

An  
Coimisiún  
Pleanála

**Direction**  
**CD-021604-25**  
**ABP-320792-24**

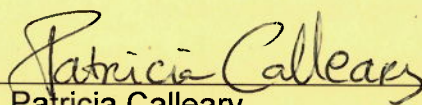
The submissions on this file and the Inspector's report were considered at a meeting held on 18/12/2025.

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

#### **Planning**

**Commissioner:**

**Date:** 18/12/2025

  
Patricia Calleary

#### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

1. The net density of both the proposed development of 25 apartments as applied for on the subject site zoned Z4 and the revised proposal of 21 apartments, as included with the appeal, in the Urban Village of Fairview is 299.76 density per hectare (net) and 251.79 density per hectare (net) respectively. Such densities would constitute material contravention of Appendix 3 of the Dublin City Development Plan 2022-2028 and would be contrary to Table 3.1 and Section 3.4 of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024). As such the proposed development would constitute overdevelopment on a constrained urban site and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of scale, massing and positioning, would seriously injure the residential amenities of existing properties in the area through overbearance and overlooking impacts, particularly in relation to properties at numbers 36 and 37 Merville Avenue and numbers 5, 6, 7 and 8 Fairview Avenue Lower, and would negatively impact on the visual character of the area. Furthermore, the future residential amenity of occupants would be negatively impacted due to inadequate separation distances between Block A rear windows and the western facing balconies of Block B which would result in overlooking impacts between the blocks leading to a loss of privacy.
3. The proposed development fails to demonstrate compliance with communal amenity space requirements as set out in Section 15.9.8 of the Dublin City Development Plan 2022 – 2028 by reason of poor-quality layout which would provide poor levels of amenity for future residents. The revised details submitted in support of the first party appeal which provides for roof top communal open space would give rise to a loss of adjoining residential amenity through overlooking impacts with a consequential loss of privacy.

The commission disagreed with the inspector's recommendation that the proposed development fails to comply with Policy CCUV23 on the basis that the gym use provides an acceptable active use at street level in the commissions view. Accordingly, the commission did not attach the inspector's recommended reason number 4.