



An
Bord
Pleanála

Board Order
ABP-317317-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3414/23

APPEAL by Rectone Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 16th day of May 2023 by Dublin City Council to refuse permission.

Proposed Development: The development will consist of the demolition of 3 no. existing single storey outbuilding structures (total of 171.5 square metres) together with part removal of the front existing boundary walls; the construction of three number new apartment blocks (blocks 1-3), with balconies and terraces, to provide 74 number residential units (circa 6,471 square metres Gross Floor Area). The proposed new blocks range between three and five storeys (including lower ground floor level at block 3), with a maximum height above ground level of 14.85 metres (to top of lift overrun). (Block 1-3 storeys; block 2 -4 storeys; and block 3 - part 4/part 5 storeys); and the change of use of Balnagowan House (block 4) from office to residential use to provide four number residential units (circa 355 square metres Gross Floor Area), together with associated internal and external alterations and refurbishment works to facilitate the conversion (including removal of internal walls/ partitions). The overall proposed residential development (including Balnagowan House), with a total gross floor area of 6,826 square metres, will

consist of 78 number residential apartment units (including two number duplex units within block 1), comprising 37 number one-bedroom units, one number two-bedroom (three person) unit, 39 number two-bedroom (four person) units and one number three-bedroom unit. Pedestrian, cyclist, vehicular and emergency access will be provided off The Haven/ St. Mobhi Boithirin. The basement car park will be accessed by a new vehicular access point, adjacent to The Haven. The access arrangements include alterations to the existing access to front of Balnagowan House, St. Mobhi Boithirin. The development will also consist of the provision of an ancillary resident's gym, concierge, open space provision including all private, communal and public open space, hard and soft landscaping including internal cycle and pedestrian routes, pathways, boundary treatments and play space, street furniture, basement level (2157 square metres), car parking (32 number spaces in total, including car sharing and accessible spaces), motorcycle parking, electric vehicle charging points; bicycle parking (long and short stay spaces including stands and cargo bicycle spaces), ESB substations, piped infrastructural services and connections, ducting, plant waste management provision. SuDS measures (including green roofs); attenuation tanks, signage, public lighting and all site development and excavation works above and below ground, all on lands at Balnagowan House, St. Mobhi Boithirin, Glasnevin, Dublin. A Natura Impact Statement (NIS) has been prepared in respect of the proposed development. The proposed development is within the curtilage of a protected structure (Recorded Protected Structure reference number 8699)



Decision

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

Reasons and Considerations

1. Due to the design, layout and orientation of the proposed development, relative to boundaries with adjoining third party properties, it is considered that the proposed development would seriously injure the amenities, diminish the development potential of, and depreciate the value of adjoining properties by reason of overlooking and loss of privacy, would be contrary to the provisions of section 15.13.4 of the Dublin City Development Plan 2022-2028, which requires backland development not to cause significant loss of amenity to existing properties, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed mitigation measures to address amenity issues of the adjoining and neighbouring properties would have deleterious impacts on the residential amenity of future occupants of the proposed scheme. A number of residential units within the proposed development would provide poor residential amenity, due to limited outlook as a result of fritted glass or heavily screened balconies to address unresolved overlooking issues, due to insufficient sunlight, and due to overbearing impacts and unacceptable overlooking due to insufficient separation distances within the site (between Blocks 1 and 2). Additionally, Block 1 would have no independent access to communal open space. The proposed development would, therefore, be contrary to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022 and the

relevant development management standards of the Dublin City Development Plan 2022 – 2028 in relation to new residential development, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Liam McGree

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

Dated this 23rd day of APRIL 2025.