

An
Bord
Pleanála

Board Direction
BD-016167-24
ABP-318989-24

Application for permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars lodged with Dublin City Council on the 9th of November 2023, and appealed to An Bord Pleanála on the 7th of February 2024.

Proposed Development:

- The provision of 113 apartments in the form of 3 x one-bedroom studio units, 53 x one-bedroom units and 57 x two-bedroom units, in a single block rising from three to eight storeys over a basement level.
- A bar/ restaurant/ café, a gym, and a retail unit.
- Car parking provided in the basement level and bicycle parking provided throughout the site.
- Private and communal open space areas
- All associated site works.

Decision:

Refuse permission for the above proposed development generally in accordance with the Inspector's recommendation, based on the reasons and considerations set out below.

Matters Considered:

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Dublin City Development Plan 2022 - 2028,
- (ii) The zoning objective 'Z1 – Sustainable Residential Neighbourhoods', and with a stated objective, 'To protect, provide and improve residential amenities' and located within the Emmet Road SDRA, which provides for a density of between 100 – 250 units per hectare,
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in July 2023,
- (vi) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Submission and Observations received, and
- (x) the Inspectors Report

It is considered that, subject to the reasons set out below, the proposed development would result in an excessive density/ number of units in this area, would result in an excessively tall building at up to eight storeys over basement level, which would result in overbearing and overlooking of adjacent houses and a consequent loss of residential amenity. The proposed development includes a significant number of apartment units that are not provided with any private amenity space which would result in a substandard form of residential amenity for the future occupants of these units. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment (EIA):

The Board completed a preliminary environmental impact assessment screening of the proposed development it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and

submission of an environmental impact assessment report would not, therefore, be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, the proposed development would seriously injure the character, through excessive density and the visual amenities of the area through excessive height, would be unacceptable in terms of residential amenity of established houses along Galtymore Road, and would provide for poor residential amenity through a number of units not having any private amenity space. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

Reasons:

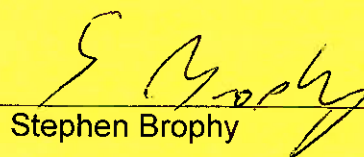
1. The proposed development as originally proposed, located within the Emmet Road Strategic Development Regeneration Area (SDRA) provides for 113 apartments on a site area of 0.295 hectares which results in a density of 383 units per hectare. This is contrary to the density range requirements of the Dublin City Development Plan, which provides for a density of between 100 – 250 units per hectare in the SDRAs and is contrary to Policy and Objective 3.1 of the Sustainable and Compact Settlements guidelines, 2024. The proposed development would provide for a significantly excessive density contrary to National and Local Policy Objectives.
2. It is considered that the proposed development, by reason of its lack of private amenity space for a significant number of the proposed apartments, would be an inappropriate form of development at this location. The proposed development would, therefore, provide for substandard residential amenity, would seriously injure the existing amenities of the area and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the development as originally proposed, by reason of its height, scale, massing and density at this prominent corner site, would constitute overdevelopment of the site and seriously injure the amenities of the area and of property in the vicinity through significant overbearing and overlooking, especially of

the existing houses on Galtymore Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

1. The Board noted the revised proposals submitted with the appeal, and noted the reduction in scale and density proposed; however the Board considered that there was insufficient detail provided to enable the Board to give this proposal the necessary consideration. In particular the Board noted the lack of floor plans, Housing Quality Assessment and other documentation that would be required.
2. The Board had regard to the Appropriate Assessment screening carried out by the inspector and the Natura Impact Statement submitted with the application- in this regard, the Board noted that submitted Natura Impact Statement relied upon the implementation of site-specific mitigations in order to eliminate the possibility of significant effects on European sites. Ordinarily the board would have given further consideration to the AA screening carried out by the inspector; but in light of the above substantive reasons for refusal, it was decided not to consider this further at this time.

Board Member


Stephen Brophy

Date: 29/04/2024