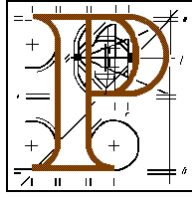


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Dublin City

Planning Register Reference Number: 6101/04

An Bord Pleanála Reference Number: PL 29S.213391

APPEAL by Catherine Walsh of 7 Court Apartments, Wilton Place, Dublin and by Clondean Limited care of R. P. S. McHugh Planning and Environment of 16 Herbert Place, Dublin and by others against the decision made on the 5th day of July, 2005 by Dublin City Council to grant subject to conditions a permission to the said Clondean Limited.

PROPOSED DEVELOPMENT: The proposed development comprises a mixed use residential, office, live/work development. The development will consist of approximately 19,900 square metres of gross floor area overall in a linked building grouped around an internal landscaped courtyard to provide for 134 residential units (37 one-bedroom units, 88 two-bedroom units, three two-bedroom duplex units, five three-bedroom units and one three-bedroom duplex unit), five live/work units (two one-bedroom duplex units, one two-bedroom unit and two two-bed duplex units), two own-door office units (155 square metres approximately), residents gymnasium use (87 square metres approximately), reception area incidental to residential use (218 square metres approximately) all within five linked building elements, as follows: a four, five and six-storey building element facing onto Lad Lane to comprise residential units over four number live/work units at ground floor level. The building element is to be set back from the current building line at the site boundary. Provision of roof terrace at fourth floor level (part) and penthouse apartments at fifth floor level to be set back. A five and six-storey building element facing onto Pembroke Row to comprise two own-door office units (155 square metres approximately) and one number live/work unit at ground floor level, residential units above. Penthouse apartments at fifth floor level to be set back and provision of roof terraces at that level. A four-storey building element comprising residential units adjoining the Wilton Place apartment complex to the south-east, and including roof terrace at fourth floor level. An 11-storey building element to be located on the southern corner of the site (at Wilton Place) with pedestrian access to Wilton Place to provide for a reception area, residents meeting area and residents gymnasium at ground floor level and residential units above including set back penthouse levels at ninth and 10th floor levels. A four-storey residential building element adjoining the site boundary with the Enterprise Ireland building to the west, comprising residential units and including roof terrace at fourth floor level. 107 residential units have balconies. The provision of a two level basement car parking area accommodating 158 parking spaces (82 spaces at

lower basement level and 76 spaces at upper basement level) with associated bin storage, residents storage, bicycle parking spaces at upper basement level, associated cores. Site development and services works including demolition of existing buildings on site; landscape and boundary treatment works; vehicular access to the basement parking area via Pembroke Row (the existing vehicular access off Pembroke Row is removed); provision of main pedestrian access to the apartment complex is via Wilton Place; provision of ground level gated pedestrian (and emergency services) access points at Lad Lane and Pembroke Row. All on a site of approximately 0.39 hectares, bounded by Wilton Place, Lad Lane and Pembroke Row, Dublin.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. Having regard to the limited separation of the taller elements of the proposed development from adjoining property, that is, Court Apartments and Gardner House, it is considered that the proposed development would result in a form of development which would seriously injure the residential amenities of Court Apartments and the amenities of future occupants of the apartments in the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development, because of its height, scale, mass and extent on Lad Lane, would seriously injure the amenities of property on Lad Lane by reason of overshadowing and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development, by reason of the high number of single aspect apartments and the number of apartments lacking private amenity space, would seriously injure the residential amenities of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board, while accepting the principle of a high density development at this location, noted the Inspector's concerns regarding the impact of the development as proposed on adjoining property but considered that her recommendation, particularly the relocation of the tower block, would have consequential concerns. In the circumstances, the Board considered that it would not be appropriate to address the matter by way of condition.

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

Dated this day of 2006.