

Planning and Development Acts 2000 to 2021

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 14th day of January 2022 by The Balnagowan Partnership care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development comprises of the following:

1. Demolition of three number existing outbuildings including one number single-storey flat roofed shed of 46.5 square metres gross floor area, one number single storey flat roofed shed of 100 square metres gross floor area and one number glasshouse of 25 square metres gross floor area;
2. Construction of 108 number residential units with a cumulative gross floor area of 6,844.5 square metres in three number blocks as follows;
 - (a) Block 1, with an upper height of five storeys (maximum 16.3 metres above ground level), comprising nine number apartments including four number one-bed and five number two-bed, all with private amenity space in the form of balconies;
 - (b) Block 2, with an upper height of six storeys over basement and undercroft level (maximum 21.0 metres above ground level), comprising 33 number apartments including nine number one-bed and 24 number two-bed, all with private amenity space in the form of balconies;

- (c) Block 3, with an upper height of six storeys over basement and undercroft level (maximum 23.10 metres above ground level), comprising 66 number apartments including 40 number one-bed and 26 number two-bed, all with private amenity space in the form of balconies, together with resident's gymnasium (100 square metres gross floor area);
3. Change of use (office (last active use) to residential), refurbishment, modifications and alterations of Balnagowan House (Block 4), a Protected Structure, to provide for four number two-bed residential apartments with a cumulative gross floor area of 284 square metres, all with private amenity space in the form of terraces and balconies over two number floors;
 4. Provision of 100 square metres of public open space to the north of the site at Saint Mobhi Boithirin between Block 2 and Block 4;
 5. Communal open space distributed across the site at ground level with a combined area of 1,537 square metres, including a children's play area to the west of the site;
 6. A basement level, the provision of 51 number total car parking spaces (including two number dedicated disabled parking spaces) and five number motorcycle spaces;
 7. A total of 255 number bicycle parking spaces, comprising 199 number long stay spaces at basement level and ground floor level, and 56 number short stay spaces at surface level;
 8. Vehicular access to the basement car park will be via Saint Mobhi Boithirin, situated between Blocks 1 and 2;
 9. A secondary vehicular access point will be provided at the existing site entrance at ground level to the north of the Balnagowan House to facilitate access to one number disabled car parking bay and for vehicle drop off;
 10. Provision of one number pedestrian and cyclist access point to the north of the site from St. Mobhi Boithirin between Block 2 and Balnagowan House, and one number pedestrian access point at the existing site entrance at ground level to the north of the Balnagowan House;

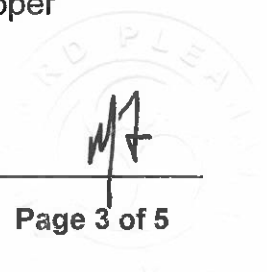
All ancillary site development works, plant, waste storage, meter rooms, landscaping, boundary treatment and lighting all located at Balnagowan House, Saint Mobhi Boithirin, Glasnevin, Dublin.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the policies of the Dublin City Development Plan 2016-2022, and the Protected Structure on site known as Balnagowan (formerly Wendon) Record of Protected Structure Reference Number 8699 which is listed on the National Inventory of Architectural Heritage Reference Number 50130046 with a rating of National significance, it is considered that the proposed development, by reason of the design, height and scale of blocks 2 and 3 proximate to the rear of the Protected Structure, would not constitute an adequate design response for this urban infill site featuring a Protected Structure, would seriously detract from the setting and character of the Protected Structure and would, therefore, be contrary to policy CHC2(d) of the Dublin City Development Plan 2016-2022, which seeks to ensure that development protects, relates to and complements the special character of Protected Structures. Furthermore, having regard to the proposed provision of replacement first-floor wing extensions and associated terraces to the Protected Structure, the proposed development would compromise the character and original form of the Protected Structure and, therefore, would be contrary to policy CHC2(a) of the Dublin City Development Plan 2016-2022, which seeks to ensure that development protects, as well as restores the form and features that contribute to the special character of Protected Structures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

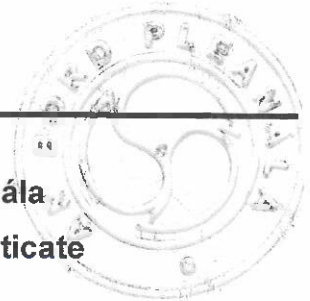


2. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, the established character and pattern of development in the vicinity, and the nature and scale of the proposed development, with proposed five-storey block 1 positioned directly onto the back edge of the footpath along St. Mobhi Boithirin and with proposed six to seven-storey block 3 to be positioned proximate and parallel with the rear boundary of properties along St. Mobhi Road, it is considered that the proposed development would be out of character with the immediate streetscape, would seriously detract from the visual amenities and character of the area when viewed from the east and west along St. Mobhi Boithirin, would have an overbearing impact when viewed from neighbouring properties at numbers 3 to 7 The Haven and adjoining properties at numbers 57, 59, 61, 63, 65 and 67 St. Mobhi Road. Furthermore, the provision of windows and balconies on the east elevation of proposed block 3 directly facing onto the rear gardens of housing along St. Mobhi Road would result in excessive direct overlooking of the private amenity spaces to numbers 57, 59, 61, 63, 65 and 67 St. Mobhi Road. Accordingly, the proposed development would seriously injure the residential amenities of the stated neighbouring and adjoining properties, and would be contrary to the provisions set out under sections 16.10.8 and 16.10.10 of the Dublin City Development Plan 2016-2022, which require backland development not to cause significant loss of amenity to existing properties and infill housing to have regard to the existing character of the street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the design and layout of the proposed development, including the position and proximity of directly-facing primary windows in blocks 1 and 2, providing for excessive direct overlooking between apartments in these blocks, and having regard to the fragmented position of block 1 separated from residents' amenities and communal facilities in the apartment complex by a vehicular access ramp, the proposed development would fail to provide an adequate level of connectivity and residential amenity for future occupants of the scheme and 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, Planning and Local Government in December 2020.


Michelle Fagan

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



Dated this 25th day of July 2022