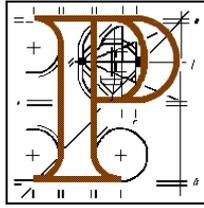


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Dublin City

Planning Register Reference Number: 3929/14

An Bord Pleanála Reference Number: PL 29N.244627

APPEAL by Brian M. Durkan and Company Limited care of McCutcheon Halley Walsh of 22/23 Pembroke Street Upper, Dublin against the decision made on the 20th day of February, 2015 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of a residential development comprising 34 number residential units (with a total gross floor area circa 3,577 square metres) with three main building elements including; Block A, a three-four storey building, containing seven number residential units fronting Mountjoy Street, Block B, a five-six storey building, containing 25 number residential units fronting Saint Mary's Place North and Block C a three-storey building, containing two number townhouses fronting Paradise Place. The proposed development blocks will consist of:- (a) Block A will comprise; three number one bedroom units and four number two-bedroom units with access from street level off Mountjoy Street and from the rear courtyard area. Surface level terraces are provided to the rear of Block A facing eastwards for two number residential units and to the front of Block A fronting Mountjoy Street facing westwards for one number residential unit. A combination of roof terraces and balconies are provided to the upper floor residential units in Block A, (b) Block B will comprise; four number one bedroom units, 20 number two-bedroom units and one number three bedroom unit with access from street level off Saint Mary's Place North and Paradise Place. Surface level terraces are provided to the front of Block B facing southwards onto Saint Mary's Place North and facing eastwards onto Paradise Place. A combination of roof terraces and balconies are provided to the upper floor residential units in Block B. (c) Block C will comprise; two number three-bedroom townhouses with access from street level off Paradise Place.

Surface level private gardens are provided to the rear (west) of Block C. Proposed provision is made for private amenity space for each residential unit, 12 number car parking spaces, bicycle parking spaces and bin storage area at surface level within the rear courtyard. The proposed development includes vehicular access to serve the development via a new entrance off Paradise Place at the eastern end of the site under proposed Block B; provision of open space in the form of a surface-level landscaped courtyard (in total circa 176 square metres); site clearance works; all landscaping, boundary treatments and site development works; all on a site measuring circa 0.135 hectares at Saint Mary's Place North and also between numbers 13 and 16 Mountjoy Street, (fronting Saint Mary's Place North and Paradise Place) Dublin. The subject site is generally bound to the north by Saint Mary's Avenue North and the properties at 13 Saint Mary's Avenue North and 13 Paradise Place; to the east by Paradise Place; to the west by Mountjoy Street and the property at 16 Mountjoy Street; and to the south by Saint Mary's Place North.

DECISION

REFUSE permission for the above proposed development 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

1. Having regard to the scale, massing and height of the proposed Block B in close proximity to the landmark protected structure that is Saint Mary's Chapel-of-Ease (The Black Church), it is considered that the proposed development would undermine and diminish the landmark status of the former church and would adversely affect the character and setting of this protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is a requirement of the planning authority that building frontages should have consistent heights relative to existing buildings and their

plan form should prioritise the provision of a consistent building line as indicated in section 16.1.3 of the Dublin City Development Plan 2011-2017. This requirement is considered reasonable. The plan form of proposed Block A fails to adhere to the building line as established by the existing structures to its north and south fronting onto Mountjoy Street and fails to provide a consistent height relative to these neighbouring buildings. The proposed development thus fails to comply with the above-mentioned section, would detract from the integrity and consistency of the streetscape along the eastern side of Mountjoy Street and would seriously injure the visual amenity of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the planning authority to require the provision of sustainable levels of car parking and car storage in residential schemes in accordance with car parking standards as set out in the Development Plan so as to promote apartment living for all age groups and family types. This policy is considered reasonable. The proposal to provide 12 car parking spaces for a development accommodating 34 residential units fails to comply with the car parking standards as outlined in section 17.40 and Table 17.1 of the Dublin City Development Plan 2011-2017. The proposed development would, therefore, be contrary to the above-mentioned policy and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2015.