

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5530/22

Appeal by Dairbhre Developments Limited care of Downey of 29 Merrion Square, Dublin against the decision made on the 24th day of February, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The proposed development will consist of the demolition of a one-storey extension to the rear of number 46 Lower Rathmines Road and an existing two-storey structure known as the Old Coach House and the construction of a one number new four-storey apartment building (part three-storey, part four-storey). The building will comprise 29 number Build-to-Rent apartments (28 number one-bed apartments, one number two-bed duplex unit); with balconies/terraces to the east and west elevations and one number communal roof terrace located at fourth-floor level; residential support facilities at ground floor level to include facility management office; parcel store; laundry; bike store; shared multimedia room; gym; one number ESB substation; seven number car parking spaces; 48 number bicycle parking area (32 number indoor spaces and 16 number external spaces); landscaping; public lighting; boundary treatment; and all associated site development and engineering works necessary to facilitate the proposed development. Vehicular and pedestrian access will be provided via Lower Rathmines Road on lands known as 'Blackberry Fair' and part of number 46 Lower Rathmines Road (the rear

extension) located to the rear of Numbers 36, 38, 40, 42, 44 (a Protected Structure) and number 46 Lower Rathmines Road, Dublin. The site is bounded by number 34 Lower Rathmines Road (a Protected Structure) to the north; Mary Immaculate Refuge of Sinners Church to the south (a Protected Structure); Lower Rathmines Road, Numbers 36, 38, 40, 42, 44 (a Protected Structure) and number 46 Lower Rathmines Road to the west; and Fortescue Lane and three number dwellings (Bessborough Court) to the east.

Decision


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

Reasons and Considerations


Adequate vehicular access arrangements have not been demonstrated and the existing vehicular accesses off Rathmines Road Lower and Fortescue Lane are considered substandard for the scale of development proposed. The traffic generated by the development due to restricted access is likely to result in traffic safety hazard on Rathmines Road Lower by reason of obstruction of pedestrians, cyclists, bus services and other road users. The proposed development is considered to be contrary to the Dublin City Development Plan, Sections 15.13.4 and 8.5.5 and Appendix 5, Section 2.4 and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar developments in the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the proposed development would endanger public safety by reason of a traffic hazard. The Board decided that having regard to the location of the site and the proposed access arrangements off Rathmines Road Lower, notwithstanding the information and amendments made at appeal stage, that the applicant had not demonstrated to the satisfaction of the Board that the traffic generated by the development could be safely accommodated. The Board concluded that the restricted access to the proposed development is likely to result in a traffic safety hazard on Rathmines Road Lower by reason of obstruction of pedestrians, cyclists, bus services and other users. The Board did not agree with the Inspector that this matter could be addressed by condition, the Board, therefore, concurred with the planning authority's assessment and considered that the information submitted at appeal stage did not surmount the traffic safety concerns.

The Board concurred with the Inspector's assessment of the design of the apartment scheme but given the traffic hazard concluded that permission be refused.



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



Dated this 8th day of May 2024.