (republished 2011) and, therefore, would be in accordance with the proper planning and sustainable development of the area.

Condition

The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of June, 2020, 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

Paul Hyde

Member of An Bord Pleanála

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

Dated this day of 2020.