



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2460/18

APPEAL by Eric Feldman care of Mackay Architecture Design of 22 Oakley Grove, Blackrock, County Dublin against the decision made on the 31st day of August, 2018 by Dublin City Council to refuse permission.

Proposed Development: Change of use from office to one bedroom apartment at number 36 Bowbridge House, Kilmainham, 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. The proposed development by reason of its limited access to daylight, orientation and view would provide for a substandard and unacceptable form of residential accommodation which would seriously injure the residential amenities of future occupants. The proposed development would be contrary to the requirements of Section 3.18 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities March, 2018 and Policy QH18 of the Dublin City Development Plan 2016-2022 which seeks 'To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments.' The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within Flood Zone A as identified within the Dublin City Development Plan 2016-2022. Policy SI13 of the Development Plan seeks to restrict the development of highly vulnerable uses such as residential in such areas. This objective is considered reasonable. It is considered that the Site-Specific Flood Risk Assessment submitted including restrictions on window openings would result in a poor standard of amenity for future residents and would not be sufficient to overcome the restrictions on residential development in areas at risk of flooding. 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 2019.