

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5494/22

APPEAL by Derek Murtagh care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 22nd day of February 2023, by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Permission is sought for a development which will include:

- (a) the partial demolition of existing buildings on site including: (i) full demolition of rear two-storey extension and car park fronting Liberty Lane; (ii) removal of external walls at numbers 3/4 Kevin Street and retention of existing concrete floor plates and support structures (existing ground floor unit of Number 4 Kevin Street will remain untouched);
- (b) re-use and incorporation of existing concrete floor plates from ground to second floor levels into the new development consisting of the construction of an eight-storey hotel comprising 81 number bedrooms with setback and terraces at third and sixth floors;
- (c) provision of an entrance, reception area, lounge, luggage store, W/C, staff break room, stair core, two number lift cores, water storage, service room, switch room, staff bike store, bin storage and one number

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- separate (existing) takeaway unit at ground floor; and provision of bedroom suites, on upper floors with machine room at sixth floor;
- (d) provision of car parking garage to rear of development and recessed taxi set down area at ground floor level accessible from Liberty Lane;
 - (e) permission is also sought for all associated works including boundary treatments, infrastructure, lighting, green-blue roof, foul/surface drainage and site works necessary to facilitate the development, all at 3/4 Kevin Street Lower and Liberty Lane, Portobello, Dublin.

Decision

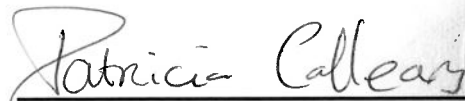
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Notwithstanding the information provided with the application and appeal, and noting the constrained site size within which the proposed development of significant scale and density is proposed, the Board was not satisfied that the proposed development would provide an adequate level of public facilities (such as café, restaurant and bar uses to generate activity at street level throughout the day and night) and furthermore was not satisfied that the operational management including loading, waste collection and servicing was adequately demonstrated as feasible in the absence of the provision of a designated loading bay off road. Accordingly, the Board was not satisfied that the proposed development would meet the relevant criteria for visitor accommodation set out in Policy CEE28 and Section 15.14.1.1 (Hotel Development) of the Dublin City Development Plan 2022-2028 and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the revisions proposed in the grounds of appeal, it is considered that the proposed development, by reason of its excessive scale, massing and architectural design, would be visually overbearing with an abrupt transition within the historic terrace which would detract from the prevailing scale and architectural character of the traditional streetscape which incorporates an important Protected Structure and forms part of a Conservation Area. The proposed development would, therefore, result in overdevelopment of the site, would negatively impact the setting of the Protected Structure and would seriously injure the amenities and setting of the Conservation Area. The proposal would, therefore, contravene policies BHA 9, Sections 15.4.2 Architectural Design Quality and 15.5.2 Infill Development and would fail to comply with the performance criteria set out in Table 3 of Appendix 3 of the current Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

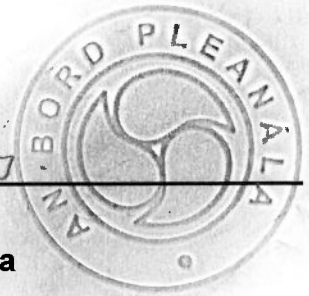
3. Having regard to the design, scale and massing of the proposed building, to the proximity of the proposed hotel building and its terraces and large number of windows on the western elevation to the residential properties the western side of Liberty Lane, and to the results of the Daylight and Sunlight Assessment submitted with the application, the Board is not satisfied, notwithstanding the submission of a revised scheme of reduced scale with the grounds of appeal, that the proposed development would not seriously injure the residential amenities of the opposing properties on Liberty Lane by reason of overbearance, overlooking, potential noise and disturbance and access to daylight and sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Patricia Calleary

Member of An Bord Pleanála

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



Dated this 14th day of May 2025.