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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3082/19**

**APPEAL** by Fergal Mc Namara and Sinéad Gargan of 15 Baymount Park, Clontarf, Dublin and by Others against the decision made on the 2<sup>nd</sup> day of December, 2019 by Dublin City Council to grant subject to conditions a permission for the proposed development of Block A and to refuse permission for the proposed development of Block B to JM Dunluce Limited care of Tyler Owens Architects Limited of The Mash House, Distillery Road, Dublin.

**Proposed Development:** (i) Demolition of the two number existing dwellings and outbuildings; (ii) construction of two number five-storey with set-back penthouse above, residential apartment buildings accommodating 69 number residential apartments, each with an associated balcony/terrace. Block A will contain 35 number apartments (34 number two-bedroom and one number three-bedroom apartments), each to be provided with storage space; a water tank/plant, private allocated storage, a bin store and bicycle parking will be provided at ground-floor level. Block B will contain 34 number apartments (nine number one-bedroom, 23 number two-bedroom and two number three-bedroom apartments), each to be provided with storage space; a water tank/plant, private allocated storage, bin store and bicycle parking will be provided at ground-floor level; (iii) removal of the north-western vehicular entrance and alterations to the north-eastern vehicular entrance; (iv) provision

of 69 number car parking spaces, including five number disabled car parking spaces; and, (v) communal amenity space, children's play area, internal access roads, landscaping, boundary treatment, SuDS drainage and all ancillary works necessary to facilitate the development, all at 257 - 259 Mount Prospect Avenue, Clontarf, 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 and massing of the proposed development, in particular Block B and its relationship with, and its proximity to, the adjoining two-storey terrace dwellings within The Oaks residential estate, it is considered that the proposed five/six storey apartment block would result in a significant loss of outlook for these adjoining properties and would appear overbearing when viewed from the rear private open space of these dwellings. The proposed development would therefore seriously injure the residential amenity of these properties and would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.
2. The development proposed which provides for largely 3-bedspace two-bedroom apartment units would be contrary to the provisions of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in March 2018, which requires that such units do not exceed 10% of the total number of units in any private residential scheme. The proposed development would, therefore, be contrary to provisions of the said guidelines, and to the proper planning and sustainable development of the area.
3. The Board is not satisfied on the basis of the information provided with the application and the appeal that the proposed development would not adversely affect Protected Bat Species and Bat habitat which has been recorded within the site. In such circumstances, the Board is precluded from granting permission.

4. Having regard to the provisions of the Dublin City Development Plan 2016-2022 in particular Sections 16.3 'Landscaping' and 16.3.3 'Trees', it is considered that the extent of the loss of existing planting of mature trees, in this instance primarily Holm Oaks, would be excessive, and as such would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2020**