



---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3077/23**

**Appeal** by Maurice McGrath care of William Doran of 7 Saint Mary's Road, Ballsbridge, Dublin and by Vision Wave Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 16<sup>th</sup> day of March, 2022 by Dublin City Council in relation to an application by Vision Wave Limited for permission for alterations to development previously approved under register reference 3281/20 comprising: (i) provision of new recessed sixth floor level comprising six number bedrooms; (ii) reduction in footprint of fifth floor level by six square metres; (iii) opening up of existing party wall between Numbers 58 and 59 (from first to third floor level) and provision of new stair core within new-build element (from basement to sixth floor level); (iv) fitting of louvred screens to the windows of bedroom numbers 114, 115, 214, 215, 314, and 315 within new-build element (at first to third floor level); and (v) all ancillary works, including general reconfiguration of all floor levels (from basement to fifth floor level), necessary to facilitate the development. The proposed works will result in a revised number of hotel bedrooms (83 number), all at Number 3 Parnell Street (a Protected Structure), Numbers 4, 5 and 6 Parnell Street (a corner site with Jervis Lane Upper, Dublin) and Numbers 58 and 59 Capel Street, Dublin (which abuts Jervis Lane Upper, Dublin to the rear) in accordance with

*SL*

the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the opening up of existing party wall between Numbers 58 and 59 (from first to third floor level), the provision of new stair core within new-build element (from basement to fifth floor level), the fitting of louvred screens to the windows of bedroom numbers 114, 115, 214, 215, 314, and 315 within new-build element (at first to third floor level), and all ancillary works, including general reconfiguration of all floor levels (from basement to fifth floor level), necessary to facilitate the development and to refuse permission for the provision of new recessed sixth floor level comprising six number bedrooms and the reduction in footprint of fifth floor level by six square metres).

## **Decision**

**GRANT permission for: (iii) opening up of existing party wall between Numbers 58 and 59 (from first to third floor level) and provision of new stair core within new-build element (from basement to sixth floor level) to ensure compliance with fire safety regulations; (iv) fitting of louvred screens to the windows of bedroom numbers 114, 115, 214, 215, 314, and 315 within new-build element (at first to third floor level); and (v) all ancillary works, including general reconfiguration of all floor levels (from basement to fifth floor level), necessary to facilitate the development in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for: (i) provision of new recessed sixth floor level comprising six number bedrooms; and (ii) reduction in footprint of fifth floor level by six square metres based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the City Centre zoning of the site, to the nature and scale of the proposed development, and to the provisions of the Dublin City Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with Policy BHA11 (Rehabilitation and Re-use of Existing Older Buildings), would not detract from the character and setting of Number 3 Parnell Street, a Protected Structure, and would not seriously injure the amenities of existing residents of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development shall be carried out and completed in accordance with permission granted under planning register reference number 3281-20/An Bord Pleanála appeal reference number ABP-309511-21 for this site, except for the following amendments only:

- (a) Item (iii) - opening up of existing party wall, new stair core and new build;
- (b) Item (iv) – fitting of louvered screens to bedrooms; and
- (c) Item (v) – ancillary works including reconfiguration of floor levels,

as described in the public notices submitted with the application on the 20<sup>th</sup> day of January, 2023.

**Reason:** In the interest of clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed extensions shall be in accordance with plans and particulars submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

**Reason:** In the interests of clarity and public health.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. The developer shall pay to the planning authority a financial contribution in respect of the LUAS C1 Line Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

## **Reasons and Considerations (2)**

The proposed development of an additional sixth floor and involving amendments to the permitted fifth floor of the development permitted under planning register reference number 3281-20/An Bord Pleanála appeal reference number ABP-309511-21 would contravene Policy BHA2, Policy BHA7 and Sections 15.5.1 and 15.5.2 of the Dublin City Development Plan 2022 - 2028. The proposed works would injure the special architectural character of this Protected Structure, would seriously injure the visual amenities of the streetscape and would adversely affect the Capel Street and Environs Architectural Conservation Area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

  


---

**Stewart Logan**

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

**Dated this 24<sup>th</sup> day of May 2024.**