



An  
Bord  
Pleanála

## Board Order PL 29N.247806

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### Planning and Development Acts 2000 to 2016

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3906/16**

**Appeal** by O'Carroll Fitzgerald Project and Commercial Management Limited care of IMG Planning of 75 Fitzwilliam Lane, Dublin against the decision made on the 1<sup>st</sup> day of December, 2016 by Dublin City Council to refuse permission.

**Proposed Development:** Demolition of the existing first floor and rear extensions, construction of a first and second floor above the existing building to form a three-storey building to accommodate two number one bedroom apartments, construction of a stand-alone two-storey building at the rear fronting onto Clinches Court to accommodate two number one bedroom apartments and change of use of existing ground floor unit and associated basement to a general commercial unit at 42 North Strand Road, North Strand, Dublin.

### Decision

**REFUSE permission for the above proposed development in accordance with 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 restricted size and nature of the appeal site and to the existing pattern of development in the vicinity, it is considered that the proposed development, by reason of its scale, design, site coverage and proximity to adjoining properties, would represent significant over-development of the site, and would produce a cramped and substandard form of residential development with inadequate open space provision, both quantitatively and qualitatively, which would seriously injure the amenities of future residents of the scheme. Furthermore, it is considered that the proposed development would be visually obtrusive and overbearing when viewed from neighbouring properties and would, therefore, seriously injure the residential amenities of the area and depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the close proximity of the proposed development to the rear of number 41 North Strand Road and the proposed location of first floor balconies and high level ground floor windows adjacent to the mutual boundary, it is considered that the proposed development would seriously injure the amenities of the neighbouring property by reason of overlooking, noise and disturbance. The proposed development would, therefore, 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      2017