

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3680/20

APPEAL by Arcourt Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 6th day of January, 2021 by Dublin City Council to refuse permission.

Proposed Development: Construction of a part three-, part four-, part six-storey apartment block comprising 25 number residential units (25 number two-bedroom units) each with associated balcony/terrace, with pedestrian access from Old Naas Road. The proposed development will include 30 number bicycle spaces at surface level and will benefit from 685 square metres of communal open space and 88 number vehicle parking spaces (comprising 79 number car parking spaces, four number accessible parking spaces and five number motorcycle parking spaces - permitted under Register Reference Number 4637/18). The vehicular parking is accessed from the existing permitted entrance under Register Reference Number 2158/17. The proposed development represents a phase of the development permitted under Register Reference Number 2158/17 and Register Reference Number 4637/18, which includes the completion of the demolition previously approved under Register Reference Number 2158/17. The overall scheme will provide for 128 number units (22 number one-bedroom units, 90 number two-bedroom units, 15 number three-bedroom units and one number studio). The proposal

includes all ancillary site, landscaping, lighting and engineering works necessary to facilitate the development on a Site of 0.156 hectares to the south-east of The Sheldon Park Hotel, along Old Naas Road, Bluebell, Dublin.

Decision

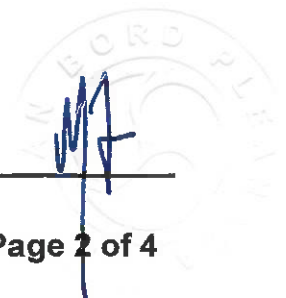
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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-
 - (a) the height and siting of the proposed development on and to the east of permitted communal amenity space under planning register reference numbers 2158/17, 4387/18 and 3404/20,
 - (b) the eight-storey height of the developments permitted and under construction to the south and west, and
 - (c) the permitted communal amenity space,



it is considered that the proposed development would result in a substandard quantum and quality of communal amenity space for the proposed development and as consequence, for the permitted developments under planning register reference numbers 2158/17, 4387/18 and 3404/20. The proposed development would, therefore, have an unacceptable impact on overall quality and size of communal amenity space in terms of direct sunlight which, as a result, would seriously injure the residential amenities of the future occupants of the proposed and permitted apartments, would be contrary to the provisions of the “Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities” issued by the Department of Housing, Local Government and Heritage in December 2020, to the provisions of BRE209 – “Site Layout Planning for Daylight and Sunlight: A guide to good practice” and to the proper planning and sustainable development of the area.

2. Based on the information submitted with the application and appeal, and having regard to the orientation, height and extent of the proposed development, and its proximity perpendicular to and opposite eight-storey developments permitted under planning register reference numbers 2158/17, 4387/18 and 3404/20, it is considered that -
 - (a) the proposed development would overshadow a number of apartments, rooms and private amenity spaces of the adjoining building under construction and thereby, seriously injure the residential amenities of future occupants of permitted apartments in terms of access to daylight and privacy, and
 - (b) adequate daylight to single aspect apartments in the proposed development has not been demonstrated and, thereby, the development as proposed would give rise to substandard residential amenity for future occupiers of the proposed development.

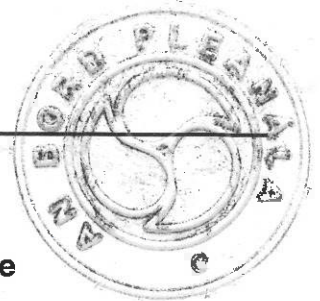
The proposed development would, therefore, be contrary to the provisions of the "Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in December 2020, to Section 16.10.1 the Dublin City Development Plan 2016 – 2022 - Residential Quality Standards, Housing Policy H2 of the Naas Road LAP 2013-23, BRE209 – "Site Layout Planning for Daylight and Sunlight: A guide to good practice" and 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 2nd day of September 2021