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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3144/21**

**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 6<sup>th</sup> day of September, 2021 by Dublin City Council to refuse permission for development on a 0.06 hectare site at numbers 35 and 36 Abbey Street Upper and Abbey Cottages, Dublin. Permission was previously granted for demolition of the three number storey commercial unit located on the subject site under planning register reference number 2954/18. The development will principally consist of modifications to the previously permitted development (planning register reference number 2971/17/An Bord Pleanála appeal reference number PL 29N.249037, planning register reference number 2954/18, planning register reference number 2928/19 and planning register reference number 3804/19/An Bord Pleanála appeal reference number ABP-305853-19) resulting in the addition of an 11<sup>th</sup> and 12<sup>th</sup> floor, each with 16 number rooms, a gross floor area of 380.5 square metres and set back from the building line; the removal of three number bedrooms at ninth floor level to facilitate a lounge area (60.5 square metres), the provision of a 51 square metre external terrace at ninth floor level with an east facing aspect, the relocation of the domestic hot water pump and external condensers from the previously permitted roof level (part nine number to part 11 number storey building permitted under planning register reference number 3804/19/An Bord Pleanála

appeal reference number ABP-305853-19) to roof level of the proposed part nine number to part 13 number storey building, and all associated elevational changes and site development works above and below ground. The proposed development will result in a part nine number to part 13 number storey building with increase in the total number of rooms from 151 number to 184 number rooms and an increase in the gross floor area from 5,355 square metres (permitted under planning register reference number 3804/19/An Bord Pleanála appeal reference number ABP-305853-19) to 6,116 square metres, all at 35-36 Abbey Street Upper and Abbey Cottages, Dublin in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for the removal of three number bedrooms at ninth floor level to facilitate a lounge area, the provision of an external terrace at ninth floor level with an east facing aspect, and all associated elevational changes and site development works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the addition of an 11<sup>th</sup> and 12<sup>th</sup> floor, the relocation of the domestic hot water pump and external condensers from the previously permitted roof level to roof level of the proposed part nine number to part 13 number storey building, and all associated elevational changes and site development works based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the Z5 zoning provision of the Dublin City Development Plan 2016- 2022, the location of the site and its planning history, the pattern of development and recent permissions in the area, and the nature and scale of the proposed lounge and terrace area it is considered that, subject to compliance with the conditions set out below, this element of the proposed development would not seriously injure the amenities of the area or of property in the vicinity. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. This element of 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), planning register reference numbers 2954/18 and 2928/19, and An Bord Pleanála appeal reference number ABP-305853-19 (planning register reference number 3804/19), except as may otherwise be required in order to comply with the following condition.

**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.

## **Reasons and Considerations (2)**

Having regard to the nature of proposed development which is a hostel, the location of the site on Abbey Street Upper away from a significant street junction or any other such urban landmark, and the strong visual impact of the proposed development onto Middle Abbey Street having regard to its form, design and materiality, it is considered that the location of a distinctive landmark feature on this particular site would be an inappropriate gesture which would have an overbearing effect when viewed from Middle Abbey Street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



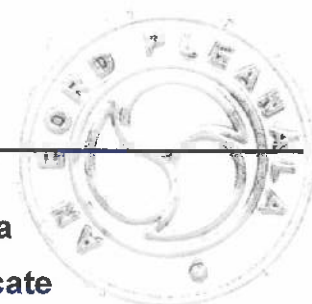
In deciding not to accept the Inspector's recommendation to grant permission for the addition of an eleventh and twelfth floor, the Board considered that the location of a distinctive landmark feature on this particular site would be an inappropriate gesture which would have an overbearing effect when viewed from Middle Abbey Street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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**John Connolly**

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



Dated this *8<sup>th</sup>* day of *September* 2022.