

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

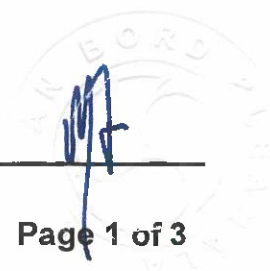
Planning Register Reference Number: WEB1510/21

APPEAL by Martin Deere and Eimear Vaughan care of Jakkulla Architecture and Design of 56A Ramleh Park, Milltown, Dublin against the decision made on the 2nd day of July, 2021 by Dublin City Council to refuse permission to Martin Deere and Eimear Vaughan.

Proposed Development The development will consist of construction of a new infill single storey detached dwelling with a flat sedum roof accessed off Ailesbury Gardens. Proposed dwelling is in front of existing dwelling on an infill site separated by Ailesbury Gardens with all associated landscaping works, all at site fronting Number 2, Ailesbury Gardens, Dublin.

Decision

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

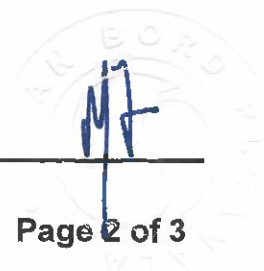


Matters Considered

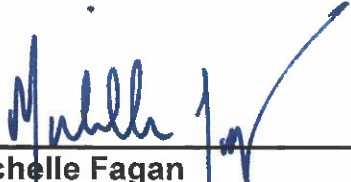
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

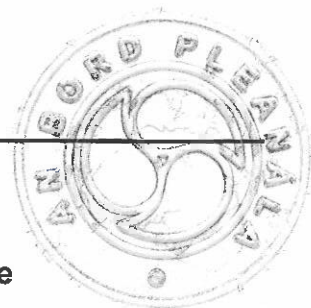
Reasons and Considerations

1. The proposed dwelling would negatively impact on the visual amenity of the area by virtue of the loss of the existing landscaping and trees which helps to screen the railway line and erosion of the streetscapes open/leafy character. The proposed development would, therefore, seriously injure the amenity of the area, would be contrary to Section 16.2.2.2 and Policy QH8 of the Dublin City Development Plan 2016 - 2022 and would be contrary to the proper planning and sustainable development of the area. Furthermore, the proposed development would set an undesirable precedent for further 'ad hoc' development of the adjoining sites.
2. Having regard to its proximity to the retaining wall associated with the Sydney Parade Railway Station, the proposed development would inappropriately restrict Iarnród Éireann's ability to inspect and maintain the wall, would potentially undermine the integrity of the retaining wall and would provide insufficient space to allow the dwelling to be maintained in future without risk to the railway or those undertaking such work. Therefore, it is considered that the proposed development would directly interfere with the safety and operation of the railway line and would, therefore, be contrary to the proper planning and sustainable development of area.



3. The provision of a pedestrian entrance and footpath on the south-western side of Ailesbury Gardens would result in potential conflict between pedestrians and vehicles traversing Ailesbury Gardens due to the isolated nature of the proposed footpath, the narrowness of the road, the limited visibility and oversight of the entrance/footpath resulting from adjacent trees/vegetation and the presence of on-street parking interspersed with vehicular entrances. The proposed development would be contrary to Section 16.10.10 of the Dublin City Development Plan 2016 - 2022 as it fails to demonstrate safe means of pedestrian access which do not result in the creation of a traffic safety hazard. The proposed development would endanger public safety and would therefore, both by itself and by reason of the undesirable precedent it would set for other similar development in the area, 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 16th day of March 2022.