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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2410/20**

**Appeal** by Kaivalya Properties Limited care of HW Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 16<sup>th</sup> day of December, 2020 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The redevelopment, conservation, refurbishment and change of use of Number 134 James's Street, Dublin (a Protected Structure) to provide a 20-bedroom hotel. The proposed development consists of or comprises the carrying out of works to a protected structure. The proposed development will consist of (a) internal and external modifications, refurbishment and change of use of the existing protected structure and two-storey bow ended return from its current recording/rehearsal use to a hotel; (b) demolition of the existing two-storey workshop/music rehearsal space building to the rear of the existing protected structure and construction of six-storey over lower ground floor annex building with rooftop café, fifth floor terrace facing Steeven's Lane, and two glazed link bridges over two floors to Number 134 James's Street; (c) external courtyard fronting Steeven's Lane; (d) all associated site development works, including water/wastewater services, surface water attenuation, bicycle parking, landscaping, boundary

treatments and signage. The proposed development includes a customer entrance from James's Street and a service entrance to the rear of the property accessible from Steeven's Lane, all at Number 134 James's Street, Dublin (a Protected Structure).

## **Decision**

**Having regard to the nature of the condition, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 3 and the reasons therefor.**

## **Reasons and Considerations**

Having regard to the provisions and policy objectives of the Dublin City Development Plan 2016 – 2022 including Policy CHC1, to the 'Urban Development and Building Heights Guidelines for Planning Authorities' (December 2018), to the nature scale and layout of the proposed extension, and to the character and setting of the protected structure, the Board considered that the removal of a floor, as set out in condition number 3, is not warranted and was satisfied that the proposed development would not seriously injure the character and setting of the protected structure and was in accordance with best conservation practice as set out in the 'Architectural Heritage Protection Guidelines for Planning Authorities'. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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.



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Paul Hyde

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this 10<sup>th</sup> day of May 2021