

An
Bord
Pleanála

Board Order
ABP-321677-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4346/24

APPEAL by Patrizia Eight Building Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 10th day of December 2024 by Dublin City Council to refuse permission.

Proposed Development: The proposed development comprises a change of use of the permitted "Market Space" at ground floor level (pursuant to condition 4(a) of planning permission Dublin City Council reference number 3321/17, as subsequently amended by Dublin City Council reference number 3672/19 and Dublin City Council reference number 3747/20) to provide a convenience retail unit (512 square metres gross floor area) to include a café/deli, part off-license (28 square metres) and an integrated exhibition / artist market space with a dedicated floor area of 100 square metres. Permission is also sought to vary condition 4(d) of planning permission under Dublin City Council reference number 3321/17 (as amended) to permit the shared use of the external courtyard (146 square metres) with the permitted artist studios to provide outside seating and dining space ancillary to the proposed retail convenience unit and integrated exhibition / artist market space. In addition, permission is sought for the shared use of the permitted

office waste storage room at basement level. All works required to facilitate the proposed change of use comprise of internal alterations and will not result in any external alterations to the permitted development, all at number 8 Newmarket and number 18 Mill Street, Dublin (bounded by Mill Street to the south, Mill Lane to the east and Newmarket to the north).


Decision

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

Reasons and Considerations

The applicant has not demonstrated to the satisfaction of the Board, that circumstances have changed since the Board's previous decision on planning register reference 3017/22 (ABP-313166-22) such as to warrant a grant of permission in this instance. The proposed change of use is in an area identified as a Strategic Development Regeneration Area in the Dublin City Development Plan 2022-2028 (as varied). The Core Strategy of the Development Plan requires such Strategic Development Regeneration Areas to develop in accordance with the guiding principles set out in Chapter 13.

It is considered that the proposed change of use would undermine the guiding principles by replacing a permitted “market space”, that has the potential to add to the vibrancy and use mix of Newmarket by reinforcing the character of the market square and complementing the adjoining tourist and artist studios, (with a more generic convenience retail unit). In these circumstances, it would be contrary to development plan policy to accede to this change of use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this

7th

day of

May

2025.