

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2938/16**

An Bord Pleanála Reference Number: PL 29S.247009

**APPEAL** by Anthony O'Hara and Gerry Keogh care of Doyle Kent Planning Partnership Limited, 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 5<sup>th</sup> day of July, 2016 by Dublin City Council to refuse permission.

**PROPOSED DEVELOPMENT:** Development comprising (i) the demolition of existing double and single workshop/storage units to numbers 37 and 38 respectively (and the extinguishing of associated uses); (ii) the construction of two number semi-detached two-storey, three bedroom mews dwelling units; (iii) two number off-street car spaces together with designated turning facility for public use; and (iv) widening of existing laneway to five metres at rear of 37 and 38 Mountpleasant Avenue Lower, fronting Fortesque Lane, Dublin. (both "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**

Having regard to the siting of the proposed development to the rear of the protected structures at Number 37 and Number 38 Mountpleasant Avenue Lower, the layout of the proposed development which provides a 5.5m setback from the established building line to accommodate car parking and a turning circle, and the failure of the layout and design to reflect the mews location and proximity to the protected structures, it is considered that the proposed development would be detrimental to the character and setting of the protected structures and would seriously injure the visual amenities of Fortescue Lane and would be contrary to the provisions of Policy CHC2 of the Dublin City Development Plan 2016-2022. 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.**