

An  
Bord  
Pleanála

## Board Order ABP-313829-22

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3653/22**

**Appeal** by Dearcrest Limited care of Simon Clear and Associates Planning and Development Consultants of 3 Terenure Road West, Terenure, Dublin against the decision made on the 26<sup>th</sup> day of May, 2022 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of:- (1) construction of a two-storey, two-bedroom flat-roof mews dwelling with ground level garden and courtyard, and (2) landscaping, boundary, treatments and associated site works and services; all at the rear of 38 Mountpleasant Avenue Lower (a protected structure), (fronting Fortescue Lane), Dublin .

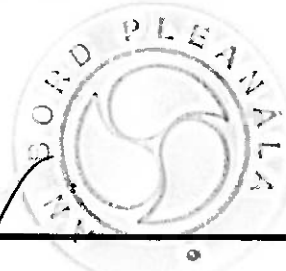
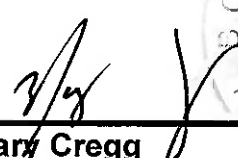
### Decision

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

## Reasons and Considerations

Having regard to the existing pattern of development on Fortescue Lane, to the existing level of parking demand, to the limited capacity of the lane to accommodate vehicular traffic including emergency and service access, and in the absence of a plan for the co-ordinated development of the mews lane, it is considered that the proposed mews development would be contrary to the aims and objectives of the Dublin City Development Plan 2022-2028, section 4.3.8 of Appendix 5, in terms of the width of the laneway and given that safe access and egress for all vehicles and pedestrians must be demonstrated. The proposed development would set an undesirable precedent 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, the Board considered the specific nature of this site, including the length of Fortescue Lane and the reducing width of the lane towards the subject site, given that this lane provides the sole point of access for the proposed development. The Board noted that the Inspector referenced the proposed set back of the proposed development, insofar as a laneway width of 5.45 metres is proposed to be achieved at the site frontage; however the Board considered that, in order to provide adequate width for the laneway, and to ensure safe access and egress for all vehicles and pedestrians, setback would in this case need to extend beyond the frontage of a single site. In this regard, the proposed development of the mews dwelling would set an undesirable precedent.



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

Dated this 9<sup>th</sup> day of October 2023.