

An  
Bord  
Pleanála

**Board Direction**  
**BD-016910-24**  
**ABP-312352-22**

The submissions on this file, the Inspector's Report and the Inspector's Addendum Report were considered at a Board meeting held on 26/06/2024.

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

#### **Reasons and Considerations**

1. Having regard to the surrounding urban structure and the disposition of the building on site, to the height, form and scale of the proposed development and the separation distances to the site boundaries of adjoining properties, it is considered that the proposal does not provide an appropriate transition in height and scale or have due regard to the nature of the surrounding urban morphology. The proposed development is considered overly dominant, would have an excessive overbearing effect on adjoining property, would unduly overlook third party private open space and would seriously injure the amenities of property in the vicinity and the character of the area and would be contrary to the proper planning and sustainable development of the area.

The Board considered the totality of the file and generally concurred with the Inspector's recommendation.

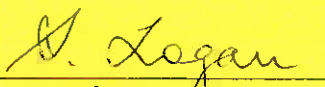
The Board noted that the Dublin City Development Plan 2022- 2028 had been made since the application was lodged and that the *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* (2009) had been replaced by the

*Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities* issued by the Department of Housing, Local Government and Heritage in 2024. The Board concurred with the assessment of the Inspector in the Addendum Report that nothing new arises in these documents as they relate to this development that would materially mitigate against the recommendation in the Inspector's Report (of 5<sup>th</sup> October 2022) to refuse permission for the development. This consequently enabled the Board to make a decision in relation to this case.

The Board noted the Inspector's recommendation that the proposed development also be refused permission on the grounds of an excessive residential density for the subject site with respect to the density provisions supported in policy and objective 3.1 of the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*. However, the Board considered that the residential density of the development was primarily derived from the unacceptable height, form and scale of the proposed development and with which the Board agreed with the Inspector warranted refusal of permission. In these circumstances, the Board did not consider it necessary to refuse permission for a separate reason related specifically to density alone.

The Board also noted the third reason for refusal recommended by the Inspector relating to a deficiency in community, arts or cultural space as required by current Development Plan objective CUO25. However, given the substantial reason for refusal above, the Board did not consider it necessary to include an additional reason related to an absence of such facilities in proposal.

**Board Member**

  
Stewart Logan

**Date:** 10/07/2024