



An
Bord
Pleanála

Board Order
ABP-317753-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5254/22

Appeal by Greenfield Ideas Limited care of Cathal O'Neill and Company of 33 Pembroke Road, Dublin against the decision made on the 11th day of July, 2023 by Dublin City Council to refuse permission for development comprising retention of (a) change text on sign fascia; (b) provide external wall mounted heaters; (c) changes to shopfront (minor); (d) provide planters; (e) make a new window opening; (f) serve coffee through window and (g) restore granite plinth, wall and railing, all at 43-44 Baggot Street Lower/11A Fitzwilliam Street Lower, Dublin (a protected structure).

Decision

GRANT permission for retention of (a) change text on sign fascia; (c) changes to shopfront (minor); (e) make a new window opening; (f) serve coffee through window and (g) restore granite plinth, wall and railing based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of (b) provide external wall mounted heaters and (d) provide planters based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the established commercial use of the ground floor of these premises, the premises' location within an area zoned Z4 of the Dublin City Development Plan 2022–2028, the established character and appearance of the protected structure and surrounding area, and the size, design, materials and colouring of: (a) the changed text on the fascia, (c) the changes to the shopfront, (e) the new window opening, (f) the serving of coffee through the window and (g) the restoration of granite plinth, wall and railing to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed retention of these works and use would not detract from the special architectural character, appearance and legibility of this protected structure or the character and appearance of the sensitive streetscape in which it is located, and would not seriously injure the amenities of the area or of property in the vicinity. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission relates only to the retention of (a) change text on sign fascia, (c) changes to shopfront (minor), (e) make a new window opening, (f) serve coffee through window and (g) restore granite plinth, wall and railing as specifically applied for as set out in the retention application and the appeal documentation and for no other works or uses whatsoever. It does not permit the retention of the external wall mounted heaters or the planters.

Reason: In the interest of clarity.

3. The new window opening and its use for serving of coffee through the window shall only be utilised in conjunction with and ancillary to the occupation and use of the remainder of the ground floor commercial use of these premises and shall not be sold, let or otherwise occupied independently.

Reason: In the interest of clarity and to ensure that an independent and separate use of the premises is not introduced that would detract from the special character of the protected structure, the amenities of the area, or the amenities of property in the vicinity.

Reasons and Considerations (2)

The external wall mounted heaters and planters proposed to be retained are located in a prominent location close to the junction of Baggot Street Lower and Fitzwilliam Street Lower. They are affixed and in immediate proximity to a protected structure located within a conservation area and close to and visible from the Georgian Conservation Area. It is considered that, by reason of their appearance, location, size, design, materials and projection, that they constitute incongruous, insensitive and obtrusive additions to the external façade of the protected structure and detract from its special architectural character legibility and setting and appear as unsightly permanent additions contributing to visual clutter to the building in this sensitive streetscape. The external wall mounted heaters and planters proposed to be retained would be contrary to Policies BHA2 and BHA9 of the Dublin City Development Plan 2022–2028 and 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 17 day of April 2024.