

An
Bord
Pleanála

Board Order ABP-312352-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd day of December 2021 by Birkey Limited care of Thornton O'Connor Town Planning of No. 1 Kilmacud Road Upper, Dundrum, Dublin.

Proposed Development comprises of the following:

Demolition of all existing structures on site (circa 2,346 square metres) including warehouses and two number dwellings; and the construction of a part six number to part ten number storey over basement development (with roof level telecommunications infrastructure over), comprising one number café and retail unit (157 square metres) at ground floor level and 183 number Build to Rent apartments (104 number one-bedroom units and 79 number two-bedroom units). The proposed development has a gross floor area of circa 16,366 square metres over a basement of circa 2,729 square metres. The proposed development has a gross floor space of circa 15,689 square metres.

The development also includes the construction of a new circa 126 number metre long section of flood wall to the River Tolka along the site's southern boundary. The new flood wall is positioned at the top of the existing riverbank and will connect to existing constructed sections of flood wall upstream and downstream of the site. The top of the wall will be set at the required flood defence level resulting in typical wall heights of circa 1.2 to 2 metres above existing ground levels. The development

will also include the repair and maintenance of the existing river wall on site adjacent to the River Tolka.

The development also provides ancillary residential amenities and facilities; 71 number car parking spaces including eight number electric vehicle spaces, four number mobility impaired spaces and one number car share space; five number motorcycle parking spaces; bicycle parking; electric scooter storage; a drop off space; the decommissioning of the existing telecommunications mast at ground level and provision of new telecommunications infrastructure at roof level including shrouds, antennas and microwave link dishes; balconies facing all directions; public and communal open space; a pedestrian and bicycle connection along the north-western boundary of the site from Richmond Road to the proposed pedestrian and bicycle route to the south-west of the site adjoining the River Tolka; roof gardens; hard and soft landscaping; boundary treatments; green roofs; Electricity Supply Board Substation; switch room; comms rooms; generator; lift overruns; stores; plant; and all associated works above and below ground. The site is bounded to the north-east by Richmond Road and the Leyden's Wholesalers and Distributor Site, to the north-west by an apartment development (Deakin Court), to the south-west by the Tolka River and to the south-east by a residential and commercial development (Distillery Lofts). Improvement works to Richmond Road are also proposed including carriageway widening and a new signal-controlled pedestrian crossing facility on an area of circa 0.08 hectares (circa 762 square metres) all located at Number 146A and Numbers 148-148A Richmond Road, Dublin 3.

Decision

Refuse permission for the above proposed development in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the surrounding urban structure and the disposition of the building on site, to the height, form and scale of the proposed development and the separation distances to the site boundaries of adjoining properties, it is considered that the proposal does not provide an appropriate transition in height and scale or have due regard to the nature of the surrounding urban morphology. The proposed development is considered overly dominant, would have an excessive overbearing effect on adjoining property, would unduly overlook third party private open space and would seriously injure the amenities of property in the vicinity and the character of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

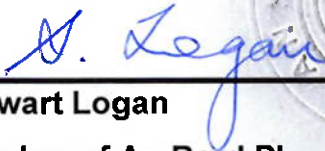

The Board considered the totality of the file and generally concurred with the Inspector's recommendation.

The Board noted that the Dublin City Development Plan 2022- 2028 had been made since the application was lodged and that the *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* (2009) had been replaced by the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities* issued by the Department of Housing, Local Government and Heritage in 2024. The Board concurred with the assessment of the Inspector in the Addendum Report that nothing new arises in these documents as they relate to this development that would materially mitigate against the recommendation in the Inspector's Report (of 5th October 2022) to refuse permission for the development. This consequently enabled the Board to make a decision in relation to this case.

The Board noted the Inspector's recommendation that the proposed development also be refused permission on the grounds of an excessive residential density for the subject site with respect to the density provisions supported in policy and objective 3.1 of the *Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities*. However, the Board considered that the

residential density of the development was primarily derived from the unacceptable height, form and scale of the proposed development and with which the Board agreed with the Inspector warranted refusal of permission. In these circumstances, the Board did not consider it necessary to refuse permission for a separate reason related specifically to density alone.

The Board also noted the third reason for refusal recommended by the Inspector relating to a deficiency in community, arts or cultural space as required by the current Development Plan objective CUO25. However, given the substantial reason for refusal above, the Board did not consider it necessary to include an additional reason related to an absence of such facilities in the proposal.

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

Dated this 17th day of July 2024