



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4373/18**

**APPEAL** by Edward and Joyce Kelly care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin against the decision made on the 15<sup>th</sup> day of January, 2019 by Dublin City Council to refuse permission.

**Proposed Development:** Variation to approved planning permission, register reference number 3792/17 to provide for an additional, single storey, one bedroom apartment to the rear of the house, being a reduced version of what was applied for, but disallowed by way of a condition attached to the said permission, and for associated minor alterations to the rear at 17 Anglesea Road, 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 design and layout of the proposed development, it is considered that the development is a standalone own-door independent residential dwelling and not an apartment, and the layout of the proposed development, including the enclosed front and rear garden areas, would provide inadequate and fragmented private amenity space, would constitute a substandard form of development, would seriously injure the residential amenities of future occupants of the house and would be contrary to Policy QH21 of the Dublin City Development Plan 2016-2022, which seeks to ensure that new houses provide a satisfactory level of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the Dublin City Development Plan 2016-2022 and to the layout and design of the proposed development, it is considered that the layout does not provide for a suitable level of amenity for the future residents of the apartment development permitted under planning register reference number 3792/17, by reason of the extensive footprint proposed, the associated conflict with the established pattern and character of the area and the substandard provision of amenity space. The proposed development would constitute overdevelopment of the site and would be contrary to Section 16.10.1 of the Dublin City Development Plan 2016-2022 which requires communal open space to be provided for apartment developments. The proposed development would, therefore, be contrary 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.**