



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3464/21

Appeal by Goulding Integrity Investment Limited Partnership care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 1st day of November, 2021 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) Alterations to the roof of existing rear annex. The alterations comprise the change from pitched-roof to a flat-roof and the increase in height to provide for habitable space. One number window to the rear of the annex will also be provided, (ii) the change of use of the ground floor from office use to residential use which will be comprised of two number one bedroom apartments, (iii) conversion of the existing vehicular access to a pedestrian access. A new ramped access to the front is proposed to facilitate this, (iv) permission is also sought for all ancillary works necessary to facilitate the development at 228 Harold's Cross Road, Dublin.

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 ATTACH condition number 3 and the reason therefor.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the provisions of the Dublin City Development Plan 2016-2022 including the 'Z4' zoning objective (to provide for and improve mixed-services facilities), it is considered that, subject to the attachment of conditions attached by the planning authority, including condition number three that is the subject matter of the appeal, the proposed development would not seriously injure the visual or residential amenities of the area and would otherwise be an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's de novo assessment and the omission of condition number three or a similar condition, the Board considered that it was appropriate to treat the appeal under Section 139 of the Planning Act, 2000, as amended, and that the attachment of condition number three set out in the schedule of conditions attached by the planning authority would satisfactorily address the relevant issues relating to residential and visual amenity. The Board considered that with the attachment of the planning authority schedule of conditions including condition number three in particular, the form of the development would not seriously injure the visual or residential amenities of the area and would otherwise be an appropriate form of development at this location.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this *13th* day of *September* 2022