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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4545/22**

**APPEAL** by Jane Carroll on behalf of the owners of Emmet House Apartments of 24 Emmet House, Emmet Court, Inchicore, Dublin against the decision made on the 13<sup>th</sup> day of December 2022 by Dublin City Council to grant, subject to conditions, a permission to Derek Kelly care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with the plans and particulars submitted to the said Council.

**Proposed Development:** (i) construction of a four-storey flat-roofed apartment block comprising 12 number two-bedroom apartments each to be served by private south facing terrace and one number vehicular parking space; (ii) provision of new bicycle shed and bin store to serve new apartment block and provision of surface level bicycle parking spaces to serve the wider scheme; (iii) all ancillary works, inclusive of car park revision, open space provision, landscaping and SuDS drainage necessary to facilitate the development, at Emmet Court, Saint Vincent Street West, Dublin.

**Decision**

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

## Reasons and Considerations

It is considered that the proposed development would detract from the residential amenity of existing residents of the units permitted by Planning Permission reference 1429/93 by the reduction in available parking spaces to serve the residents and a reduction in the area of open space. The proposed development is therefore contrary to the Z1 zoning of the site, "To protect, provide and improve residential amenity".

The Board noted that there remains only one appeal to the proposed development, made on behalf of the owners of Emmet House Apartments, the Board had regard to this when considering the Inspectors report and disregarded the appeals that were withdrawn.

In deciding not to accept the Inspectors recommendation the Board noted the land, the subject of this application, in the Dublin City Development Plan 2022-2028 is zoned Z1, with the zoning objective "To protect, provide and improve residential amenity". The application site includes the lands that were developed on foot of planning permission reference number 1429/93. The Board reviewed the notification of Grant of permission dated the 2<sup>nd</sup> day of December 1993 for application reference 1423/93, the conditions attached, and the drawings that accompanied that application. The proposed development the subject of the current appeal proposes to build on part of the lands that were subject to this permission.

The Board considered the proposed development is for an intensification of use of the site, the subject of the 1993 permission, by the construction of an additional apartment block comprising 12 apartments and ancillary structures. This development would reduce the areas that were identified in the 1993 permission for communal parking to serve the residential units, and areas that were identified as open space. Significantly reducing the parking available to existing residents and detracting from amenity spaces, a concern raised by the appellant. The applicant has not demonstrated that the residential amenity

of the units permitted and developed on foot of the 1993 permission, that benefitted from a significantly higher ratio of parking space to units and the amenity associated with the open space provision, is not diminished and /or is improved by the proposed additional development.

Furthermore, the Board, while accepting that the scheme was not without merit, were not in agreement with the recommendation of the Planning Inspector in respect of the application of 34(13) that relates to the entitlement to carry out any development, addressed the issue of the impact on amenity of existing residents having regard to the parent permission on the site 1429/93. The issue is not one of ownership but one of non-compliance with the zoning objective for the site.

  
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**Mary Henchy**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this 16<sup>th</sup> day of December 2024.