

An
Bord
Pleanála

Board Order
ABP-315421-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4997/22

APPEAL by Frank Buckley of 4 Burleigh Mews, Ballsbridge, Dublin against the decision made on the 30th day of November, 2022 by Dublin City Council South to grant, subject to conditions, a permission to Espirit Investments Limited care of Stephen Little and Associates, Chartered Town Planning and Development Consultants of 26/27 Upper Pembroke Street, Dublin.

Proposed Development: The proposed development is a four-storey mixed use building extension comprising: A two-storey, raised bridge, office use building extension, adjoining the second and third floors of the existing Mespil Court office building on its northwestern elevation; plant room at first floor and office core extending down to ground floor level (total Gross Floor Area circa 721 square metres). A four-storey, over basement, mixed use building comprising: one number cafe at ground floor and basement, with ancillary storage and staff welfare facilities at basement level (total Gross Floor Area circa 202 square metres) and associated external northern terrace at ground floor level; three number two-bedroom residential apartment units at first, second and third floors, each with associated balconies on the northern and southern facades; ancillary residential remote storage facilities at ground floor level and residential roof garden at first floor level.

All ancillary and associated site development, infrastructural, landscaping, site boundary and signage works, including; basement plant room; ground floor bicycle store (18 number spaces) and separate bin store; four number visitor bicycle spaces in front curtilage; new plant on roof of existing Mespil Court office building and at first floor residential roof garden level of proposed new building extension; green sedum roof (circa 280 square metres) over office bridge extension; signage zones to northern and eastern ground floor elevations of cafe unit (circa 12 square metres total), and totem sign (circa three square metres) associated with office and residential uses within front curtilage adjacent to Mespil Road site boundary; removal of existing boundary wall and railing fronting Mespil Road; and, insertion of new pedestrian access control gate to the eastern boundary pathway, south of the proposed cafe entrance, at Mespil Court, Mespil Road and Burlington Road, Dublin. The site is generally bounded by buildings in office use at number 40-42 Mespil Road to the east, Mespil Court office building to the south, number 39 Mespil Road (Protected Structure) to the west, and by Mespil Road and Grand Canal to the North.

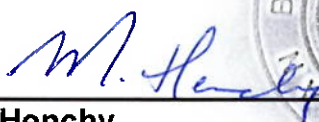
Decision

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

Reasons and Considerations

Having regard to the zoning provisions for the area within which the site is located, 'Z6' – (Employment/Enterprise) of the Dublin City Development Plan, 2022-2028, and to section 14.3 of the development plan that states which there is a presumption against uses not listed under the permissible or open for consideration categories in Zone Z6 areas, and to the proposal for residential use over three floors at the northern end of the development, which is a use that is neither permissible nor open for consideration, it is considered

that the proposed residential element, which has been designed specifically for residential purposes, in respect of floor to ceiling height and layout, would be contrary to the policies and objectives aimed at promoting commercial uses at this Z6 zoned location. The proposed residential element of the development would therefore materially contravene the Z6 Employment/Enterprise land use zoning objective of the development plan, and to permit the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

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

Dated this *31st* day of *July* 2024.