

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2122/16**

An Bord Pleanála Reference Number: PL 29S.246433

**APPEAL** by James Delaney on behalf of Saint Mary's Park Residents' Association care of James McInerney of 8 Rochford Park, Kill, Naas, County Kildare and by James McDonnell of 97 Drimnagh Road, Drimnagh, Dublin against the decision made on the 22<sup>nd</sup> day of March, 2016 by Dublin City Council to grant subject to conditions a permission to On Track Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

**PROPOSED DEVELOPMENT:** Development consisting of the provision of a four-storey mixed-use building (2,092 square metres), which will include one number retail unit (345 square metres) at ground floor level and 14 number residential units at the upper levels comprising two number one bedroom apartments and 12 number two bedroom apartments. The development will also include the provision of: balconies and terraces on all elevations; communal open spaces at ground, first, third and roof levels; 18 number car parking spaces accessed via the laneway to the west; bicycle parking; bin storage facilities; signage; ancillary plant; hard and soft landscaping; bollards; and all associated site development and site excavation works above and below ground, all on a site of 0.1386 hectares at Number 119 Drimnagh Road, Dublin.

## **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 proposed development, having regard to its arrangement and layout, including the inadequate separation distance between proposed balconies and windows to existing first floor windows in neighbouring residential property to the south, would seriously injure the residential amenities of the said neighbouring properties by reason of direct and perceived overlooking and invasion of privacy, which it is an objective (zoning objective Z1) to protect as set out in the Dublin City Development Plan 2011-2017 having regard to the provisions under Section 15.9 Transitional Zone Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its arrangement and layout, including the inadequate separation distance between proposed balconies and windows (within 1.6 metres) from the party boundary with the adjacent commercial site to the east, would seriously compromise the future development potential of that District Centre site, and depreciate the relative value of same, by imposing significant constraints to the possible arrangement of development thereon necessary to protect the amenity, in terms of light, privacy and visual amenity of the proposed residential units (numbers 03, 04, 08, 09, 12, and 13). The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

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

**Dated this                    day of                    2016.**