



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5510/22

APPEAL by Middle Abbey Properties Limited care of Virtus Project Management of 6th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin against the decision made on the 23rd day of February 2023 by Dublin City Council to refuse permission.

Proposed Development: The development will consist of the refurbishment and change of use of the upper floors of numbers 38-39 Abbey Street from its permitted use as storage and office ancillary to the restaurant use, but currently in use as residential, to eight number short stay apartments comprising four number studio apartments and four number one-bedroom apartments. A new access will be provided from Abbey Street Cottages, a new lightwell is proposed to the roof along with six number windows to the south elevation, two at each of the first, second and third floors, and all ancillary site works and service connections, at 38/39 Abbey Street Upper, Dublin.

Decision

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

Reasons and Considerations

The proposed development for which planning permission is sought differs materially from the existing characteristics of the appeal site and the statutory notice, in that works have already been carried out and are completed. In this regard it is considered inappropriate to grant permission in a circumstance where the statutory description of the proposed development is not consistent with the existing status of the subject site. The proposed development would, therefore, be contrary to proper planning and sustainable development.

In deciding not to accept the Inspector's recommendation to dismiss the appeal, the Board shared the concerns raised by the inspector regarding the works that have been completed on site but considered it appropriate to refuse permission rather than dismiss the appeal. The Board noted the Inspectors assessment of the nature of the use of the building, short term versus permanent accommodation, having regard to the substantive reason for refusal the Board decided not to pursue this matter.



Mary Henchy

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 19th day of February 2025.