



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3571/19

Appeal by October Management Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 16th day of September, 2019 by Dublin City Council in relation to an application by the said October Management Limited for permission for development consisting of the construction of one number three bedroomed, single storey residential dwelling (circa 120 square metres gross floor area), two number covered surface car parking spaces, private open space [comprising two number patio areas (one number covered) and landscaped areas], additional hard and soft landscaping including provision of a new pedestrian path, resurfacing arrangements and a green roof, removal of nine number surface car parking spaces (permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871), and all associated ancillary elements and site development works (including drainage arrangements). The development proposed for retention consists of retention of modifications to the car parking layout and adjoining area (with a combined area circa 26.5 square metres) to the south of the existing substation as permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871; all of the above within the overall Shieling Square residential development (which includes a protected structure), Howth Road, Raheny, Dublin.

The proposed dwelling and associated ancillary elements are located within the curtilage of a Protected Structure. No works are proposed to the Protected Structure as a result of the proposed development. in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of modifications to the car parking layout and adjoining area (with a combined area circa 26.5 square metres) to the south of the existing substation as permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871 and to refuse permission for construction of one number three bedroomed, single storey residential dwelling (circa 120 square metres gross floor area), - two number covered surface car parking spaces, - private open space (comprising two number patio areas (one number covered) and landscaped areas), - additional hard and soft landscaping including provision of a new pedestrian path, resurfacing arrangements and a green roof, - removal of nine number surface car parking spaces (permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871).

Decision

GRANT permission for retention of modifications to the car parking layout and adjoining area (with a combined area circa 26.5 square metres) to the south of the existing substation as permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for construction of one number three bedroomed, single storey residential dwelling (circa 120 square metres gross floor area), - two number covered surface car parking spaces, - private open space (comprising two number patio areas (one number covered) and landscaped areas), - additional hard and soft landscaping including provision of a new pedestrian path, resurfacing arrangements and a green roof, - removal of nine number surface car parking spaces (permitted under planning register reference number 5067/06, An Bord Pleanála reference number PL 29N.220871) 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 provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of neighbouring properties or of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within one month from the date of this order and the development shall be carried out and completed out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Access and parking layouts shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of traffic safety.

Reasons and Considerations (2)

Having regard to the limited size and poor quality of private open space proposed for the new dwelling, to the loss of quality public open space and car parking resources for existing residents on the site, and to the potential for the proposed development to further erode the setting of the protected structure, it is considered that the proposed development would result in a substandard form of development which would be contrary to the provisions of the Dublin City Development Plan 2016-2022, and would comprise overdevelopment of the site. The proposed dwelling would, therefore, seriously injure the residential amenities of the existing and future residents of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.