



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3455/22

Appeal by Amberground Limited care of Transport Insights Limited of Suite 30, 21 Baggot Street Lower, Dublin against the decision made on the 29th day of April, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will principally consist of: the demolition of the part one, part two-storey detached former licenced public house (950 square metres); the construction of a four-storey building with roof access (total gross floor area of 2,421 square metres); (comprising a licensed supermarket of 535 square metres at ground floor; with 24 number apartments (12 number one-bed units and 12 number two-bed units, with balconies or terraces on the north, south, east and west elevations and to the internal courtyard). The development will also consist of: communal open spaces at first floor level (87 square metres) and roof level of the southern block (155 square metres); circulation spaces; ESB substation and switch room; plant rooms, waste storage areas; bicycle, cargo bike and motorbike parking; eight number resident car parking spaces at the rear accessed via the laneway; PV panels at roof level, sustainable urban drainage systems (including green roof and attenuation tanks); associated hard and soft landscaping; all other associated site excavation, infrastructural and site development works above and below ground including changes in level,

boundary treatments, including the provision of a replacement rear gate; and associated site servicing (foul and surface water drainage and water supply). The development will also consist of: alterations to the layout of the unnamed laneway to the rear and west including the removal of the existing gate at the entrance; revision to surface layout and road markings. Access to the scheme will be via Faussagh Avenue and the laneway to the rear. all on a circa 0.16-hectare site located at Numbers 62 to 66 Faussagh Avenue, Dublin (formerly 'The Cabra House') and the adjoining unnamed laneway to the rear and to the west, extending to Faussagh Avenue.

Decision

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

Reasons and Considerations

1. The proposed development would not provide a satisfactory standard of residential amenity for future occupiers having regard to the configuration, quantity and quality of private amenity space and the unacceptable level of overlooking and lack of privacy between apartment units situated across the central courtyard. The proposed development would, therefore, be contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2022, Section 15.9.7 of the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

2. The proposed central communal amenity area is not considered to be of high landscape quality or to provide for adequate daylight and sunlight access throughout the year. The communal amenity area is not considered to be functional or usable to the required standard. The proposed development would, therefore, be contrary to Section 15.9.8 of the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.



Stephen Brophy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12th day of October 2023.