

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4925/22

APPEAL by Michael Kelly care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 17th day of November, 2022 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Construction of 10 number terraced houses comprising of four number three bed (plus office) houses (three storey over lower ground floor), six number two bed (plus office) houses (two-storey over lower ground floor) all with upper floor terraces, new pedestrian entrances from Goldenbridge Walk, new bin plus bicycle stores, new boundary walls and all associated siteworks at site adjoining The Blackhorse Inn, Goldenbridge Walk, Inchicore, Dublin.

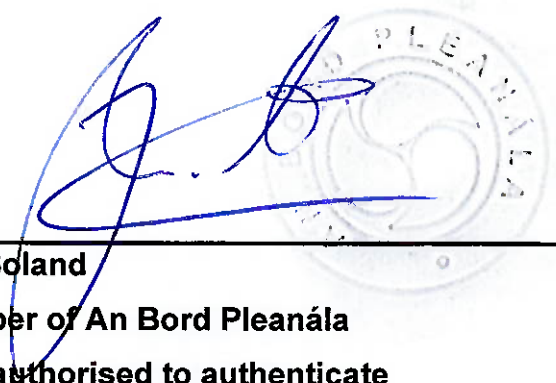
Decision

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

Reasons and Considerations

1. The site is located in an area zoned objective Z9 – Amenity/Open Space Lands/Green Network in the current Dublin City Development Plan 2022-2028. The Board considers that the proposed development would materially contravene the zoning objective, as set out in this plan. The Board pursuant to the provisions of section 37 (2)(b) of the Planning and Development Act, 2000, is precluded from the granting of planning permission for the proposed development as none of the provisions of section 37 (2)(b) (i), (ii), (iii) or (iv) of the said Act apply in this case. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development constitutes a highly vulnerable development as defined in The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November 2009 and is in an area which is deemed to be at risk of fluvial flooding (Flood Zone A and Flood Zone B) by reference to the current Dublin City Development Plan 2022-2028 and accompanying Strategic Flood Risk Assessment. It has not been satisfactorily demonstrated that the proposed development accords with the requirements of the Flood Risk Management Guidelines and, if permitted, would be contrary to policies PSI13 and PSI14 of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Given the siting of the development proposed, the extent of construction works and its proximity to the riverbank of the River Camac, it is considered that the proposed development, if permitted, would negatively impact on the ecological functioning of the River Camac and negatively impact on potential opportunities for river corridor restoration at this location. The proposed development would, therefore, be contrary to policies SI11, GI15, G129 and SI11 of the Dublin City Development Plan 2022-2028, which policies are considered reasonable and would, be contrary to the proper planning and sustainable development of the area.



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

Dated this *16TH* day of *April* 2024.