



---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3912/23**

**Appeal** by Sumberry Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 15<sup>th</sup> day of January, 2024 by Dublin City Council to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission: The development will consist of the redevelopment, conservation, refurbishment and change of use of number 134 James's Street and the corner of Steeven's Lane, Dublin (a Protected Structure) and construction of an annex building/extension to rear to provide a residential development comprising a total of 15 number residential units (one number studio, nine number one-bed units and five number two- bed units) as follows: the proposed development will consist of the carrying out of the following works to a Protected Structure: (i) internal and external modifications, refurbishment and change of use of the existing protected structure from its current recording/rehearsal use to residential (one number studio and three number one-bed units within Protected Structure; (ii) removal of non-original doors, partitions and features across all floors to accommodate proposed use; (iii) floor level of lower ground floor level to be lowered to accommodate plant room and apartment stores; (iv) lobby and entrance door

to front elevation to be removed and replaced with new hardwood front door; (v) non original window to front elevation at ground floor level to be removed and replaced with new window; (vi) existing six number sash windows to front elevation to be replaced with new one over one, sliding sash timber windows with thin double glazing; (vii) removal of existing render and replacement with lime render to all elevations; (viii) new natural slate roof to replace asbestos tiles, existing ridge tiles to be retained and reused and (ix) new painted hardwood fixed window to replace existing non-original/modern door at second floor level to rear elevation/facade. Planning permission is also sought for (x) demolition of the existing two-storey workshop/music rehearsal space building to the rear of the existing protected structure and construction of a seven-storey over lower ground floor annex building/extension connected to existing protected structure via link at upper ground floor. The proposed annex/extension provides for 11 number residential units (six number one-bed units and five number two-bed units), each provided with private open space in the form of a balcony or terrace; (xi) bin store at lower ground floor; (xii) 12 number bicycle spaces at upper ground floor level and (xiii) site and infrastructural works inclusive of SuDS, landscaping, boundary treatments and all associated site development works necessary to facilitate the development. 134 James's Street, Dublin.

## Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 4 so that it shall be as follows for the reasons set out.

4. The development shall be revised as follows:

- (a) The development shall be six storeys over lower ground floor as per the height proposed in 'Option B' submitted with the further information response on the 5<sup>th</sup> day of October, 2023, with building height above ground being as per the 'Option B' elevations and sections on pages 2-6 of the further information response document prepared by Lawrence and Long Architects.
- (b) The separation distance between the protected structure, number 134 James Street, and the new annex structure, shall be no less than 2.25 metres above ground floor level. The cantilevering element on the southern side of the new annex structure on upper floors is omitted from the scheme.
- (c) The third, fourth and fifth floor of the annex building shall each accommodate one number-two bedroom apartment. The permission is for 11 number apartment units as follows: one number studio, three number one-bed units and seven number two-bed units.
- (d) No part of the development shall encroach upon the public realm.

The development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing with, the planning authority and such works shall be fully implemented prior to the occupation of the buildings.

**Reason:** In order to protect the character and setting of the protected structure, the amenity of future occupants and in the interest of clarity.

## Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, the Z4 zoning objective "to provide for and improve mixed-use service facilities", the pattern of development in the area, and the nature and scale of the previously permitted development on the site, it is considered that the imposition of condition number 4 (a) requiring a reduction in height of the new building, condition number 4 (b) requiring an increase in separation distance between the existing and proposed buildings on site and condition number 4 (c) that requires a revised unit mix, are necessary to protect the character and setting of the protected structure and the amenity of future occupants and would, therefore, be in accordance with the proper planning and sustainable development of the area.

  
Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 23<sup>rd</sup> day of January 2025.