



An  
Bord  
Pleanála

**Board Direction**  
**BD-003597-19**  
**ABP-303972-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 18<sup>th</sup>, 2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development, by reason of its design, scale and layout, would result in overlooking and overshadowing of adjoining residential properties, particularly to the west, and by reason of its bulk and the uniformity of finishes, would represent an overbearing feature that would be seriously out of character with its surroundings, and would, therefore, seriously injure the residential amenities of adjoining property, would be detrimental to the visual amenities of the existing neighbourhood, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed substantial increase in the size of the block on this site and the significant increase in the number of apartments would, in the absence of any proposals for increased car-parking spaces, result in a displacement of car-parking onto adjoining roads (where allowance has already been made for on-street parking in the original permission ref. SD16A/0060), and which would likely result in illegal parking on footpaths and grass verges. The proposed development would, therefore be detrimental to the residential amenities of

the area and would endanger public safety by reason of traffic hazard and obstruction of road users.

3. The proposed development, by reason of its design and layout, would provide for a substandard level of amenity for future occupants, particularly having regard to:-
- A significantly insufficient proportion of dual aspect apartments.
  - An unacceptable proportion of single aspect north facing apartments.
  - The absence of adequate communal open space or facilities that would be readily usable by all occupants.

The proposed development would accordingly be contrary to the Ministerial Guidelines contained in the Sustainable Urban Housing: Design Standards for New Apartments (2018), and would seriously injure the residential amenities of future occupants of the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note 1.** The Board agreed with the comments by the planning authority that, in the absence of specific reference to “build to rent” in the public notices, the development in question cannot, having regard to the mandatory requirements of the Ministerial Guidelines, be considered as a “build to rent” development.

**Note 2.** The Board carefully examined the application drawings, and generally accepted the inspector’s analysis that, at most, 14 of the 44 apartments (as per the revised drawings submitted with the appeal) are genuinely dual aspect. The Board did not accept the argument of the applicant’s agent that 56% of the proposed apartment were dual aspect, and in particular did not accept that, simply by providing a corner type window in a single bedroom of a number of apartments, this rendered the apartments in question as dual aspect, because the apartment units themselves are not “corner units”, as set out in the Guidelines. However, the Board did not concur with the Inspector that the north-facing single aspect apartments were acceptable, especially in the light of the permitted development, where most of the

single aspect units were south facing. Given the requirement in the Ministerial Guidelines that at least 50% of apartments in a development at a suburban location such as this must be dual aspect, and that north facing apartments should generally be avoided, the Board considered that the development contravened these Guidelines, and in a significant and material way, and therefore included a third reason for refusal.

**Note 3.** The Board concurred with the comment of the Inspector in relation to the lack of detailed drawings of proposed telecommunications equipment and support structures on the roof of the building. Such an omission would ordinarily justify a refusal of that aspect of the development, but in the light of the substantive reasons for refusal as set out in the Order above, the Board decided not to include this as an additional reason for refusal in this instance, as had been recommended by the Inspector.

*[Please issue a copy of this Direction to the parties and observers with the Board Order.]*

**Board Member**

**Date:** 19<sup>th</sup> July 2019

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Philip Jones