



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3562/21

APPEAL by RGRE J&R Valery's Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 18th day of November, 2021 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Construction of a 10 storey over lower ground floor building with set back at ninth floor level (circa 3,083 square metres total Gross Floor Area), residential amenities and services at ground floor and ninth floor level. The proposed development will comprise: Construction of 44 number 'Build-to-Rent' apartment units over 10 number storeys with a dwelling mix of 29 studio and 15 one-bed units, guest suite with two number visitor rooms at lower ground level, provision of private open space in the form of balconies or terraces to all individual units to all elevations, landscaped garden on the northern corner of the site at ground floor level, provision of outdoor communal terraces and residential amenity in set back ninth floor level, provision of 66 number bicycle parking spaces are provided including 16 number visitor spaces externally and 50 number within a dedicated bicycle storage room at ground floor level, pedestrian and cyclist access is provided to the north-east of the site via Leeson Street Upper and to the south-west via

Mitchel House, other ancillary residential amenities such as reception, parcel lockers, management facilities, bicycle storage and bin storage and provision of switchroom and substation at ground floor level of the north-eastern elevation, plant at roof level, photovoltaic panels, hard and soft landscaping, bin storage and all associated site works and infrastructure to facilitate the development, all on a 0.092 hectare site at the junction of Appian Way and Leeson Street Upper, Dublin (adjacent to number 1 Leeson Street Village and the Mitchel House Apartments).

Decision

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

Reasons and Considerations

1. Having regard to the height, scale and density on a restricted visually prominent site, it is considered that the proposed development would constitute overdevelopment of the site and would have an unreasonable overbearing and visually dominant effect on adjoining sites. The proposed development fails to integrate or be compatible with the streetscape and public realm along both Appian Way and Leeson Street Upper and as a result, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area and is therefore contrary to Policy SC17 and Section 15.5 of the Dublin City Development Plan 2022-2028. The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the development plan in this regard and would be contrary to the proper planning and sustainable development of the area.

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2. The development is located on a heavily trafficked road which is a Quality Bus Corridor and planned Bus Connects route in an area where there is limited on-street carparking and set down availability. The service access, set down and drop-off arrangements proposed to facilitate the operation of the proposed development are considered inappropriate having regard to the intensity of development proposed on the site. As a result, it is considered that the development would generate excessive drop-offs, servicing activity and overspill parking on the adjacent Leeson Street Upper and Appian Way thoroughfares and footpaths and within the Mitchel House development thereby causing an obstruction to pedestrians, cyclists, bus services and other road users resulting in traffic safety hazard. The development is considered contrary to Sections 15.5 and 15.10 of the Dublin City Development Plan 2022-2028 and to Section 4.23 the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in December 2022, in this regard, and would endanger public safety by reason of traffic hazard. The development would, therefore, set an undesirable precedent for similar developments in the area and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not agree with the Inspector that the development as proposed would make a positive contribution to the legibility of the wider area, the urban neighbourhood and streetscape. In reaching this conclusion, the Board considered the entirety of the documentation on file and shared the view of the planning authority that the proposed development would fail to integrate with or be compatible with the streetscape and public realm along Appian Way and Lesson Street Upper.

In this regard the Board disagreed with the commentary by the Inspector in respect of the proposed development's ability to achieve the performance criteria for enhanced height, density and scale as set out in Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028. In particular, the Board considered that the development as proposed failed to promote a sense of place and character, would not provide appropriate legibility for the context within which the site is situated and would not achieve the provision of appropriate continuity and enclosure of streets and spaces where the objectives seek the enhancement of the urban design context for public spaces and key throughfares. Furthermore, the Board considered that the proposed development would not appropriately integrate with or enhance the public realm.

Specifically, the Board disagreed with the commentary by the Inspector that the underutilised nature of the site, its prominent corner location as well as the context provided by the existing side gables of adjoining properties constituted material considerations in the context of the height, scale and mass as specifically proposed. In particular, the Board considered that the development as proposed would not denote a specific destination or specific area of public realm, for example, and considered that a building of a different scale, mass and form could reasonably promote a sense of place and character at this location which would be more consistent with the character of the area.

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The Board did not share the view of the Inspector that the existing on-street parking in the vicinity of the site and the proposed servicing arrangements could adequately accommodate the functional servicing and appropriate management of the proposed development including drop-off/set down and deliveries which would be generated, and which are proposed to be managed outside of the development site.

Una Crosse

Una Crosse

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

Dated this 28th day of April 2023.

