



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2269/20

APPEAL by Clinton McDonald care of O'Daly Architects of 12 Garville Road, Rathgar, Dublin against the decision made on the 28th day of April, 2020 by Dublin City Council to refuse permission.

Proposed Development: Construction of two new houses (one three-bedroom, one four-bedroom) that are each two-storey, split-level, semi-detached with two car spaces and four cycle spaces on the site to the rear of 122 and 122A, and the conversion of the first floor of the existing building into two one-bedroom apartments each with a balcony to the rear incorporated into the existing building. The existing shop unit at 122 is to be retained and refurbished. The proposal involves making a vehicular and pedestrian entrance, with new metal gates, through the vacant shop at 122A Emmet Road and the demolition of the existing two-storey extension to the rear of number 122 at 122-122A (also known as 124), Emmet Road, Inchicore, Dublin and site to the rear.

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. It is considered that the proposed development, involving the existing buildings on the site and the enclosed back lands to the rear, due to its design and scale, constitutes overdevelopment of the site, with insufficient separation distance both within the site and from the adjoining properties to the west. As a result, the proposed development would result in a substandard level of residential amenity for future occupants arising from poor outlook and proximity to other residences and would seriously injure the residential amenities of adjoining properties by reason of overlooking and overbearing impact. In addition, the proposed development, because of the scale of development proposed, would be out of character with development in the vicinity. The proposed development would, therefore, be contrary to the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Policy QH8, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the policies and objectives of the Dublin City Development Plan, 2016-2022, it is considered that the creation of the proposed vehicular entrance to facilitate the development, which would necessitate the removal of up to three on-street public pay and display parking spaces, which benefit all road users within an area subject to the zoning objective 'Z3' to provide for and improve neighbourhood facilities, would be contrary to Policy MT14 of the Development Plan, which seeks to minimise the removal of on-street parking facilities whilst recognising that some loss of spaces is required to facilitate sustainable transport provision, access to new developments or public realm improvements. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020