



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4262/18

APPEAL by Lisa Kedellen care of Brennan Furlong of 129 North Strand Road, North Strand, Dublin against the decision made on the 18th day of December, 2019 by Dublin City Council to refuse permission.

Proposed Development: Retention of change of use of a total of 48 square metres of ground floor dwelling space from exclusively residential use to residential and sessional services childcare facility use. (Permission was previously granted for 26 square metres of childcare use as per planning register reference number 3627/09). Retention is also sought for associated external signage and amended hours of operation, and permission is sought for the provision of external scooter and bicycle parking with all ancillary works, all at 43 Shelmartin Avenue. Marino, 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

The application site is located within a 'Z2' area, the zoning objective of which is 'to protect and/or improve the amenities of 'residential conservation areas'. Dublin City Development Plan 2016-2022, Appendix 13.1, 'Guidelines for Childcare Facilities' states that within existing residential areas, detached houses/sites or substantial semi-detached properties with space for off-street parking and/or suitable drop-off and collection points for customers, and also space for an outdoor play area, will generally be permitted, provided the premises remains primarily residential and traffic and access arrangements do not interfere with general residential amenity.

The expansion in floor area of the 'childcare facility' and the increase in numbers of children attending the 'childcare facility' to 22 number total in sessional care, results in the building no longer being a suitable domestic residential unit, as well as generating increased noise, pedestrian and vehicle traffic, and general dis-amenity over and above that experienced as a result of the previously permitted 12 number childcare places (planning register reference number 3627/09). The existing two-storey dwellinghouse, of modest floor area and the northern end unit of a two-storey terrace, is not suited to the scale of the 22 child, childcare facility proposed for retention. Therefore, it is considered that the development for which retention is sought, would seriously injure the residential amenities of adjoining properties and would be contrary to the Dublin City Development Plan 2016-2022, in particular the 'Z2' Zoning Objective and Appendix 13.

Furthermore, it is considered that the development for which retention is sought would endanger public safety by reason of traffic hazard having regard to the vehicular traffic likely to be generated by the subject development, especially to vulnerable road users, such as cyclists and pedestrians, given the complete absence of off-street car parking facilities on the subject site. The development for which retention is sought would, therefore, be contrary the proper planning and sustainable development of the area.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.