



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3851/17

APPEAL by Wingthorpe Limited care of O'Dwyer and Associates Architects of 8 Townyard House, Townyard Lane, Malahide, County Dublin against the decision made on the 8th day of November, 2017 by Dublin City Council to refuse permission.

Proposed Development: (i) The demolition of (a) existing fire damaged/derelict, two-storey over basement public house at 105 and 107 Emmet Road, (formerly The Horse and Jockey public house); (b) a two-storey dwelling at 109 and 111 Emmet Road and (c) a single storey motorcycle workshop at 99 Emmet Road and (ii) the construction of a two/three and part four-storey (penthouse level set back from main facades at third floor level) residential/commercial development over basement and lower ground floor level, in two separate blocks (Blocks A and B), with both buildings stepped at rear and comprising (a) five number one bedroom apartments, nine number two bedroom apartments and five number three bedroom apartments (19 number apartments in total), with balconies at lower ground floor, ground floor, first floor and second floor levels, winter gardens at ground floor level, and roof terraces at second and third floor levels; (b) one number commercial / office unit at ground floor level in Block B; (c) bicycle store, bin store and individual storage facilities at basement level; (d) 18 number car park spaces at

basement and lower ground floor level, served by a new vehicular entrance/ fire tender access from Myra Close; (e) landscaped open space between Blocks A and B at ground floor level; (f) associated site works and; (g) the relocation of a public combined overflow sewer from numbers 105, 107 and 109 Emmet Road to landscaped open space between proposed Blocks A and B at numbers 99, 101, 103, 105, 107, 109 and 111 Emmet Road, Inchicore, Dublin 8. This site is bounded by Emmet Road to the south, by Coffey's public house to the east, by Myra Close to the north and by Kilmainham Banks apartment development to the north and west and by Massey's funeral home 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 scale, density and design of the proposed residential units and the inadequate separation distance between Blocks A and B, it is considered that the proposed development would lead to a poor form of residential amenity for the intended occupants. The substandard quality of development in terms of excessive overlooking arising would contravene the policies of the Dublin City Development Plan 2016-2022 and be contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing Planning and Local Government in March 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its scale and design, would result in an unacceptable degree of overlooking and overshadowing and would have an overbearing impact on the established adjoining property contrary to Land Use Zoning Objective Z1 “To protect and improve residential amenities”. The proposed development would, as a result, seriously injure the visual and residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development would result in the removal of an existing pedestrian route, contrary to Land Use Zoning Objective Z3 “To provide for and improve neighbourhood facilities” as set out in the Dublin City Development Plan 2016-2022, which promotes pedestrian permeability and enhanced accessibility. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.