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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3519/19**

**APPEAL** by Carnivan Bay Property Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 10<sup>th</sup> day of September, 2019 by Dublin City Council to refuse permission.

**Proposed Development:** Alterations to previously approved development (planning register reference number 2325/18) which consisted of internal and external alterations to the existing three-storey over basement building with part-three, part-four storey rear return (former presbytery accommodation associated with the Mary Immaculate Refuge of Sinners Church) to facilitate a change of use from institutional accommodation to six number one bedroom residential apartments. The proposed development in this application relates only to the lower ground floor level of the existing building and consists of the following: (i) change of use of lower ground floor level storage unit as approved under planning register reference number 2325/18 to one number one-bedroom apartment (62 square metres), (ii) modification of openings to two number windows on the southern elevation at lower ground floor level and alteration of cill height to 1.6 metres above finished floor level, (iii) installation of two number new window openings to serve the proposed kitchen at lower ground floor level and (iv) all ancillary works necessary to facilitate the development, all at 48 Rathmines Road 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**

Having regard to the requirements of Section 16.10.1 of the Dublin City Council Development Plan 2016-2022 and in particular the requirement for glazing to all habitable rooms should not be less than 20% of the floor area of the room together with Section 6.5 of the Sustainable Urban Housing Design Guidelines for New Apartment Guidelines for Planning Authorities (2018) which requires the provision of reasonable levels of natural light in new apartment developments, it is considered that the proposed lower ground floor apartment would provide a substandard level of amenity for future occupiers in terms of sunlight and daylight penetration due to the inadequate glazing arrangements. It is, therefore, considered that this development if permitted would set an undesirable precedent for similar substandard development and would be contrary to the proper planning and sustainable development of the area.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**