



An  
Bord  
Pleanála

## Board Order ABP-315459-23

---

### Planning and Development Acts 2000 to 2022

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4574/22**

**Appeal** by Serena Quinn and Stephen Hassett of 283 Bannow Road, Cabra West, Dublin and by Colin Daly, Nicola Daly and Andrew Haydon care of Downey Chartered Town Planners of 29 Merrion Square, Dublin against the decision made on the 5<sup>th</sup> day of December, 2022 by Dublin City Council to grant subject to conditions a permission to the said Colin Daly, Nicola Daly and Andrew Haydon in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Proposed modification to the previously permitted Build-to-Rent residential development (permitted under planning register reference number 3308/20; An Bord Pleanála reference number ABP-309366-21). The proposed modifications will include: (a) The omission of the existing Cabra Pigeon Racing Club building from the application site. (b) Associated modifications to the site boundaries to accommodate the exclusion of the Cabra Pigeon Racing Club building from the application site. (c) Modifications to the internal layout, elevations, and roof level (including roof terrace) of the previously permitted Block B, including reduction in its footprint. (d) Block B shall now comprise of 44 number apartments consisting of 43 number one-bedroom apartments and one number two-bedroom apartments in a five-storey building with balconies to the north and south elevations (previously permitted five-storey building containing a total of 49 number apartments comprising of 48 number one-beds, one number two-bed with balconies to the south elevations).

(e) Minor amendments to the layout of the previously permitted basement level and courtyard area. (f) No changes are proposed to the previously permitted Block A or retail unit. (g) All associated site and engineering work necessary to facilitate the proposed development. (h) The proposed development will now consist of a total of 64 number apartments (69 number apartments previously permitted) comprising 46 number one-bedroom units and 18 number two-bedroom units, with ancillary residential amenities and support facilities over a basement level car park, all at 76, 76G and 280 Bannow Road, Cabra, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the permitted development on the site, the nature, scale and design of the proposed modifications thereto, the policies and objectives of the Dublin City Development Plan 2022-2028, in particular the Z1 residential zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential development in this location, would not seriously injure the residential or visual amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8<sup>th</sup> day of November, 2022 and by An Bord Pleanála on the 12<sup>th</sup> day of April, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the proposed development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 3308/20 and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:
  - (a) The layout of Block B shall be undertaken in line with the drawings received by An Bord Pleanála on the 12<sup>th</sup> day of April, 2024 which replaces Apartments B01, B08, B09, B17, B18, B26, B27, B35, B36 and B44 with two-bed dual aspect apartments.
  - (b) All Cosentino Dekton Soke finishes shall be replaced with a brick to match the rest of the development.

- (c) Details of the proposed treatment of the boundary between the site and the pigeon club shall be to the satisfaction of the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity and visual and residential amenity.

4. Car parking spaces shall be permanently allocated to the proposed use or as otherwise required to facilitate Cabra Racing Pigeon Club and shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements. A minimum of one number car parking space within the development basement car park shall be permanently allocated to Car Club use, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity.

5. Access to the roof garden shall be restricted to the deck/hardstand area within the fences as shown on drawing number AA-109. Access to the green roof areas of the roof garden shall be for maintenance purposes only.

**Reason:** In order to protect the residential amenity of future occupants of the development and the surrounding properties.

6. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Eamonn James Kelly**

**Member of An Bord Pleanála**

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

**Dated this 2<sup>nd</sup> day of August, 2024.**