



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 2174/21

APPEAL by Legendside Limited care of Delphi Architects and Planners of 13 Seapoint Building, 44 to 45 Clontarf Road, Clontarf, Dublin against the decision made on the 1st day of April, 2021 by Dublin City Council to refuse permission to Legendside Limited.

Proposed Development Permission for a residential development of 23 number dwellings on a site measuring approximately 0.25 hectares. The proposed development consists of the construction of 21 number dwellings, comprised of three number two-storey, three-bed houses and 18 number one and two-bed apartments in a new four-storey building, along with the renovation and conversion of the existing two-storey dwelling, known as Number 726 South Circular Road into two number two-bed apartments at ground and first floor level, titled Block A. To the rear of Block A is a proposed four-storey building known as Block B, accommodating eight number one-bed apartments and 10 number two-bed apartments, with balconies on east and west elevations, with the inclusion of western facing communal roof terrace. In the northern part of the site, two number Type A, three-bed houses and one number Type B, three-bed house are proposed. The proposed development also provides a new vehicular access point located off South Circular Road,

surface car and bicycle parking, catering for 14 number car parking spaces and 50 number bicycle parking spaces. The proposed development also includes for the partial demolition of the existing rear return of Number 726 South Circular Road (circa 61 square metres), and for all associated site development works, landscaping, boundary treatments, public open space (circa 150 square metres), pedestrian/cycle access from South Circular Road, infrastructural connections, bin storage etc., all at 726 South Circular 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

Having regard to the "Z1" land use zoning objective 'to protect, provide and improve residential amenities', to the pattern of development in the area and to the form, bulk and height of the proposed development and the separation distances to the rear of adjoining properties, it is considered that the proposed development would have an excessively overbearing effect on adjoining property and would unduly overlook third party communal and private open space. Furthermore, it is considered that the high-level bedroom windows would result in an unacceptably low level of residential amenity for the occupants of House Types A and B. The proposed development would, therefore, both by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity and be contrary to the provisions of the current Development Plan for the area 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 14th day of October 2021.

