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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3939/24**

**APPEAL** by Chris Capitol Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 23<sup>rd</sup> day of August, 2024 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Planning permission for the construction of a new two-storey, one-bed mews dwelling to the rear, with a pitched roof and first floor terrace facing Berkeley Place, with side pedestrian access to the rear of the Protected Structure; new external access and escape stairs to the rear of the Protected Structure; relocation of the existing external ground floor rear stairs of the Protected Structure to allow for the new stairs to the basement; new first floor window to existing extension to the rear of the Protected Structure and blocking up of existing first floor window adjacent. **Inside protected structure:** replacement of existing basement concrete floor with new concrete floor; DPM, insulation, boxing in and protection of existing fireplaces, installation of automatic opening vent in roof over staircase, all together with drainage, bin storage, bicycle parking and all ancillary works necessary to facilitate the entire development. Retention permission in the Protected Structure of: 10 number studios apartments (consisting of two number studios and ancillary accommodation at the basement level, three number studios at ground floor level, three number studios at first floor level

and two number studios at second floor level); the removal of non-original partition walls at basement level; timber stud partition walls on all floors and first fix electrical and plumbing installation, all at 36 Blessington Street, Dublin. The development is a Protected Structure (RPS reference number 797).

## **Decision**


**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## **Reasons and Considerations**

1. Having regard to the Dublin City Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023, it is considered that by reason of size, design and layout of the apartments proposed to be retained, the inadequacy of the proposed communal open space and the restricted overall size of the site, the unauthorised 10 number studio units would result in an unsatisfactory standard of residential amenity. The development by itself and by reason of the undesirable precedent it would set for similar development in the area would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the proposed retention of the unauthorised 10 number studio units within the protected structure would seriously injure and adversely impact on the special architectural character and fabric of the interior of the protected structure and would be contrary to Policy BHA2 of the Dublin City Development Plan 2022-2028 and the conservation principles outlined in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in October, 2011. The

proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed construction of the mews building, the Board considered it would constitute overdevelopment of the subject site and the reduction of the amenity space would have an adverse and injurious impact on the setting and amenity of the Protected Structure, would materially contravene Policy BHA2 of the Dublin City Development Plan 2022-2028 and would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to 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 *21<sup>st</sup>* day of *January* 2025.