



An
Bord
Pleanála

Board Order PL 29N.249356

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3415/17

Appeal by Simba Holdings Limited care of David Pym and Associates of Ellenborough House, Ballygall Road West, Fingal East, Dublin against the decision made on the 7th day of September, 2017 by Dublin City Council to refuse permission to the said Simba Holdings Limited.

Proposed Development: Construction of a five-storey over semi-basement car park (45 spaces) building, with a total of 45 residential apartment units, consisting of eight three bedroom, 24 two bedroom and 13 one bedroom units with terraces, balconies, and roof terraces at the penthouse level. Vehicular and pedestrian access will be via the Ballygall Road West entrance. The proposed development includes landscaping, 45 cycle spaces and the associated site works together with the repair/reconstruction of the wall bounding St. Canice's Church, a protected structure, to the North of the site which will be partially rebuilt using existing stone with new metal railings, all at the former Parochial House site, Ballygall Road West, Finglas, Dublin. The proposed site is 0.21 hectares and is bounded by St. Canice's Church and associated car park to the North and Northeast, Ballygall Road West to the South and Southeast and by the rear of properties fronting onto Main Street, Finglas to the West.

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 site's location adjoining St. Canice's Roman Catholic Church, a Protected Structure, to the character of the area and to Policy CHC2 and the design principles outlined in the Dublin City Development Plan 2016-2022, it is considered that the proposed development, by reason of scale, siting, materials and layout, including the elevational treatment at street level, the siting of the building onto Ballygall Road West and the loss of trees along the northwest boundary, would not comprise an appropriate design response and would relate poorly to its receiving environment; seriously detracting from the area in terms of visual amenity and having an adverse impact on the character and setting of the adjoining Protected Structure. The proposed development would, therefore, seriously injure the visual amenity of the area, would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and Policy CHC2, as set out in the Plan, which requires new development to relate to and complement the special character of Protected Structures, and therefore, would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale, layout and design of the proposed development, the existing pattern of development in the area, the site topography and the provisions of Dublin City Development Plan 2016-2022, it is considered that the proposed development would fail to provide adequate levels of sunlight and daylight to apartments and their private amenity spaces and would fail to provide an appropriate means of servicing and accessing the apartments, by reason of the siting of apartments overlooking and proximate to a boundary below the adjoining church grounds, together with the design elements which do not meet the minimum standards set out in the Development Plan and the absence of a set down and turning area for emergency and service vehicles. The proposed development would, therefore, constitute a substandard form of residential development, would seriously injure the residential amenity for future occupants of the development and would be contrary to the development standards set out in the Dublin City Development Plan 2016-2022. Furthermore, it would result in traffic hazard along Ballygall Road West by failing to provide safe and convenient set down. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale of the proposed development and to its proximity to adjoining residential properties to the south west and proximity to the northeast boundary with the church grounds, it is considered that the proposed development would be visually incongruous, would give rise to overbearing effects and would seriously injure the residential amenities of properties to the rear of Main Street. 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 2018