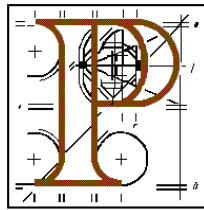


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3391/15

An Bord Pleanála Reference Number: 29S.LV3277

APPLICATION FOR LEAVE TO APPEAL against the decision of the planning authority by Richard S. Roche care of Auveen Byrne and Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin having an interest in land adjoining the land in respect of which Dublin City Council decided on the 8th day of December, 2015 to grant subject to conditions a permission to D4P Holdings Limited care of Stephen Little and Associates of 6 Upper Mount Street, Dublin.

PROPOSED DEVELOPMENT: Demolition of the existing two-storey vacant office building (circa 1,654 square metres) and the construction of a mixed use scheme (circa 4,720 square metres gross floor area excluding basement car parking) to include: a new four-storey over office basement office building (circa 2,752 square metres gross floor area); a new four-storey over basement aparthotel building (circa 1,968 square metres gross floor area), accommodating 43 number aparthotel studio units, associated external courtyard at lower ground floor level to the south and associated area of open space at ground floor level to the north; a new basement car park (circa 754 square metres gross floor area) to accommodate 20 number car parking spaces, one number motorcycle parking space, 38 number bicycle parking spaces, shower/changing facilities, plant area and bin store areas; and all associated site development works including new pedestrian access along the western side of the proposed office building; vehicular access ramp to proposed basement along the western site boundary; sundry works to the adjoining hotel service lane including its partial enclosure; amendments to existing site entrance at Pembroke Place, including the associated relocation of one number existing car parking space and the

provision of one number additional car parking space on the public road; and all associated landscaping and boundary treatments at site measuring circa 0.18 hectares encroaching on the adjoining Herbert Park Hotel service lane along the eastern boundary, and otherwise generally bounded by Herbert park Hotel to the east, Herbert Park (public park) to the south, numbers 36, 38 and 40 Herbart Park to the west and Pembroke Place and Ballsbridge Terrace to the north at 10 Pembroke Place, Ballsbridge, Dublin.

DECISION

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

It is considered that:

- (i) while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 1 imposed by the planning authority to which the grant is subject, specifically in respect of the car parking reduction at further information stage,
- (ii) it has not been shown that the imposition of condition number 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land, and furthermore

- (iii) it has not been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbers 16 and 17 imposed by the planning authority to which the grant is subject.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.