



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4674/22

APPEAL by Ventaway Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 11th day of October, 2022 by Dublin City Council to refuse permission.

Proposed Development: Ten year planning permission for proposed development comprising : Demolition of the existing buildings and structures;

- Construction of a building up to 24 storeys in height (108.4 metres above ground) over a double basement including arts centre, offices, gym and ancillary uses; the arts centre is contained at basement -1, ground and first floor level; the gym is proposed at ground level onto Moss Street; the offices are proposed from ground to 23rd floor (24th storey) with terraces to all elevations; the double basement provides for 11 car parking spaces and 424 bicycle spaces; the overall gross floor area of the development comprises 35,910 square metres including 1,404 square metres arts centre, 22,587 square metres offices and 244 square metres gym. All ancillary and associated works, plant and development including temporary construction works, public realm, landscaping, telecommunications infrastructure, utilities connections and infrastructure, on a site bound by City Quay to the north, Moss Street to the west and Gloucester Street South to the south, Dublin. The site includes 1-4 City Quay, 5 City Quay and 23-25 Moss Street.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the prominent and sensitive location of the subject site, by reason of its important location within the historic City core fronting onto the River Liffey, its proximity to the Custom House and having regard to Policies SC16, SC17 and SC18 of the Dublin City Development Plan 2022-2028 which seek to protect and enhance the skyline of the inner city, and to ensure that all proposals for taller buildings demonstrate sensitivity to the historic city centre, the proposed development due to its scale, bulk and height would seriously detract from the setting and character of the Custom House and environs. Furthermore, having regard to the location of the site as a local landmark within Dublin Docklands Strategic Development Regeneration Area 6, where a 5 to 8 storey building is envisaged, the Board considered the proposed development would fail to achieve this objective. In respect of the exception for landmark buildings, the Board considered the proposed development failed to achieve the performance criteria for Enhanced Height, Density and Scale as set out in Table 3 and the performance criteria for Landmark Tall Buildings as set out in Table 4 of Appendix 3 of the development plan. In particular, the Board considered the building height, form and layout failed to adequately address the sensitive location, resulting in a negative impact on important views and vistas, and would stand apart as an overly assertive solo building which would not form part of a coherent cluster. In addition, the Board considered the delivery of planning gain to the community was not sufficiently demonstrated given the limited upgrades to the public realm and the limited amount of cultural space proposed. 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, the Board did not agree with the Inspector that the overall visual contribution to Dublin's city skyline would be positive and that there would be no harm to the setting and/or character of heritage assets in the area, and particularly the Custom House. In reaching this conclusion, the Board considered the entirety of documentation on file and shared the view of the planning authority that the proposed development would stand apart from the cluster of existing and emerging higher buildings at Tara Street and environs. The Board disagreed with the commentary by the Inspector in respect of the proposed development's ability to achieve the Performance Criteria for Enhanced Height, Density and Scale and also Landmark Tall Buildings as set out in Tables 3 and 4 of Appendix 3 of the Dublin City Development Plan 2022-2028. In particular the Board considered that the development as proposed would fail to demonstrate sensitivity to the historic core fronting on to the River Liffey and would visually intrude on important vistas, as evident in the photomontages submitted, including the Custom House. Furthermore, the Board considered that the proposed development would not appropriately integrate with or enhance the public realm. The Board considered that a building of a different scale, mass and form could reasonably promote a sense of place and character at this location which would be more consistent with the character of the area.



Martina Hennessy

Member of An Bord Pleanála

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

Dated this 7th day of May 2024.