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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2185/19**

**APPEAL** by Val Issuer DAC care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 29<sup>th</sup> day of March, 2019 by Dublin City Council to refuse permission.

**Proposed Development:** Construction of additional two number additional floor levels with balconies (provision of a 2<sup>nd</sup> floor residential extension finished in brick and render and a 3<sup>rd</sup> floor residential extension finished in dark-coloured metal cladding) to existing two-storey apartment block to provide a total of 13 number apartment units consisting of two number studio apartments, seven number one-bedroom apartments and four number two-bedroom apartments. The development also includes the provision of balconies to the rear and front elevations at 1<sup>st</sup> floor level of the existing two-storey building, all ancillary site works, green roof and drainage infrastructure to facilitate the development. All at number 5-6 Rosedale Terrace, number 41, rear of numbers 42 and 42a Clanbrassil Street Lower, 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 proposed development is located within an area zoned objective Z1 in the Dublin City Development Plan 2016-2022, the objective of which is to protect, provide and improve residential amenities. It is considered that the proposed development, by reason of its height and proximity to adjoining residential properties, would result in an unacceptable form of development which would be out of scale and character with existing residential development in the immediate vicinity and which would create significant adverse effects on residential property in the immediate vicinity by reason of overbearance, potential for overlooking, shadowing and loss of privacy and would be contrary to the provisions of the statutory zoning objective. The proposed development would seriously injure the residential amenities of property in the immediate vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board concluded that the proposed addition of two extra storeys onto the existing two-storey building, thus creating a four storey building (with fenestration at all floors), located in close proximity to adjoining properties, in particular between 6 metres and 7.6 metres from the rear boundaries of separate residential properties to the east of the subject site, would result in serious injurious effects on the amenity currently enjoyed by those adjoining properties, contrary to the provisions of the residential zoning objective for the site, as set out in the Dublin City Development Plan 2016-2022 and contrary to the principles of proper planning and sustainable development.

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**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**