



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3583/18

APPEAL by Roselwave Limited care of Kenny Lyons Associates of Block 6, Central Business Park, Clonminch, Tullamore, County Offaly against the decision made on the 19th day of September, 2018 by Dublin City Council to refuse permission.

Proposed Development: Alterations and change of use of an existing vacant building from permitted crèche to six number residential units with all associated site works, including an additional storey to the existing two-storey building. The alterations will include provision of a new lightweight access walkway at ground floor level, alterations to the elevations of the building including construction of an additional floor at first floor level, provision of balconies and subdivision of existing external patio space. The new units will be over three levels lower ground, ground and first floor level comprising of four number two-bed units and two number four-bed units, all with patio areas at lower ground floor level at Clare Village, Malahide Road, Ayrfield, 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 zoning objective for the site, that is, Z1 – ‘to protect, provide and improve residential amenities’, it is considered that the siting, scale and massing of the existing apartment blocks in relation to the proposed development would be overbearing to its outlook and also, in tandem with the adjoining concourse levels, would generate an undue level of observation over the subject scheme, thus providing for a limited level of residential amenity for future occupants of the development. The proposed development would, therefore, be contrary to the provisions of the current development plan for the area (Section 16.10 – Standards for Residential Accommodation) and contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the current Dublin City Development Plan and to the provisions of the Childcare Facilities Guidelines on

Planning Authorities issued by the Department of the Environment and Local Government in June 2001, it is considered that the change of use of the crèche unit to residential units in a residential complex substantially in excess of 75 units would result in the loss of residential amenity to the existing and future residents of the residential complex and to the vicinity. The proposed development would also set an undesirable precedent for other similar developments. The proposed development would, therefore, seriously injure the amenities of the apartment complex and of the vicinity, would be contrary to the provisions of the development plan and to the proper planning and sustainable development of the area.

Paul Hyde

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

Dated this day of 2019.