



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3468/19

APPEAL by Mary F Murphy of 73 Saint Assam's Avenue, Raheny, Dublin against the decision made on the 2nd day of September, 2019 by Dublin City Council to refuse permission.

Proposed Development: The development will consist of (a) the removal of the boundary wall along Avenue Road, and (b) the construction of a three-storey terrace, comprising three number mews, fronting onto Avenue Road; two number mews to comprise kitchen/dining/living area, toilet, bin and bicycle storage and rear courtyard at ground floor level; one number bedroom, bathroom, study, storage, utility room, open balcony at first floor level; one number ensuite bedroom, with open balcony and terrace at second floor level. One number mews to comprise one number bedroom, study, storage, utility, bathroom, toilet, bin/bike storage, new boundary garden wall at ground floor level; kitchen/dining/living room, external deck and terrace at first floor level; one number ensuite bedroom with open terrace at second floor level, all at a site at 43 Avenue Road (rear of 43 Bloomfield Avenue), South Circular 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 scale, mass and extent of the proposed development and, in particular, the proposal to provide elevated terraces and balconies above ground floor level in close proximity to adjoining properties, and having regard to the design of the proposed development, which involves significant overlooking of adjoining property to the south, it is considered that the proposed development would seriously injure the residential amenities of adjoining property, and in the case of the adjoining property to the south, would prejudice its development potential. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to its scale and footprint, in the context of the pattern of development in the vicinity, it is considered that the proposed development would represent significant overdevelopment of a constrained site area, and would significantly reduce the amount of private open space for the main dwelling at number 43 Bloomfield Avenue, thereby seriously injuring the amenities available to the

residents of that dwelling. The proposed development 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 was of the view that the proposed development would represent overdevelopment of this site, and concurred with the view of the planning authority that a single dwelling would be more appropriate at this location (rather than three, as proposed). The Board considered that, while achieving increased densities on infill sites such as this was desirable and would be in accordance with the national policy guidance in general, this could not be achieved in this case where the result would have deleterious impacts on neighbouring properties. Furthermore, the Board considered that the proposed development, by reason of its extent and design, would leave very minimal provision of private open space to serve the parent dwelling at number 43 Bloomfield Avenue, and would seriously impact on the development potential of the adjoining property at number 42 Bloomfield Avenue. However, the Board did concur with the Inspector that it was appropriate not to require off-street car parking in this particular case, and, therefore, decided not to uphold the planning authority's second reason for refusal.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020