



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3403/18

Appeal by Grattan Hall Management Limited care of David Moran of 118 Home Farm Road, Drumcondra, Dublin against the decision made on the 9th day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Midgard Construction Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin.

Proposed Development Revisions to a previously permitted mixed-use residential development (previously granted under planning register reference number 2854/17; An Bord Pleanála appeal reference number PL 29N.249368) to now provide for a 'Build to Rent' scheme. The proposed revisions shall consist of: (a) an increase of 22 number apartments to now provide for a total of 225 number residential units (comprising 113 number one bedroom units; 102 number two bedroom units; and 10 number three bedroom units) within the four number previously permitted blocks as follows: Block A - five-storey (part four-storey) block comprising of 78 number residential units (43 number one bedroom units; 33 number two bedroom units; two number three bedroom units) with balconies/terraces on the north, east, south and west elevations. Block B – five-storey apartment block comprising 51 number residential units (27 number one bedroom units; 22

number two bedroom units; two number three bedroom units) with balconies/terraces on the north, east, south and west elevations. Block B will also comprise the previously permitted one number concierge office; one number community room (94 square metres gross floor area); one number gym (201 square metres gross floor area) and one number childcare facility (248 square metres gross floor area) with ancillary outdoor play area (129 square metres), all of which will be at ground floor level; Block C – five-storey apartment block comprising 25 number residential units (seven number one bedroom units; 16 number two bedroom units; two number three bedroom units) with balconies/terraces on the north and south elevations. Block D – five-storey apartment block comprising 71 number residential units (36 number one bedroom units; 31 number two bedroom units; four number three bedroom units) with balconies/terraces on the north, east, south and west elevations; (b) associated elevational changes to Blocks A, B, C and D; (c) provision of additional amenity facilities including children's play and recreational area at basement level; (d) reduction in basement level car parking spaces from 249 number spaces to 151 number spaces; (e) Increase in basement level bicycle parking spaces from 212 number spaces to 348 number spaces; (f) provision of new plant areas and refuse storage at basement level; and, (g) all associated engineering and site development works necessary to facilitate the development, all at lands at the former Columban Missionary site, Hole in the Wall Road and the R139 Road, Donaghmede, Dublin.

Decision

DISMISS the said appeal under subsection (1)(b)(i) of section 138 of the Planning and Development Act, 2000, based on 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

Having regard to the limitations imposed under section 34(3A) and 34(3B) of the Planning and Development Act, 2000, as amended, where the Board is restricted in its determination of the application to considering the modifications proposed by the applicant, and where an appeal is limited to a materially significant change to the approved external appearance of the proposed development, the Board considers that the grounds of appeal are outside of the limitations imposed by section 34(A) and 34(B) and decided under the provisions of section 138(1)(b)(i) of the Act, to dismiss the appeal.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the appeal cannot be determined by it in view of the provisions of section 34(B) of the 2000 Act and accordingly, dismissed the appeal.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.