

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1861/22

APPEAL by Martin O'Brien care of Argo Development Studio of 23 South Great George's Street, Dublin against the decision made on the 4th day of November, 2022 by Dublin City Council to refuse permission.

Proposed Development: Change of use for site from commercial to residential. The permission will include the demolition of the existing two-storey 86.9-square metre office building and a single storey 49-square metre workshop. It will include the construction of two number two-storey, two-bedroom flat-roofed dwellings (Unit 1 - 101.9 square metres and Unit 2 - 101.7 square metres) with stone cladding at ground floor level, smooth painted render finish at first-floor level, large expansive glazing with vertical timber louvres providing privacy, private first floor terraces (Unit 1 - 12.7 square metres and Unit 2 - 12.8 square metres) with glass balustrades. The permission will also include proposed rooflights, flat-roofed clerestories, a shared communal pathway with a front garden per unit (Unit 1 - 26.7 square metres and Unit 2 - 21 square metres) and all associated site services, all at 229A Rathmines Road Upper, Rathmines, Dublin.

Decision

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

Reasons and Considerations

1. Having regard to Section 15.13.5 and the relevant subsections of the Dublin City Development Plan 2022-2028 which set out the relevant provisions for the consideration of proposals for mews development, and to the siting, form, scale and bulk of the proposed development comprising two mews dwellings, it is considered that the proposed development would have an excessively overbearing effect on adjoining dwellings. The proposed development, by itself and by the precedent it would set for other development, would seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Dublin City Development Plan 2022- 2028 with respect to mews development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The existing laneway of Highfield Mews from which the proposed mews dwellings would gain access is currently substandard and contrary to the relevant provisions of the Dublin City Development 2022-2028, including those outlined for access for mews development in Section 15.13.5.4 of the development plan. While scenarios for improvement to/widening of Highfield Mews and possible facilitation of two-way traffic and segregated cycle paths are presented in the planning application and the appeal, these scenarios do not form part of the planning application proposals and their delivery would require additional works on lands that appear to lie outside the control of the applicant. It is evident that, pending improvement in access along the laneway, the proposed development would result in the reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Rathmines Road and that this arrangement would endanger public safety by reason of traffic hazard. The proposed development would set an undesirable precedent for other sites along the laneway, and would, therefore, be contrary to the proper planning and sustainable development of the area.

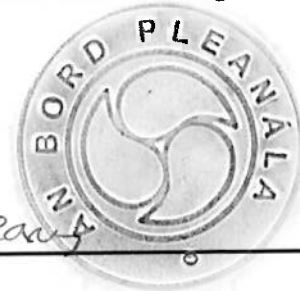
In deciding not to accept the Inspector's recommendation to grant permission, the Board did not share the view of the Inspector that the proposed development would not seriously injure the residential amenities of properties in the vicinities on the basis that the proposed development, by virtue of its siting, form, scale and bulk, would have an excessively overbearing effect on adjoining dwellings. Furthermore, the Board did not agree with the Inspector's view that the proposed development would be acceptable in terms of traffic safety, noting that the existing laneway of Highfield Mews from which the proposed mews development would gain access is currently substandard. Notwithstanding the scenarios for improvement to/widening of Highfield Mews and possible facilitation of two-way traffic and segregated cycle paths that were presented with the planning application, these scenarios do not form part of the planning application proposals and their delivery would require additional works that appear to be on lands that lie outside the control of the applicant. It is evident that the proposed development, pending improvement in access of the laneway, would result in the reversal of vehicular movements, including deliveries, emergency vehicles and refuse vehicles, onto or off Rathmines Road and the Board concluded that this arrangement would endanger public safety by reason of traffic hazard and this matter also formed a reason for the Board not accepting the Inspector's recommendation to grant permission.



Patricia Calleary

Member of An Bord Pleanála

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



Dated this 25 day of January 2024.