



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4461/19

APPEAL by Louise Macauley of 70 Merrion Village, Merrion Road, Dublin and by others against the decision made on the 20th day of March, 2020 by Dublin City Council to grant subject to conditions a permission to Brian Kennedy care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development The demolition of existing underutilised two number storey building (390 square metres) and tennis court and the construction of a residential development of 28 number apartments with an overall height of part four, part five number storeys (over basement) comprising: 12 number one-bedroom apartments, 13 number two-bedroom apartments and three number three-bedroom apartments (with private balconies/terraces at each floor level) and a ground floor gym (circa 159 square metres). Vehicular and pedestrian access will be provided from Merrion Road into a basement which will provide 28 number car parking spaces (one number disabled access), 44 number cycle spaces and all ancillary areas, with two number disabled parking spaces and 12 number visitor bicycle parking spaces at surface level; all associated site development works, hard and soft landscaping and all other ancillary works to include provision of an area of communal landscaped open space, with pedestrian access provided to the north-east. The total gross floor

area proposed is circa 2,213 square metres, all at The Pavilion, 204 - 205 Merrion 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

Having regard to the presence of two trunk sewers running through the site, and to the proposed solutions submitted to the Board on the 22nd day of October, 2020 to address Irish Waters concerns in relation to the future maintenance of these critical infrastructure assets, the Board is not satisfied that the amended scheme, which proposes between 17 (60.7 per cent) and 19 (70.4 per cent) studio or one bed units within the scheme of 28 or 27 units, depending on a four metres or six metres separation distance from the Irish Water Asset, adequately complies with 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, in terms of unit mix within the scheme. The development would be contrary to the Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: In deciding not to accept the Inspector's recommended first and second reasons for refusal, the Board was satisfied that the proposed development would not lead to an unacceptable impact on the recreational amenities of the residents of Merrion Village or of Lennon's Cottages nor set an undesirable precedent for similar type developments and that each case shall be decided on its own merits.

Furthermore, the Board concurred with the planning authority and considered that the proposed development would not result in a significant impact on the existing residential amenities of adjacent residents in terms of overshadowing and overbearing of properties within Merrion Village and the Board was satisfied that the proposed vehicular access to the basement car park (which runs immediately adjacent to the front doors of residences across an existing shared surface), would not have an unacceptable impact on the existing residential amenities of the residents of Lennon's Cottages and would be acceptable in terms of pedestrian and traffic safety.

Paul Hyde

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

Dated this day of 2021.