

An
Bord
Pleanála

Board Order ABP-313255-22

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 7th day of April 2022 by Three Castle Investments Ltd. care of Hughes Planning and Development Consultants, 85 Merrion Square, Dublin.

Proposed Development comprises of the following:

- Removal of existing carpark, associated areas of hard-standing surface and construction materials on site;
- Construction of a Build-To-Rent residential development within a new part six, part seven, part eight, part nine storey over basement level plant room apartment building comprising 103 number apartments (10 number studio, 33 number one-bedroom & 60 number two-bedroom) all of which have direct access to private amenity space, in the form of a balcony or terrace, and shared access to 450.9 square metre of internal resident's amenities, 1,061 square metre of external communal amenity space (1st floor & 7th floor roof terraces) and 365 square metre of public open space (public terrace and landscaped area at ground level);
- Provision of 48 number vehicular parking spaces (including 3 number mobility parking spaces and 5 number electric charging spaces), 2 number motorcycle parking spaces, 222 number bicycle parking spaces, bin stores, switch room and ESB substation at ground floor/undercroft level;

- Provision of 1 number new vehicular entrance and 7 number new pedestrian entrances to the development and associated public amenity areas from Old Finglas & Finglas Road, 3 number pedestrian entrances will provide access to the provided public open space, 2 number pedestrian entrances will provide direct access to 2 number ground floor level apartments and 2 number pedestrian entrances will provide direct access to the apartment building; and,
- All ancillary works including landscaping, boundary treatments, provision of internal footpaths, provision of foul and surface water drainage, green roofs and all site services, site infrastructure and associated site development works necessary to facilitate the development. A Natura Impact Statement has been prepared in respect of the proposed development.

All located at Site at the Former Royal Oak Public House, Finglas Road and Old Finglas Road, Glasnevin, Dublin.

Decision

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

Reasons and Considerations

1. The proposed development fails to meet the criteria in section 3.2 of Specific Planning Policy Requirement 3 as set out within the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) issued by the Department of Housing, Planning and Local Government in that at both site and neighbourhood level, the proposed development fails to successfully integrate into the existing character of the area. The proposal is considered overly dominant, would appear incongruous, would have an excessively overbearing effect on adjoining property, and would unduly overlook third party private open space of adjacent properties in Violet Hill Drive. The proposed development would, therefore, be contrary to the provisions of the

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Urban Development and Building Heights, Guidelines for Planning Authorities (2018), would result in a visually dominant and overbearing form of development when viewed from the surrounding area and in particular from the houses bounding the site in Violet Hill Drive, 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.

2. Having regard to Specific Planning Policy Requirement 7(b) 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 March 2018, which require that Build-to-Rent (BTR) development must be accompanied by detailed proposals for supporting communal and recreational amenities, it is considered that the absence of communal Resident Support Facilities and the limited extent of Resident Services and Amenities in the proposed development results in a substandard format of residential development that does not fulfil the requirements of the Guidelines. In addition, the communal open space proposed for future residents is of poor quality and usability due to its positioning and fragmented nature within the development. The proposed development fails to provide an acceptable standard of communal services and recreational amenities for future occupants and would, therefore, be contrary to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), be seriously injurious to the amenities of the future residents of the development and 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 the Inspector's recommendation that the proposed development be refused permission on the grounds of a substandard provision of dual aspect apartment units within the development. However, the Board considered that the

subject site was at an accessible urban location and that the number of dual aspect apartment units was appropriate and above the minimum requirement of 33% dual aspect apartment units for such sites under Specific Planning Policy Requirement 4(i) of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018).

The Board noted the third reason for refusal recommended by the Inspector related to the prematurity of granting permission for the proposed development pending completion of full ecological assessments of the application site. However, the Board did not consider that the absence of such assessments of itself warranted refusal of the proposal.

The Board also 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 (2024). The Board was satisfied that these new policies align with previous policies as they relate to this development and that this consequently enabled the Board to make a decision in relation to this case.



St. Logan

Stewart Logan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 14th day of May 2024