

An
Bord
Pleanála

Board Order

ABP-315733-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5210/22

Appeal by Terry Doyle care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 13th day of January, 2023 by Dublin City Council to refuse permission.

Proposed Development: Works to existing three-storey building facing Wellington Quay with a two-storey extension to the rear facing and set-back from the adjoining Merchants Arch Laneway. Permission is sought to change the use of the building from existing retail on ground floor level, storage at basement, first floor, first floor return and second floor levels to a licensed restaurant at ground floor level, kitchen/toilets basement level and guest house comprising three bedrooms at first floor, two bedrooms in an extension of the first floor return and three bedrooms at second floor level - total eight number double bedrooms with en-suite bathrooms. Access to the restaurant will be as presently exists to the shop from both Wellington Quay and the laneway of Merchants Arch with minimal alterations to the existing shopfront and including a new fascia sign. Access to the guesthouse will be from the existing door on Wellington Quay which presently serves the upper floors. The building will be upgraded and refurbished internally with minimal external changes, all at 47 Wellington Quay, Dublin (a protected structure).

Decision

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

Reasons and Considerations


1. Having regard to the Z5 zoning and proposed uses, the Board is not satisfied that the loss of retail and the provision of an additional restaurant with associated licence would not negatively impact and further erode the variety and diversity of retail within the designated Temple Bar cultural and artistic quarter. The proposed licensed restaurant would be contrary to the Z5 objective afforded to the subject site, to provide a mix of uses in an area where there is already a significant quantum of restaurants and licensed premises and would be contrary to Objective CU017, which seeks to protect the variety and diversity of retail, and Objective CUO18, which seeks to avoid the overconcentration and further expansion of licensed premises within the Temple Bar Cultural Hub and Quarter. The proposed development would result in the loss of available retail space in Temple Bar, would set an undesirable precedent for similar type development, would contravene the relevant provisions of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Section 15.14.3 of the Dublin City Development Plan 2022-2028 and given the proximity to a number of existing guesthouses and tourism related accommodation within Temple Bar, the Board is not satisfied that the proposed tourist accommodation use would be in accordance with the Z5 zoning objective which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity. On the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the provision of a restaurant with licence and guest accommodation would not result in the concentration of a particular use which would reinforce particular activities in the area which it is the policy of the planning authority to discourage and restrict, to the detriment of the cultural, residential and social functions of the area. It is considered that the proposed development would have a detrimental impact on the character of the area, would have the potential to seriously injure the residential amenities of existing residents in the area, by reason of additional levels of noise and disturbance, and would, therefore, be contrary to the proper planning and sustainable development of the area.



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3. Notwithstanding the commitments made in the appeal submission, the Board is not satisfied that the proposed interventions required to accommodate the guesthouse use would respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials. The proposed development would contravene Policy BHA2 of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

Member of An Bord Pleanála

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

Dated this *8th* day of *April* 2024.