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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3881/22**

**APPEAL** by Hugh Rafferty care of FP Logue Solicitors of 8/10 Coke Lane, Smithfield, Dublin and by Urban Life (BMD) Limited care of Stephen Ward Town Planning and Development Consultants Limited of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 28<sup>th</sup> day of June, 2022 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** The proposed development consists of the demolition and clearance of all buildings and structures on site and the construction of two apartment buildings (Buildings A and B) with balconies to contain a total of 99 number apartments. Building A will contain 55 number apartments and will range in height from three storeys to six storeys. Building B will range in height from three storeys to six storeys and will contain 44 number apartments. The overall development will comprise a mix of two number studio, 67 number one-bed and 30 number two-bed apartments and will be operated as a Build to Rent development with residential amenity rooms and communal open space including a podium garden. The development proposed provides for the creation of a non-vehicular link (pedestrian/cycle only link) through the application site from Beaumont Road/Grace Park Court to Ellenfield Road requiring the demolition of part of

an existing boundary wall at the southern end of Ellenfield Road (adjacent numbers 9 and 23B Ellenfield Road). Vehicular access to the site will be via Grace Park Court and on-site car parking will be provided by way of a car park to the rear of Building B located beneath a podium garden above. This planning application includes for signage for the development, the undergrounding of existing overhead lines, a car parking space on Grace Park Court on the public highway intended for use by Go Car or similar operator, public and communal open space, roof terrace at second floor of Building A, landscaping, public lighting, an ESB sub-station and all associated site development works and boundary treatments, all at this site at Beaumont Road/Beaumont Grove/Grace Park Court/Ellenfield Road, Beaumont, Dublin. The site includes number 72 Beaumont Road and lands to the rear and adjacent to number 72 Beaumont Road including the property known as 'Beaumont Drive In'.

## **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 by reason of its height, scale, massing and proximity to the site boundaries would adversely impact on the amenities of existing adjacent properties by way of overbearance when viewed from existing residential properties in the immediate area, particularly on Ellenfield Road. The proposed development would be contrary to the Z1 zoning objective of the subject site - 'to protect, provide and improve residential amenities' in the Dublin City Development Plan 2022-2028, would seriously injure the visual and residential amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by reason of the poor standard of sunlight and daylight afforded to a significant number of the proposed residential units with reference to the standards set out in the Dublin City Development Plan 2022-2028 and the relevant BRE Guidance, would seriously injure the residential amenities of the future occupants of the development and would, therefore, be contrary to the Dublin City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

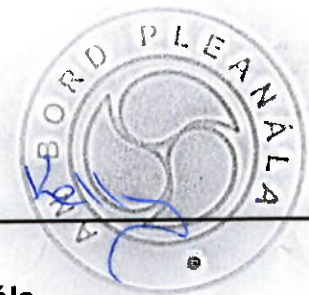
In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed development on this relatively small site did not appropriately integrate with the existing properties and pattern of development in this established neighbourhood and that in particular the scale and height of the proposed buildings were physically overbearing and would have a negative impact on the amenities of established properties and the visual amenities of the area generally. Furthermore, the Board was of the view that the site was capable of an improved ADF from what was proposed in the development on this regularly shaped site and that the substandard daylight provision proposed resulted in particular from the overdevelopment of the site as indicated in Reason 1 above and that compensatory design measures proposed were not sufficient to overcome this deficiency.

*Eamonn James Kelly*

**Eamonn Kelly**

**Member of An Bord Pleanála**

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



Dated this *14<sup>th</sup>* day of *October*, 2024.