



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3706/18

APPEAL by Saltcross Limited care of G Davenport Architecture and Design of Mooretown, Rathoath, County Meath against the decision made on the 25th day of May, 2019 by Dublin City Council to grant subject to conditions a permission to P. Rooney Roofing Limited care of Darmody Architecture of 91 Townsend Street, Dublin.

Proposed Development: The development will consist of: (A) demolition of two number two-storey derelict houses accessed off Phibsborough Road, a single storey garage accessed off Royal Canal Bank and boundary walls/fences to Phibsborough Road and Royal Canal Bank, (B) construction of a mixed use development of nine number apartments comprising of three number two bedroom and six number one bedroom apartments, a ground level retail unit, basement car park to accommodate four parking spaces, bike store to accommodate 12 bicycles and refuse store. The development will be five storeys from street level to Phibsborough Road. Vehicular access is to be provided to basement off Royal Canal Bank and pedestrian access is to be provided off Phibsborough Road and rear of McGuinness's Cottages laneway, North-west facing balconies to be constructed on all levels above ground level on Phibsborough Road/Royal Canal Bank corner and north-east facing

balconies on all levels above ground level on Royal Canal Bank. All associated site development works above and below ground level including all boundary treatments, privacy screen balconies, third floor south facing balcony terrace, fourth floor terrace garden and roof terrace garden, all hard and soft landscaping and connections to public sewer and watermain, all at 113 Phibsborough Road/Royal Canal Bank, Phibsborough, 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, which restricts any outlook to bedrooms within the eastern elevation by reason of the use of fully opaque glazing, and where the only source of direct ventilation to these rooms is directly adjacent to a commercial refuse storage area, would result in an oppressive

and substandard form of accommodation for future residents. The proposal would provide for a poor standard of amenity for future residents and would be contrary to the policies and objectives of the Dublin City Development Plan 2016-2022 and the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March, 2018, which seek to promote the provision of quality apartments and to ensure that apartment living is an increasingly attractive and desirable housing option. The proposed development would, therefore, seriously injure the residential amenity of future residents and would be contrary to the proper planning and sustainable development of the area.

2. The proposal would provide for a residential development directly abutting an existing public house that incorporates an outdoor seating area within its site. Section 16.10.11 of the Dublin City Development Plan 2016-2022 requires, in considering proposals for mixed-use developments, the protection of amenity and that the reduction in potential conflict between the various uses will be of paramount importance, all proposals must include measures to reduce noise levels between the different uses to ambient noise levels, and that a scheme of sound acoustic insulation be submitted with such planning applications. These requirements are considered reasonable. Based on the submissions made in connection with the planning and appeal, the applicant has failed to adequately demonstrate that the proposed development can provide for adequate levels of residential amenity for future residents with regard to a reduction in noise levels and has, therefore, failed to comply with the requirements of the planning authority as set out in section 16.10.11 of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be contrary to proper planning and sustainable development of the area.

3. Based on the submissions made in connection with the planning application and the appeal and the limited size of the proposed basement car park, which provides for a single lane access from the public road, it is considered that the applicant has failed to clearly demonstrate that vehicles can manoeuvre in such a manner so as not to negatively impact the free flow of traffic on the adjacent public road. The proposed development would, therefore, endanger public safety by reason of traffic hazard along Royal Canal Bank Road and as such would be contrary to the proper planning and sustainable development of the area.

John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.