

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3691/21

Appeal by St. Clare's GP3 Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 8th day of December, 2021 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Amendment to the apartment development permitted under planning register reference number 2186/15 (An Bord Pleanála reference number PL 29S.245164), as extended under 2186/15/X1 and as amended by planning register reference number 2825/17 (An Bord Pleanála reference number ABP-300031-17), planning register reference number 3781/17 (An Bord Pleanála reference number ABP-301600-18), planning register reference number 4040/17 (An Bord Pleanála reference number ABP-301835-18), planning register reference number 4544/17. The application site includes Protected Structure RPS reference number 3583. There is no increase in gross floor area for the overall site. The overall site area is 1.7 hectares. The development is now constructed. The proposed development to change the use of one of two community rooms at ground floor in Block 8 (formerly Block J) to use as a studio apartment. The gross floor space of the existing community room is 50.2 square metres and the

gross floor space of the proposed studio apartment is 40 square metres square, with associated winter garden. The proposed development will include minor elevational amendments to the western elevation of Block 8 to provide for the winter garden and window frames to match the existing, and the provision of one number additional bicycle space at basement level. The proposed development will provide for a unit mix of one number studio apartment, six number one-bedroom apartments and six number two-bedroom apartments within Block 8. An additional bicycle space will be provided in the basement, all at former St. Clare's Convent and numbers 115-119 Harold's Cross Road, Harold's Cross, Dublin.

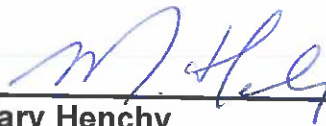
Decision

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

Reasons and Considerations

It is considered that the proposed studio unit would not provide an acceptable level of residential amenity given its location, design, and the quality of the private open space associated with the unit. Having regard to the proposed change of use from community use to residential use, by reason of the location of Block J1 (Block 8) within the overall development, the Board was not satisfied with the justification for the removal of the community room and considered that its loss would negatively impact on the amenities of residents. The proposed development, by itself and by the precedent it would set for other development, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the current development plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the proposed development, the Board agreed with the planning authority that the proposed studio unit would not enjoy an acceptable level of residential amenity given its location; in particular, the single aspect design, the lack of a privacy strip between the proposed ground floor unit and the back of the footpath, and the location and design of the winter garden. Having regard to the proposed change of use from community use to residential use, and having regard to the location of Block J1 (Block 8) within the overall development, the Board was not satisfied with the justification for the removal of the community space and considered that its loss would negatively impact on the amenities of residents.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 15 day of May 2023.

