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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3354/23**

**APPEAL** by James, Andrew, Harry and St. John Simpson care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 4<sup>th</sup> day of May, 2023 by Dublin City Council to refuse permission.

**Proposed Development:** The relocation of an existing vehicular access gate to the adjoining laneway off Merrion Road serving the Wanderers Football Club and the formation of a new vehicular access onto the lane to serve the proposed residential development (to the rear of Number 67 and 69 Merrion Road). The proposed residential development consists of the sub-division of the rear garden of Number 67 Merrion Road and the erection of six number terraced houses comprising: one number two bedroom house (of two-storey height); one number three bedroom house (of two-storey height) and four number four bedroom houses (of three-storey height) all with private amenity space in the form of roof terraces / balconies. The two-storey houses backing onto Number 67 Merrion Road benefit from north-east and south-west facing terraces / balconies at first floor level, respectively. The three-storey houses backing onto the rear garden of Number 69 Merrion Road benefit from south-east facing terraces / balconies at first floor level and north-west balconies /

terraces at second floor level. An enclosed communal bin store is provided within the enclosed forecourt area that also provides six number car parking spaces (including one accessible parking space) and a single motorcycle parking space. An integrated communal bicycle storeroom provides secure parking / storage for 12 number bicycles and two external visitor bicycle spaces are provided. The development includes for all associated site works (including the relocation of an existing pedestrian access gate along the northern boundary of Number 67 Merrion Road and the closure of existing vehicular gates and infill of the existing stone boundary wall to the rear of Number 67 Merrion Road (on a like-for-like basis) together with the hard and soft landscaping of the site at Rear of 67, Merrion Road and to the rear of the adjoining Number 69 Merrion Road, Dublin and including parts of the adjoining laneway (between Numbers 65 and 67 Merrion Road) off Merrion Road leading to the Wanderers Football Club adjoining the site to the rear.

## **Decision**

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

## Reasons and Considerations

1. The proposed development by way of its site layout, design, height and scale would have a seriously negative impact on the residential amenity of a residential conservation area and its neighbouring properties and would, therefore, be contrary to the Dublin City Development Plan 2022-2028, the Z2 zoning objective for the area and section 15.5.2 which refers to Infill Development and section 15.13.4 which refers to backland housing. The proposal, due to its lack of separation between the proposed units and the neighbouring properties would be overbearing and would seriously injure the residential amenity of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The private open space provision for the proposed units within this development is considered to be insufficient falling well below the minimum required open space for units of this size. The poor level of private open space would not be in keeping with the Dublin City Council Development Plan, would result in poor levels of residential amenity and if approved would set an undesirable precedent for future such developments.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the Inspectors comment that the proposed development would have its own distinct character but did not agree that this would complement the established character of development in the area. The Board concurred with the planning authority on the issue of a lack of separation between the proposed units and the neighbouring properties, and, contrary to the Inspectors view, considered the height and scale of the terraced houses at this location to be excessive, all of which would lead to overbearing impacts and would seriously injure the residential amenity of property in the vicinity. The mitigation measures proposed by the applicant were noted but the Board considered these were not sufficient to adequately address the issues. The Board concurred with the planning authority on the issue of insufficient private open space provision and considered that, notwithstanding the extent of floor space provided in the proposed units and the proximity of public amenity areas, this was not sufficient to warrant a relaxation in the private open space standards in this instance.

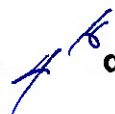


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**Stephen Bohan**

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

Dated this



day of



**2024**