

An
Bord
Pleanála

Board Direction
BD-015123-24
ABP-315251-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2024.

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

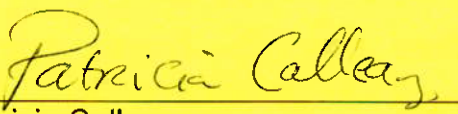
Reasons and Considerations

1. Having regard to Section 15.13.5 and the relevant subsections of the Dublin City Development Plan 2022-2028 that set out the relevant provisions for the consideration of proposals for mews development, and to the siting, form, scale and bulk of the proposed development comprising two mews dwellings, it is considered that the proposed development would have an excessively overbearing effect on adjoining dwellings. 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 Dublin City Development Plan 2022- 2028 with respect to mews development and would therefore be contrary to the proper planning and sustainable development of the area.
2. The existing laneway of Highfield Mews from which the proposed mews dwellings would gain access is currently substandard and contrary to the relevant provisions of Dublin City Development 2022- 2028, including those outlined for access for mews development in Section 15.13.5.4 of the plan. While scenarios for improvement to / widening of Highfield Mews and possible facilitation of two-way traffic and segregated cycle paths are presented with the application and appeal, these scenarios do not form part of the planning

application proposals and their delivery would require additional works on lands that appear to lie outside the control of the applicant. It is evident that pending improvement in access along the laneway, the proposed development would result in reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Rathmines Road and this arrangement would endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent of other sites along the laneway. The proposed development 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 did not share the view of the inspector that the proposed development would not seriously injure the residential amenities of properties in the vicinities on the basis that the proposed development, by virtue of its siting, form, scale and bulk, would have an excessively overbearing effect on adjoining dwellings. Furthermore, the Board did not agree with the inspector's view that the proposed development would be acceptable in terms of traffic safety, noting that the existing laneway of Highfield Mews from which the proposed mews development would gain access is currently substandard. Notwithstanding the scenarios for improvement to / widening of Highfield Mews and possible facilitation of two way traffic and segregated cycle paths that were presented with the application, these scenarios do not form part of the planning application proposals and their delivery would require additional works that appear to be on lands that lie outside the control of the applicant. It is evident that the development, pending improvement in access of the laneway, would result in reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Rathmines Road and the Board concluded that this arrangement would endanger public safety by reason of traffic hazard and this matter also formed a reason for the Board not accepting the inspector's recommendation to grant permission.

Board Member


Patricia Calleary.

Date: 19/01/2024