



An
Bord
Pleanála

Board Order ABP-315876-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5282/22

Appeal by JP Dairy Developments care of Virtus, 5th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin against the decision made on the 26th day of January, 2023 by Dublin City Council to refuse permission.

Proposed Development: Demolition of the three existing vacant shed units and the construction of three two-storey, two-bedroom plus study mews houses with existing access from Saint Brendan's Cottages including three off street carparking spaces to the rear of 4-16 Saint Brendan's Cottages, Dublin.

Decision

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

Reasons and Considerations

The proposed dwellings 1 and 2 are designed so as to have a first-floor bedroom window in each unit facing east. These windows would lie 0.8 metres from the private amenity space of proposed dwellings 2 and 3 respectively. Notwithstanding

P.C.

proposals to enclose the east boundary of dwellings 1 and 2 by 1.5-metre-high obscure glazing, undue overlooking would arise onto these private amenity spaces which is not considered acceptable for the enjoyment of future occupants of dwellings 2 and 3. The Board noted the Planning Inspector's recommended condition to increase the height of the obscure glazing to prevent such overlooking occurrence. While this would serve to address the overlooking issue of concern, it would also lead to a resultant poor and unacceptable outlook for future occupants of these dwellings where the view out of the bedrooms on the east elevation would be directly facing onto a high obscure glazed privacy screen. The proposed development would, therefore, be contrary to the Z1 and Z2 zoning objectives for the site and to the proper planning and sustainable development of the area.

Note: In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the inspector's recommended condition to increase the height of the obscure glazing, and while this would in itself serve to address the overlooking of private amenity spaces of dwellings 2 and 3, it would lead to a resultant poor and unacceptable outlook for future occupants of dwellings 1 and 2 where the view out of the bedrooms on the eastern elevations would be directly facing onto a high obscure glazed privacy screen. While the Board agreed otherwise with the inspector that the site was suitable in principle for redevelopment, the Board was not satisfied that this the overlooking issue was satisfactorily resolved in the current design proposal.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this *10* day of *April* 2024