

**An
Bord
Pleanála**

**Board Direction
BD-012029-23
ABP-312225-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/04/2023.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the height, scale and density on a restricted visually prominent site, it is considered that the proposed development would constitute overdevelopment of the site and would have an unreasonable overbearing and visually dominant effect on adjoining sites. The proposed development fails to integrate or be compatible with the streetscape and public realm along both Appian Way and Leeson Street Upper and as a result, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area and is therefore contrary to Policy SC17 and Section 15.5 of the Dublin City Development Plan 2022-2028. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. The development is located on a heavily trafficked road which is a Quality Bus Corridor and planned Bus Connects route in an area where there is limited on street car-parking and set down availability. The service access, set down and drop-off arrangements proposed to facilitate the operation of the proposed development

are considered inappropriate having regard to the intensity of development proposed on the site. As a result, it is considered that the development would generate excessive drop-offs, servicing activity and overspill parking on the adjacent Leeson Street Upper and Appian Way thoroughfares and footpaths and within the Mitchell House development thereby causing an obstruction to pedestrians, cyclists, bus services and other road users resulting in traffic safety hazard. The development is considered contrary to Sections 15.5 and 15.10 of the Dublin City Development Plan 2022-2028 and the Design Standards for New Apartments, Section 4.23 and would endanger public safety by reason of traffic hazard. The development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree with the Inspector that the development as proposed would make a positive contribution to the legibility of the wider area, the urban neighbourhood and streetscape. In reaching this conclusion, the Board considered the entirety of the documentation on file and shared the view of the planning authority that the proposed development would fail to integrate with or be compatible with the streetscape and public realm along Appian Way and Lesson Street Upper.

In this regard the Board disagreed with the commentary by the Inspector in respect of the proposed development's ability to achieve the performance criteria for enhanced height, density and scale as set out in Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028. In particular the Board considered that the development as proposed failed to promote a sense of place and character, would not provide appropriate legibility for the context within which the site is situate and would not achieve the provision of appropriate continuity and enclosure of streets and spaces where the objectives seek the enhancement of the urban design context for public spaces and key throughfares. Furthermore, the Board considered that the proposed development would not appropriately integrate with or enhance the public realm.

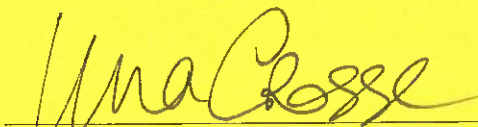
Specifically, the Board disagreed with the commentary by the Inspector that the underutilised nature of the site, its prominent corner location as well as the context provided by the existing side gables of adjoining properties constituted material considerations in the context of the height, scale and mass as specifically proposed. In particular, the Board considered that the development as proposed would not denote a specific destination or specific area of public realm, for example, and considered that a building of a different scale, mass and form could reasonably promote a sense of place and character at this location which would be more consistent with the character of the area.

The Board did not share the view of the Inspector that the existing on-street parking in the vicinity of the site and the proposed servicing arrangements could adequately accommodate the functional servicing and appropriate management of the proposed development including drop-off/set down, deliveries which would be generated and which are proposed to be managed outside of the development site.

Note

The Board also considered the specific provisions in Section 5.5.7 and Section 15.10 of the Dublin City Development Plan 2022-2028 as they relate to Build to Rent Residential Development and in particular to the Build to Rent assessment required for such developments. While ordinarily this would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.

Board Member


Una Crosse

Date: 18/04/2023

