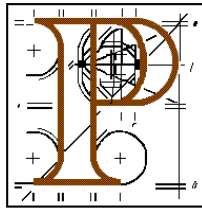


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3286/16

An Bord Pleanála Reference Number: PL 29S.247515

APPEAL by John O'Brien and Gerard Fitzpatrick care of 548 Ballymount Road, Walkinstown, Dublin against the decision made on the 6th day of October, 2016 by Dublin City Council to grant subject to conditions a permission to Michael and Charlotte Joyce care of Clonliffe Architects of Botanic Court, 30-32 Botanic Road, Glasnevin, Dublin.

PROPOSED DEVELOPMENT: (a) Demolition of existing single storey dwelling and associated outbuildings on site, (b) construction of one number three-storey apartment block with commercial unit at ground level (121 square metres), one number two bed apartment (87 square metres) and one number three bed apartment (145 square metres) at first floor level, both with balconies to the rear/south-west of the site and one number two bed apartment (103 square metres) at setback top floor/second floor level with balconies to the rear/south-west and front/north-east of the site, (c) vehicular access from Walkinstown Avenue and provision for parking for four number cars to rear of the development, (d) internal bicycle parking and bin store areas at ground floor level, and (e) all associated drainage, services, boundary wall treatments, site works and landscaped open spaces at number 138 Walkinstown Avenue, Walkinstown, 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. Further to confirmation of the use of the ground floor commercial unit as offices as set out in the response to a notice, under section 132 of the Planning and Development Act, 2000, received by the Board on the 27th day of March, 2017, the Board considered that this use would contravene the 'Z1' (Sustainable Residential Neighbourhoods) zoning of the site which does permit this use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the proposed development of three stories, immediately adjoining single storey residences, would have an overbearing impact on residences to the south. The proposed development would, therefore, seriously injure the residential amenities of these properties and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed office use would contravene the recently adopted zoning for the area and that the proposed development would have a detrimental impact of nearby residences.

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

Dated this day of 2017.