



An
Bord
Pleanála

Board Order ABP-319365-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5046/23

Appeal by Greenfield Ideas Limited care of Cathal O'Neill and Company of 33 Pembroke Road, Dublin against the decision made on the 23rd day of February 2024 by Dublin City Council in relation to an application for permission for development comprising permission for (a) the demolition of (i) recent (unauthorised) west walls to the car park; (ii) timber-framed, glazed, garden room at lower ground floor (220 square metres), roof profile to be modified as required at (b) below; and (iii) a previously existing roofed outdoor seating area at upper ground floor level (51 square metres); (b) the construction of a five-storey extension (1395 square metres) to the south part of the existing two-storey building, containing public house/restaurant on lower and upper ground floors and boutique hotel bedrooms on first, second and third floors. Bedrooms to be provided with balconies/terraces facing east and west; public house/restaurant to have terraces facing east at both levels. Ancillary services to include waste storage at lower ground level with service lift to upper ground floor level (street level); (c) enclosed plant room to rear (east) on roof of existing public house (first floor level); and (d) associated hard and soft landscaping, including drainage and works to public sewer and eight number cycle parking spaces.

Retention permission for (e) alterations to the west (front) façade to provide two number shopfronts with names over, and two storey extension (21 square metres

per total) to the rear, facing east; (f) new window to east elevation, lower ground floor; (g) steel pedestrian gate at north-east corner of site at Ashton's Pub, 11 Vergemount, Clonskeagh Road, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission, subject to conditions, for retention of alterations to the west (front) façade to provide two number shopfronts with names over. Two storey extension (21 square metres per total) to the rear, facing east; and new window to east elevation, lower ground floor and to refuse permission for demolition of (i) recent (unauthorised) west walls to the car park; (ii) timber-framed, glazed, garden room at lower ground floor (220 square metres), roof profile to be modified as require; and (iii) a previously existing roofed outdoor seating area at upper ground floor level (51 square metres). Demolition of a five storey extension (1395 square metres) to the south part of the existing two-storey building, containing pubic house/restaurant on lower and upper ground floor and boutique hotel bedrooms on first, second and third floors and retention of steel pedestrian gate at north-east corner of site.

Decision

GRANT permission for retention of alterations to the west (front) façade to provide two number shopfronts with names over, and two storey extension (21 square metres per total) to the rear, facing east, and (f) new window to east elevation, lower ground floor, 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 (a) for the demolition of: (i) recent (unauthorised) west walls to the carpark (ii) timber-framed, glazed, garden room at lower ground floor (220 square metres), roof profile to be modified as required at (b) below, and (iii) a previously existing roofed outdoor seating area at upper ground floor level (51 square metres), (b) the construction of a five-storey extension (1395 square metres) to the south part of the existing two-storey building, containing public house/restaurant on lower and upper ground floors and boutique hotel bedrooms on first, second and third floors. Bedrooms to be

provided with balconies/terraces facing east and west; public house/restaurant to have terraces facing east at both levels. Ancillary services to include waste storage at lower ground level with service lift to upper ground floor level (street level), (c) enclosed plant room to rear (east) on roof of existing public house (first floor level), (d) associated hard and soft landscaping, including drainage and works to public sewer and eight number cycle parking spaces, and (g) retention of steel pedestrian gate at north-east corner of site based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

Having regard to the Z1 zoning objective as set out in the Dublin City Development Plan 2022-2028, the design and layout of the alterations to the existing premises and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, this element of the development proposed to be retained would not seriously injure the visual amenities of the area or the amenity of property in the vicinity. This element of the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of 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 condition. Where such condition 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. 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 within three months from the date of this Order 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.

Reasons and Considerations (2)

1. Having regard to the Z1 zoning objective as set out in the Dublin City Development Plan 2022-2028, the location of the site in the River Dodder Conservation Area, to the scale of the development and proximity to residential dwellings it is considered that this element of the proposed development would lead to a significant intensification of the existing use and would have a detrimental impact on the residential amenities of existing residents in the area by reason of additional levels of noise, disturbance and overlooking. Furthermore, it is considered that having regard to its bulk, height and scale, the proposed development in its specific form, would be a visually obtrusive form of development at this location. This element of the proposed development would, therefore, be contrary to Policy CEE28 relating to 'visitor

accommodation' that requires hotel developments to prevent unacceptable intensification of activity, particularly in predominantly residential areas, and would be contrary to Section 15.15.2.2 'Conservation Areas' where planning applications are required, inter alia, to protect the amenities of surrounding properties and to be cognisant and/or complementary to the existing scale, building height and massing of the surrounding context. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The steel gate, for which retention permission is sought as part of the development description, and which is shown on the site layout plans to be located at the north-eastern corner of the site, is not in situ at this location. In this regard it is considered inappropriate to grant permission in circumstances where the statutory description of the development seeking retention is not consistent with the existing status of the subject site. This element of the development proposed to be retained would, therefore, be contrary to proper planning and sustainable development of the area.

3. The applicant has not provided adequate information to allow the Board to assess the elements of the proposed development referred to as (c) enclosed plant room to rear (east) on roof of existing public house (first floor level) and (d) associated hard and soft landscaping including drainage and works to the public sewer and cycle parking spaces. In this regard it is considered inappropriate to grant permission in circumstances where the plans and particulars are insufficient to enable the Board to make a determination. This element of the proposed development would, therefore, be contrary to proper planning and sustainable development of the area.

Mary Gurrie

Mary Gurrie

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *03* day of *April* 2025