

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3507/20

Appeal by KC Capital Property Group Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 30th day of November, 2020 by Dublin City Council in relation to the application by KC Capital Property Group Limited for permission for development comprising amendments to development permitted under planning register reference number 2142/20 consisting of (i) Provision of additional floor to permitted development (providing for nine-storey over lower ground floor/basement with mezzanine between upper ground floor and first floor). (ii) Minor extensions of floor plate at various levels. (iii) Revisions to elevations and entrances. (iv) All associated site development works and consequential amendments (including bicycle parking provision) to permitted scheme. (iv) The amendments provide for an increase in gross floor area to the permitted scheme of 504 square metres with an overall proposed gross floor area of 5,221.40 square metres, all at 45 to 47 Cuffe Street (Greenside House), Dublin. The application site also fronts Montague Court and Protestant Row, in accordance with the plans and particulars lodged with the said Dublin City Council (which decision was to grant subject to conditions a permission for revisions to elevations and entrances and all associated site development works and consequential amendments (including bicycle parking provision) to permitted scheme, and to refuse permission for the provision of additional

floor to permitted development (providing for nine-storey over lower ground floor/basement with mezzanine between upper ground floor and first floor), and for the minor extensions of floor plate at various levels).

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 –

- (a) the provisions of the Dublin City Council Development Plan 2016 - 2022,
- (b) the existing pattern of development in this city centre location,
- (c) the planning history of the site and wider area,
- (d) the design, scale and layout of the proposed development, and
- (e) the report of the Inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Development Plan policy, would not detract from the visual amenities of the wider area including adjacent Architectural Conservation Areas, would enhance the visual amenities of the area, and would be acceptable in the context of the residential amenities of adjoining properties. 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 proposed development shall be amended as follows:
 - (a) The proposed extension to the floor plate at the north-western corner of the sixth floor shall be omitted.

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 interest of visual amenity and to ensure an appropriate transition between the proposed development and the adjacent Wythe Building.

3. All relevant conditions attached to previous planning permission granted under planning register reference number 2142/20, shall be strictly adhered to.

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

4. No additional development shall take place above the 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: In the interests of visual and residential amenity.

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

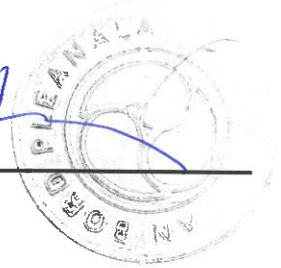
Reason: In the interest of visual amenity.

6. 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 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.

7. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme 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 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.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *30th* day of *APRIL* 2021.