

An
Bord
Pleanála

Board Order
ABP-318161-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4210/23

Appeal by Liam Farrell care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 18th day of September, 2023 by Dublin City Council to refuse permission:

Proposed Development: The development will consist of the following: (i) change of use of the existing property from office to short-stay residential use through the provision of four number short-stay apartment units (one number studio, one number one-bed and two number two-bed units); (ii) demolition of existing internal walls and provision of new partition walls and internal doors where required at ground, first, second and third floor levels and provision of new kitchen and bathroom fittings to each unit; (iii) demolition of brick recessed opening to the front at third floor level and replacement with new window opening with finish to match that as existing; (iv) alterations to rear opes at ground floor level inclusive of the removal of existing garage door and provision of two number new opes to facilitate access to bin store provided at ground floor level from St. Michael's Close and fenestration to living room, with external wall finishes to match that as existing along St. Michael's Close; (v) alterations to rear opes at first floor level including the removal of glazed

screen and door and replacement with new insulated external wall and external access doors; (vi) alterations to rear opes at second floor level including the removal of two number existing opes and provision of one number ope to provide fenestration with finishes to match that as existing; (vii) removal of steps and guarding at first floor rear terrace and replacement with pedestal paving and glass barrier all along St. Michael's Close; (viii) alterations to northern elevation within existing courtyard inclusive of replacement of existing windows at first and second floor level with insulated masonry rendered to match existing and replacement of existing windows at first, second and third floor level with 60 minute fire rated windows and (ix) all ancillary works, inclusive of planting to facilitate the development; all at 4 Inns Court, Winetavern Street, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the Z5 'City Centre' zoning of the site as set out in the Dublin City Development Plan, 2022-2028, the provisions of the Development Plan, the vacant status of the site and the design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not significantly detract from the character of the surrounding areas and would comply with the provisions of the Development Plan, particularly in relation to visitor accommodation. 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 to the planning authority on the 25th day of July 2023, 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 proposed short-term residential apartments shall be let as single units and shall not be subdivided without a separate grant of planning permission.

Reason: To limit the nature of the development to that sought, in the interest of clarity.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.


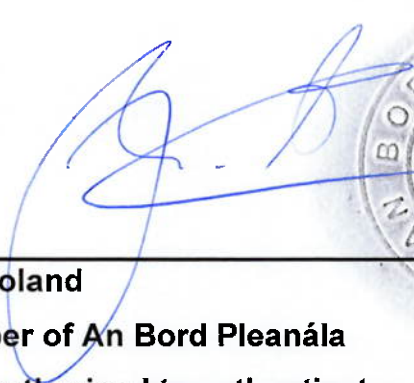
Reason: In order to safeguard the amenities of property in the vicinity.

5. Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City 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.



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

Dated this *13TH* day of *September* 2024.