



An  
Bord  
Pleanála

## Board Order

**ABP-318623-23**

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1623/23**

**Appeal** by Declan Meenagh of Richard O'Carroll Room, City Hall, Dublin against the decision made on the 9<sup>th</sup> day of November, 2023 by Dublin City Council in relation to an application by Winemount Limited care of Meitheal Architects of 1 South Mall, Cork for the change of use of the existing two-storey Guud Day Café (202 square metres in total) from café use to hotel use. The proposed ground floor will consist of two meeting rooms (105 square metres) and the proposed first floor will consist of four hotel bedrooms with en-suites (86 square metre). Planning permission is also sought for connections to all other necessary site services and all ancillary works necessary to facilitate the change of use of the premises, all at Hampton by Hilton, 25 Chancery Street, Smithfield, Dublin (which decision was to grant permission subject to conditions in accordance with plans and particulars lodged with the said Council).

## **Decision**

**GRANT permission for the change of use of the existing café to hotel use comprising bedrooms with en-suites (86 square metres) at first floor level and the connection of necessary services and all other ancillary works necessary to facilitate the change of use at first floor level 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 the change of use of the existing café to hotel use incorporating meeting rooms (105 square metres) at ground floor level based on the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

Having regard to the nature, scale, design and location of the proposed development for the change of use of the existing café to hotel use at first floor level and to the provisions of the Dublin City Development Plan 2022-2028, including objective Z5 – ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’, and to the permitted hotel use on the wider site, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development at first floor level would be in accordance with the development plan provisions, noting that the resultant hotel use for an additional four bedrooms would be above street level and would otherwise not seriously injure the amenities of the area or detract from the vibrancy and mix of uses in the area. The proposed development for the change of use of the existing café to hotel use at first floor level would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13<sup>th</sup> day of October, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall comply with the conditions of the parent permission of the site (An Bord Pleanála reference number PL 29N.248961), save as amended by this grant of permission.

**Reason:** To clarify the scope of this permission.

3. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

## Reasons and Considerations (2)

The proposed development for the change of use of the existing café to hotel use (for meeting rooms) at ground floor level is located in an area with the zoning objective Z5 – 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity' under the Dublin City Development Plan 2022-2028, with the preference within this zone being for active street level uses which generate footfall and contribute to the vibrancy and mix of uses in the area. Having regard to the stated intention of this objective, the Board is not satisfied that the proposed development, comprising a change of use from café to hotel use at ground floor level resulting in the loss of an active, publicly accessible street level use, would not detract from the vibrancy, vitality and amenities of the area. The proposed development at ground floor level would, as such, conflict with the policies and objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the entire development, the Board noted and shared the Inspector's concerns in respect of the change of use proposed at ground floor/street level and also noted that the Inspector did not have such concerns for the change of use proposed at first floor level. The Board also noted that the Inspector considered that a partial grant of permission for a change of use of the first floor to the hotel bedroom accommodation proposed might be appropriate, however discounted this on the basis that the Inspector considered it may preclude options for use of the ground floor. The Board was satisfied that the option for a café remaining on the ground floor and a change of use from café to hotel use at the first floor was a realistic deliverable option that would be in accordance with the provisions of the development plan noting that the change of use from café to hotel use would occur above street level and would not detract from the vibrancy and mix of uses while the café use would remain at ground floor/street level. The Board concluded that a split decision to permit this option would be appropriate as it would be in accordance with the provisions of the development plan, including the zoning objective Z5. The Board concluded that, overall, the proposed development, based on the split decision to grant permission for the change of use at first floor level and to refuse the change of use at ground floor, would be in accordance with 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 16 day of July 2024.**