

An  
Bord  
Pleanála

## Board Order

**ABP-315256-22**

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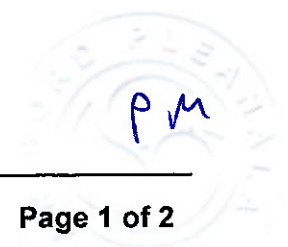
### Planning and Development Acts 2000 to 2022

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3283/22**

**Appeal** by Steve O'Connor of 167/8 Church Road, East Wall, Dublin and by EWD3 Developments Limited care of Downey Planning 29 Merrion Square, Dublin against the decision made on the 7<sup>th</sup> day of November, 2022 by Dublin City Council to grant subject to conditions a permission to EWD3 Developments Limited.

**Proposed Development:** Demolition of the existing single storey commercial premises and the construction of a two to four-storey apartment block with the upper floors set back, to provide for 13 number apartments (one number studio, seven number one-bed/two-person apartments, one number two-bed/three-person apartment and four number two-bed/four-person apartments) with balconies to the west and south elevations and a communal open space at third floor level. The proposed development will also provide for pedestrian and cyclist access from Church Road, a separate access to Unit 4 from Blythe Avenue, associated internal refuse and storage for 34 number bikes at ground floor level, associated signage to the northern elevation of the development along Church Road, plant, P.V. solar panels at roof level and all associated site and engineering works necessary to facilitate the development, all at existing commercial premises at Church Road, East Wall, Dublin (bounded by Church Road and Blythe Avenue).



## Decision

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

## Reasons and Considerations

The proposed development, which is located within a (defended) high-risk flood zone, proposes a residential use at ground floor level, which is considered to be a highly vulnerable use in a flood risk area. The Board considers that such a use poses an unacceptable risk to future occupants of the ground floor residential units. 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, subject to conditions, the Board agreed with, and accepted, the Inspector's recommendation with regard to scale, height and massing of the proposed development, and also agreed with the Inspector's assessment as to an alternative, less vulnerable use, at ground floor level. However, the Board considered that such a use at ground floor level was a significant material alteration to the proposed development, as originally described in the public notices, and the Board considered that this matter could not be addressed by way of condition.



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**Peter Mullan**

**Member of An Bord Pleanála**

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

Dated this *15<sup>th</sup>* day of *February*, 2024.