

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3705/15

An Bord Pleanála Reference Number: PL 29N.245898

APPEAL by Balark Investments Limited of 4 Inver Mews, Old Chapel Ground, Arklow, County Wicklow against the decision made on the 19th day of November, 2015 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Development consisting (1) the demolition of the existing buildings and structures on site; (2) the construction of a total of 37 number student accommodation units (218 bedspaces) with ancillary laundry rooms, store rooms, plant rooms, student relaxation/recreational rooms and student office across three number individual four storeys blocks (Block A, Block B and Block C), with balconies/terrace on the eastern elevation of Block A; (3) one number Class 1 retail unit (130 square metres gross floor area) and one number student chillout area (109 square metres gross floor area) located within ground floor of Block C; (4) 11 number car parking spaces all at surface level; (5) 218 number bicycle parking spaces; consisting of 120 number open rack spaces and 98 number enclosed spaces (6) waste storage areas; (7) vehicular access to the site will be from Prussia Street with pedestrian entrance from Prussia Street and via a new controlled access gate on Saint Joseph's Road (to replace existing gate); (8) one number 15 square metres ESB substation; (9) signage and (10) all associated landscaping (including outdoor gym area), boundary treatment, engineering and site development works necessary to facilitate the proposed development on lands at and to the rear of 84-87 Prussia Street, Stoneybatter, Dublin (also bounded generally by the rear of properties on Saint Joseph's Road to the north, Prussia Street to the east and Aughrim Street to the south and west).

DECISION

REFUSE permission for the above proposed development 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.

REASONS AND CONSIDERATIONS

1. The appeal site is zoned 'Z1', in the Dublin City Development Plan 2011-2017, the objective of which is "to protect, provide and improve residential amenities". It is also located on land that has a transitional zoning character with the land to the north of the site zoned 'Z2' the stated objective of which is "to protect and/or improve the amenities of residential conservation areas". Notwithstanding the suitability in principle of the lands for the proposed purpose but having regard to the height, scale and proximity of the proposed development relative to site boundaries and the established pattern of development in the area, it is considered that the proposed development would represent an inappropriately abrupt transition in use and scale from adjoining Z2 residential usage and would have an overbearing visual impact on the existing residences on Saint Joseph's Road. The proposed development would, therefore, seriously injure the amenities and depreciate the value of properties in the vicinity, would be contrary to the zoning objective of the area, which is to protect and/or improve the amenities of residential conservation areas and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the design of the proposed development and to the choice of materials proposed, to the proposed height, scale and massing of Block A and Block B, it is considered that the proposed development would be visually incongruous in its context and would have a serious negative impact on the visual amenities of the area, in particular when viewed from Saint Joseph's Road to the north and from long range views from Prussia Street and Manor Street, to the south. Accordingly, the proposed development would be contrary to the provisions of the Dublin City Development Plan 2011-2017 and to the proper planning and sustainable development of the area.

3. The Board is not satisfied that the proposed development would not be likely to have significant adverse overshadowing impacts on (i) the proposed communal courtyards and (ii) adjoining properties along Aughrim Street, Saint Joseph's Road and Prussia Street, based upon lack of information provided in relation to shadow study. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.