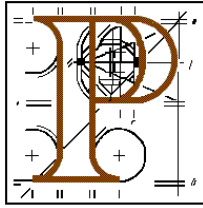


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2372/16

An Bord Pleanála Reference Number: PL 29S.246622

APPEAL by Ann Dalby care of Michael Kelly of 45 Lower Baggot Street, Dublin against the decision made on the 21st day of April, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Partial demolition of the existing garage and the construction of a two-storey (plus attic accommodation) pitched roof house. One car parking bay will be provided in the private front courtyard at number 77 Charleville Close at the rear of number 149 Leinster Road, Rathmines, Dublin, a property listed in the Record of Protected Structures.

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. Having regard to the scale, height, bulk and layout of the proposed development, it is considered that the proposed development would cause an unacceptable level of overshadowing, overbearance and overlooking and an unacceptable loss of privacy at neighbouring property to the east, and would be seriously visually obtrusive. The proposed development would, therefore, seriously injure the visual and residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale, bulk and layout of the proposed development, which would be located in one half of the rear garden area of 149 Leinster Road, and adjacent to the house permitted in the other half of the rear garden area (under planning authority register reference number 3013/15), it is considered that the proposed house would constitute the overdevelopment of a restricted and very narrow rear garden site, would set an undesirable precedent for similar future development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would be located within an area designated as a Z2 residential conservation area in the Dublin City Development Plan 2011-2017, where “all new buildings should complement and enhance the character and setting of conservation areas”. Having regard to the generally low-key form, design and proportions of the existing houses on this lane, and to the complexity of the design proposed, including a multiplicity of roof profiles, the fenestration pattern, and proposed materials, it is considered that the proposed development would form a discordant element that would be incongruous in this streetscape, would fail to integrate harmoniously with existing dwellings, would be out-of-keeping with the character of the area, and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would seriously contravene the provisions of the Development Plan in Section 17.9.4 in relation to Mews Dwellings, and in Section 17.10.8 in relation to development in Conservation Areas, and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the scale of the proposed development and of the private amenity space proposed to serve it, which is poorly integrated with living space, having its ground floor access through a bedroom and otherwise via a semi-external spiral stairs, it is considered that the proposed development would fail to accord with the reasonable provisions of the Dublin City Development Plan 2011-2017 in relation to private open space, would be substandard in both quantity and quality of access to the open space, would constitute the over-development of a restricted site, would seriously injure the residential amenities of future occupants, and 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.