



An
Bord
Pleanála

Board Order ABP-314019-22

Planning and Development Acts 2000 to 2022

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 July 2022 by Dwyer Nolan Developments Limited care of Armstrong Fenton Associates, Planning and Development Consultants of 13 The Seapoint Building, 44-45 Clontarf Road, Dublin.

Proposed Development comprises of the following:

350 number apartments, comprised of 113 number one-bedroom, 218 number two-bedroom, and 19 number three-bedroom dwellings, in four number seven to fourteen-storey buildings, over basement level, with four number retail and commercial units, a medical suite or GP Practice unit and a community use unit located at ground floor level facing onto Santry Avenue and Swords Road. A one-storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A and D.

The development consists of the following:

1. Demolition of the existing building on site, that is, the existing Chadwicks Builders Merchants (circa 4,196.8 square metres).
2. Construction of 350 number one, two, and three bed apartments, retail and commercial, medical suite or GP Practice and community uses in four number buildings that are subdivided into Blocks A to G as follows:

- Block A is a seven to fourteen-storey block consisting of 59 number apartments comprised of 26 number one-bed, 27 number two-beds and six number three-bed dwellings, with two number commercial and retail units located on the ground floor (circa 132.4 square metres and 173 square metres respectively). Adjoining same is Block B, which is a seven-storey block consisting of 38 number apartments comprised of six number one-bed, 26 number two-bed and six number three-bed dwellings, with one number commercial and retail unit and one number medical suite and GP Practice unit located on the ground floor (circa 162.3 square metres and 130.4 square metres respectively). Refuse storage areas are also provided for at ground floor level.
- Block C is a seven-storey block consisting of 55 number apartments comprised of 13 number one-bed and 42 number two-bed dwellings. Refuse storage areas are provided for at ground floor level. Adjoining same is Block D which is a seven to ten-storey block consisting of 51 number apartments comprised of 25 number one-bed, 19 number two-bed and seven number three-bed dwellings, with one number commercial unit and café located on the ground floor (circa 163.3 square metres). A refuse storage area is also provided for at ground floor level.
- Block E is a seven to ten-storey block consisting of 58 number apartments comprised of 10 number one-bed and 48 number two-bed dwellings, with one number community use unit located on the ground floor (circa 188.1 square metres). A refuse storage area, substation and switch room are also provided for at ground floor level. Adjoining same is Block F which is a seven-storey block consisting of 55 number apartments comprised of 13 number one-bed and 42 number two-bed dwellings. A refuse storage area and bicycle storage area are also provided for at ground floor level.
- Block G is a seven-storey block consisting of 34 number apartments comprised of 20 number one-bed and 14 number two-bed dwellings. A refuse storage area and bicycle storage area are also provided for at ground floor level.

3. Construction of a one-storey residential amenity unit (circa 187.9 square metres) located between Blocks A and D.
4. Construction of basement level car parking (circa 5,470.8 square metres) accommodating 173 number car parking spaces and 719 number bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, and F. External vehicular access to the basement level is from the south, between Blocks B and C. 36 number car parking spaces and 58 number bicycle parking spaces are also provided for within the site at surface level.
5. Public open space of circa 1,915 square metres is provided for between Blocks C, D, E, and F. Communal open space of circa 3,122 square metres provided for between (i) Blocks E, F and G, (ii) Blocks A, B, C and D, and (iii) in the form of roof gardens located on Blocks A, C and F and the proposed residential amenity use unit. The development includes for hard and soft landscaping and boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
6. Vehicular access to the development will be via two number existing and permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Dublin City Council Register Reference 2713/17).
7. The development includes for all associated site development works above and below ground, bin and bicycle storage, plant (Mechanical and Electrical), substations, public lighting, servicing, signage, surface water attenuation facilities etc. The development site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the permitted Santry Place development (granted under Dublin City Council Register Reference Numbers 2713/17 and 2737/19) all located at the junction of Santry Avenue and Swords Road, Santry, Dublin.

Decision

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

Reasons and Considerations

It is considered that the layout and configuration of the proposed Community, Arts, and Culture Spaces, as set out on the 'Ground Floor Plan – Oral Hearing' drawing (dated 27th day of February 2025), which was submitted and presented on behalf of the applicant at the limited agenda oral hearing which took place on the 13th day of March 2025, would result in potential for public access from the community spaces in Block F to communal open space between Blocks F and G via external doors/ground floor balconies which would have a significant negative impact on the amenity of that communal open space which is intended for the sole use of the residents of the proposed development. Furthermore, it is considered that the degree of fragmentation of the proposed Community, Arts, and Culture Spaces throughout the proposed development, its potential impact on adjacent residential units, as well as the extent of the non-residential ground floor frontage onto public and communal open spaces would result in direct overlooking of communal open spaces, overlooking of adjacent residential property by members of the public, potentially low levels of activity at certain times of the day along these ground floor frontages and a reduced level of appropriate supervision of adjacent open space areas. It is, therefore, considered that the ground floor layout of the proposed development, as submitted to the Board at the limited agenda oral hearing, would be likely to result in poor levels of residential amenity for residents of the proposed scheme, which would be contrary to the requirements, as set out in Section 15.4.5 of the Dublin City Development Plan 2022 - 2028 (Safe and Secure Design) and the requirement, as set out in Appendix 3 of the Dublin City Development Plan 2022 - 2028 (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale), to provide well connected, high quality, and active public and communal spaces, and that the proposed development 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 noted and agreed with the Inspector's concerns regarding the lack of any elevation drawings of the proposed Community, Arts, and Culture Spaces and the potential for public access from the community spaces in Block F to communal open space between Blocks F and G via external doors/ground floor balconies. The Board also had concerns regarding the fragmentation and of the proposed Community, Arts, and Culture Spaces throughout the proposed development, it's potential impact on adjacent residential units, as well as the extent of non-residential ground floor frontage onto public and communal open spaces which could result in low levels of activity at certain times of the day along these ground floor frontages and a reduced level of supervision of adjacent open space areas.

The Board concluded that this was a significant issue that could not be adequately addressed by condition and therefore, decided to refuse permission notwithstanding the fact that permission had previously been granted for a Large Scale Residential Development (LRD) on the same site with ground floor Community, Arts, and Culture Spaces, in what was considered to be a more acceptable configuration which had greater regard to the inter-relationship between the Community, Arts, and Culture Spaces, the adjacent residential units, and the adjacent public and communal open space areas.



Liam McGree

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

Dated this 5TH day of JUNE 2025.