



An
Bord
Pleanála

Board Order ABP-315984-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4145/22

Appeal by Garvagh Homes Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 8th day of February, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of 28 number car parking spaces (13 spaces for retail, 13 spaces for residential and two club car spaces (two spaces of the allocation will be e-charging), 186 number cycle spaces and bin stores and collection areas at lower ground level, two number retail units with a total of 1,950 square metres at ground floor level, coffee shop of 40 square metres facing Royal Canal Bank at lower ground level, 80 number apartments (19 studios, 19 one-bedroom, 41 two-bedroom and one three-bedroom apartments) overhead in upper floor development. With the exception of 168 Phibsborough Road, which is to be retained, the application proposes to demolish all the existing buildings on the site. The new buildings to North Circular Road shall be six storeys in height (ground floor retail with apartments on upper floor) with an eight-storey apartment building at the corner of North Circular Road and Royal Canal Bank with an eight-storey section above park level are proposed. Within the site, the apartment buildings will surround a central amenity open space for residents. It is proposed to demolish 169 Phibsborough Road and replace it with a three-storey building with vehicular

entrance at ground floor level giving access to lower ground level parking and services. PV panels on the roof and circa 975 square metres green roofs to be incorporated. A substation is also proposed together with all ancillary services, all at 'Former Des Kelly Site', a site of 0.262 hectares bounded by 364-374 North Circular Road, Royal Canal Bank and 168-169 Phibsborough Road, Dublin, as revised by the further public notices received by the planning authority on the 12th day of January, 2023.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act 2000, as amended, to REMOVE condition number 4 and the reason therefor.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, the location of the site on the boundary of the Housing Need and Demand Assessment North Inner City sub-area, the nature, scale and extent of the proposed development, and the current vacant, decaying nature of this visually-prominent site addressing North Circular Road, Phibsborough Road and the Royal Canal Park, it is considered that the omission of the requirements of condition number 4 from the grant of permission (planning register reference number 4145/22) would allow for a high quality, mixed-use, compact redevelopment, would positively contribute to the visual amenities, vibrancy and functioning of this key urban village, would not seriously injure the residential amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

 

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this 29th day of July, 2024.