



An  
Bord  
Pleanála

Board Order  
ABP-309650-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3948/20.**

**Appeal** by Dermot O'Neill care of Patrick M. Kerr Architecture of 39A Maynooth Road, Celbridge, County Kildare against the decision made on the 18<sup>th</sup> day of February, 2021 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Change of use of first and second floors from existing office/commercial space to two number new two-bedroom apartments for short term letting with associated minor internal alterations, all located at first and second floors, 5 Aston Quay, 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 nature and scale of the proposed development, the existing office use on site, the pattern of development in the area, the zoning objectives for the site and the provisions of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate use in this location, would not adversely impact on the character or the sustainable mix of uses in the area, would not result in the loss of long-term residential stock, and would increase the provision of tourist accommodation in this inner-city location. The proposed development would not adversely impact on the existing residential amenity of the existing top floor apartment in the 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 proposed short-term residential apartments shall be let as single apartments, and shall not be subdivided, without a separate grant of planning permission.

**Reason:** To limit the nature of the development to that sought, in the interest of clarity.

3. 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 amenities of property in the vicinity and the visual amenities of the area.

4. 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 measures to safeguard against impacts on the operation of the Luas, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and local amenities.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.



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Michelle Fagan

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

Dated this 16<sup>th</sup> day of June 2021.