



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3541/19

Appeal by Bartra Property (Poplar Row) Limited care of Jim Brogan of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 12th day of September, 2019 by Dublin City Council to refuse permission to the said Bartra Property (Poplar Row) Limited for development comprising amendments to the 'Build to Rent' residential apartment development authorised by the grant of permission for planning register reference number 3900/18 on lands at 3 Poplar Row with a service access on Annesley Place, Ballybough, Dublin which will involve the omission of condition number 4 attached to the grant of permission for planning register reference number 3900/18. The amendments will comprise (a) the construction of an additional floor of residential accommodation identical in layout to the floors already permitted from first to fourth floor levels. It will comprise seven number dwelling units (one number three-bed apartment; three number two-bed apartments; two number one-bed apartments with balconies to the rear and one number one-bed apartment with balcony to the front). The overall number of residential units within the development will increase from 39 number permitted under planning register reference number 3900/18 to 46 number and the building will increase in height to become a seven storey building, with a set-back seventh storey and (b) the provision of the same proportion of brick on the front elevation of the

aforementioned building, with its increased height, as provided for in the original application, as modified by the additional information submitted to the planning authority in relation to planning register reference number 3900/18, all at Number 3 Poplar Row with a service access on Annesley Place, Ballybough, Dublin.

Decision

GRANT permission for the provision of the same proportion of brick on the front elevation of the aforementioned building, with its increased height, as provided for in the original application, as modified by the additional information submitted to the planning authority in relation to planning register reference number 3900/18 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below. REFUSE permission for the construction of an additional floor of residential accommodation identical in layout to the floors already permitted from first to fourth floor levels, as described in part (a) of the public notice as follows: seven number dwelling units (one number three-bed apartment; three number two-bed apartments; two number one-bed apartments with balconies to the rear and one number one-bed apartment with balcony to the front). The overall number of residential units within the development will increase from 39 number permitted under planning register reference number 3900/18 to 46 number and the building will increase in height to become a seven storey building, with a set-back seventh storey, based on the reasons and considerations marked (2) under

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 proposed elevational treatment, as set out in the application and appeal, it is considered that, subject to compliance with the condition set out below, the proposed development would be acceptable in terms of design and would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition

1. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, plans and particulars which indicate the detailing of materials and finishes to the front elevation of the permitted building.

Reason: In the interest of clarity.

Reasons and Considerations (2)

Having regard to the existing permission on the site, to the design, scale and massing of the proposed development and its relationship with adjoining properties, it is considered that the proposed increase in height, over that for which permission exists, would result in the development being visually incongruous, would not integrate successfully with the existing streetscape and built environment and the existing and permitted streetscape on Poplar Row and North Strand Road and would not enhance the existing character and built environment of the area. In this regard, the proposed development would not make a positive contribution to the urban streetscape and neighbourhood at this location, would be contrary to the relevant provisions of the Dublin City Development Plan 2016-2022, would be contrary to the Ministerial Guidelines, "Urban Development and Building Heights Guidelines for Planning Authorities", issued by the Department of Housing, Planning and Local Government in December 2018 and would seriously injure the visual amenities of the area and the amenities of property in the vicinity. 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 for the construction of an additional floor, the Board shared the view of the Inspector that the issue of overshadowing was not a material issue, however the Board agreed with Dublin City Council that the proposed increase in height for a considerable length along Poplar Row, would result in the permitted development being visually incongruous and would not integrate successfully with the existing streetscape and built environment.

Chris McGarry

Member of An Bord Pleanála

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

Dated this day of 2020.