



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2688/20**

**APPEAL** by Via Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 16<sup>th</sup> day of July, 2020 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of existing buildings on site; construction of a residential development of 38 number apartments comprising 32 number one bedroom units and 6 number two bedroom units in a 5-storey over partial lower ground/basement level building; deck access to the rear (west) of the building at ground to fourth floor level; private open space (gardens) to rear (west) at lower ground level and private terrace to rear (west) at first floor level; communal amenity space at ground floor level and at fourth floor level (terrace); bicycle store, bin store, substation and plant room at ground floor; ancillary office at lower ground/basement level; demolition and reconstruction of existing boundary wall to rear (west) with colonnade feature along western boundary and all ancillary site development works and services at 145-156 Harold's Cross 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**

1. Having regard to the surviving eighteenth century fabric and special architectural, historical and archaeological interest of number 152 Harold's Cross Road in particular, and the adjoining buildings at numbers 148 and 150 Harold's Cross Road within the site and their contribution to the historical architectural character of the streetscape within the immediate environs, it is considered that it has not been satisfactorily demonstrated that the proposed demolition would not be contrary to the Dublin City Development Plan 2016-2022 in which, according to section 16.10.17, retention and reuse of older buildings of significance which are not protected is encouraged and also Policy Objective CHC1 which is to seek the preservation of built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, having regard to the excessive height especially to the parapet level along the site frontage, and form and massing in proportion to the surrounding structures, features and streetscape, and, excessive site coverage and plot ratio would constitute overdevelopment, which would be visually overbearing, obtrusive and would seriously injure the integrity, context and setting of the gate lodge to Mount Jerome and the gate piers and railings at the entrance opening onto the funeral route included on the record of protected structures and would set an undesirable precedent for further similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The proposed development would result in substandard amenity for the future occupants of the lower floor single aspect units due to poor outlook and lack of sunlight and daylight penetration and, sense of enclosure owing to the configuration and boundary treatment for the private open space. The proposed development would seriously injure the residential amenities of the future occupants, would be contrary to the recommendation set out in 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 and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. It is considered that the proposed development would seriously injure the residential amenities of adjoining properties at the Gate Lodge at Mount Jerome Cemetery to the south west boundary and the Gandon Close apartment development to the west side of the site, by reason of overbearing impact, overlooking of private open space and obstruction of access to daylight to the communal open space and interiors of the adjoining west facing single aspect apartments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
5. It is considered that by reason of the absence of any proposals for parking provision, the demand for parking on the local road network in the vicinity which would be generated by the quantum of the proposed development, would lead to obstruction and unauthorised parking and conflicting traffic movements and would set an undesirable precedent for similar developments in which on-site parking provision is omitted. The proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this                      day of                      2021.**