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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4364/19**

**Application for Leave to Appeal** against the decision of the planning authority by Brian Connolly of 18 Thomas Moore Road, Walkinstown, Dublin, having an interest in land adjoining the land in respect of which Dublin City Council decided on the 17<sup>th</sup> day of April, 2020 to grant subject to conditions permission to Canmar Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin.

**Proposed Development:** (1) The demolition of all existing buildings on site; (2) The construction of a mixed-use commercial and residential development in six number blocks accommodating two number commercial units, a communal meeting space and 70 number residential units comprising 29 number one-bed units (apartments), 30 number two-bed units (apartments), five number three-bed units (townhouses) and six number four-bed units (townhouses); (3) The proposed blocks consist of the following: -Block 1: part three-storey/part five-storey (three-storey plus two setback levels) mixed-use block fronting onto Walkinstown Road accommodating two number ground floor retail/non-retail services units addressing Walkinstown Road, ground floor communal meeting area, and 26 number apartments comprising of 13

number one-bed units and 13 number two-bed units with associated balconies/terraces; - Block 2: part three-storey/part four-storey (three-storey plus setback level) residential block fronting onto Balfe Road accommodating 25 number apartments comprising 12 number one-bed units and 13 number two-bed units with associated balconies/terraces;- Block three: two-storey plus attic level residential block fronting onto the central communal amenity area accommodating five number three-bed townhouses; - Block 4: two-storey residential block accommodating four number apartments comprising two number one-bed units and two number two-bed units with associated balconies /terraces; - Block 5: two-storey residential block accommodating four number apartments comprising two number one-bed units and two number two-bed units with associated balconies/terraces; - Block 6: two-storey plus attic level residential block at the southern end of the site accommodating six number four-bed townhouses; (4) Vehicular access from Walkinstown Road and realignment/widening of existing public laneway off Walkinstown Road including removal of existing boundary wall along the laneway; (5) internal access road and 38 number car parking spaces; (6) associated signage, bicycle parking, refuse stores, landscaping, boundary treatments, and all site development works and services, all on a site bounded and accessed by both Walkinstown Road and Balfe Road, comprising of Balfe Road Industrial Estate (2-4 Balfe Road), Walkinstown Road Surface Car Park and lands and industrial building (5 Walkinstown Road) to the rear of houses on Walkinstown Road and Thomas Moore Road, Walkinstown, Dublin.

## **Decision**

**GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on 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 submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

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

**Dated this                      day of                      2020.**