



An  
Bord  
Pleanála

**Board Direction**  
**BD-017861-24**  
**ABP-317724-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2024.

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

#### **Reasons and Considerations**

1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state at Table 3.1 that it is a policy and objective of the Guidelines that residential densities in the range 40 to 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin and that densities of between 80 and 150 dwellings per hectare (net) shall only be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8 of the Guidelines). Table 3.8 of these Guidelines defines an "Accessible Location" as lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed development of 74 apartments on a 0.79 hectare site, which includes a protected structure and a significant number of trees which are to be retained, would constitute an overdevelopment of the subject site, would be contrary to the

provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed provision of 44 car parking spaces to serve 74 apartment units would be insufficient and as such would be likely to result in a degree of off-site, on-street, car parking in the vicinity which would be likely to result in obstruction of road users, cyclists and pedestrians, and resultant traffic hazards, which would be contrary to the proper planning and sustainable development of the area.
3. SPPR (Specific Planning Policy Requirement) 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state that, *inter alia*, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained, to maintain a minimum level of residential amenity for the occupants of those dwelling units. Having regard to the plans and particulars submitted in support of the subject application, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. Therefore, it is considered that the proposed development would be contrary to the minimum requirements of SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in relation to ensuring appropriate levels of residential amenity for the future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.

**NOTE:**

In deciding not to accept the Inspector's recommendation to grant permission, the Board shared the inspectors view that this corner site has the potential to accommodate a higher density of development than that of some of the more established sub-urban residential developments in the immediate vicinity, but concluded that the absence of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services limited this potential to a range of between 40 and 80 dwellings per hectare (net), as recommended by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The Board accepted the Inspector's view that there are a number of bus stops near the site and noted that, when the Bus Connects project is fully delivered in the area, bus services will have a 15-minute peak hour frequency. However, the Board concluded that a 15-minute peak hour frequency does not meet the criteria to be defined as an 'accessible location' in the absence of other public transportation modes in the immediate vicinity.

Also, having regard to the absence of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services, the Board concluded that the proposed level of on-site car parking would be less than would generally be required to serve a development of this nature and scale and would be likely to result in potential traffic and parking conflicts in the vicinity.

The Board also shared the Inspector's concerns regarding the residential amenities of residents of the proposed development, but concluded that the screening of balconies did not offer sufficient protection from overlooking by directly opposing windows and would be likely to result in a significantly reduced level of residential amenity for the occupants of the units with such screened balconies.

**Board Member**

  
Liam McGree

**Date:** 16/10/2024