

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3308/20

Appeal by Colin Daly, Nicola Daly and Andrew Haydon care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 8th day of January, 2021 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a 'Build to Rent' residential development comprising of 69 number apartments (51 number one beds, 18 number two beds) in two number blocks, to be provided as follows: Block A – a four storey building containing a total of 20 number apartments comprising of 3 number one beds, 17 number two beds with balconies to north, south and east elevations with ancillary residential amenity facilities including concierge and residential lounge at ground level; Block B – a five storey building containing a total of 49 number apartments comprising of 48 number one beds, 1 number two beds with balconies to south elevations; a single level basement comprising a total of 33 number car parking spaces, 3 number motorcycle spaces, 148 number bicycle parking spaces (128 number spaces at basement level and 20 number spaces at ground floor level), ancillary plant room and refuse storage areas; along with a play/activity room, gym facility, utility room in support of the Build to Rent ancillary residential amenities and

support facilities; vehicular and pedestrian access will be onto Bannow Road. Construction of a basement level social and community centre/non-residential club (Class 10) unit for the relocation of the Cabra Pigeon Racing Club which will maintain its separate access from the eastern boundary of application site providing access onto Bannow Road. The double height retail unit located at 76 Bannow Road will be modified with a new roof structure, extension and modification to front elevation (south), modifications to north-east and west elevations, signage and internal floor area and will be integrated into Block A of the development proposal. Landscaping, boundary treatment, drainage, signage, green roofs and solar pv panels to roof level of Blocks A and B, and all associated site and infrastructure works necessary to facilitate the development. The proposed development will also consist of the demolition of the existing two-storey building located at 280 Bannow Road (known as the Alma Hygiene building together with a kickboxing club), the demolition of the existing single storey warehouse unit and racing pigeon club unit at 76G Bannow Road (known as the Dublin Circus Centre and Cabra Racing Pigeon Club Building) and the demolition of all associated structures on site in order to facilitate the development. The subject site is bounded by Bannow Road to the south, 'The Coach House' and Hamilton Square to the west, Broombridge LUAS stop and maintenance depot to the north and a gated service laneway which provides separate access to Cabra Racing Pigeon Club's Clubhouse to the east, all at 76, 76G and 280 Bannow Road, Cabra, Dublin.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 6 (a) and to ATTACH condition number 6 (b) and the reasons therefor.

Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and the location and characteristics of the site, it is considered that the limitations in the availability of sunlight to the relevant apartments and the central communal open space would be adequately compensated by the elevated levels of daylight available within the apartments and by the overall quantum and quality of communal open space proposed for the development. Accordingly, it is considered that the proposed development would provide an adequate standard of residential amenity for the prospective occupants of the apartments and that the planning authority's condition number 6 (a), requiring the omission of 10 apartments, is not warranted.

Having regard to the nature of the proposed racing pigeon club use, it is considered that this use would be incompatible with the proposed residential use of the site and would seriously injure seriously the residential amenity of future occupants of the scheme. Accordingly, it is considered that the planning authority's condition number 6 (b), requiring the omission of the racing pigeon club and the omission of the resultant space, is warranted.

In deciding not to accept the Inspector's recommendation to remove condition number 6 (b), the Board did not agree that any adverse impacts associated with the retention of the existing community facility on site would not seriously detract from the residential amenity of the proposed apartments.

Matters Considered

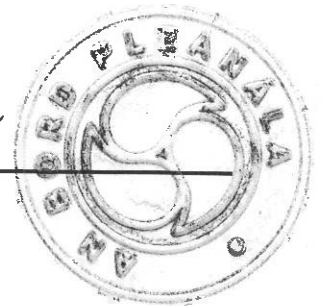
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 5th day of *July* 2021.