An Bord Pleanála

Board Order
ABP-317857-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3875/23

APPEAL by Highgate Design Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 26th day of July, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Permission for demolition of existing storage shed, removal of existing rear gate with part of block boundary wall, construction of three-storey mews building comprising one number two-bedroom ground floor apartment and one number two-bedroom duplex dwelling, two number parking spaces accessed from lane, refuse bins enclosure, boundary treatment and all ancillary site works at rear of number 28 Bengal Terrace, Glasnevin, Dublin.

Decision

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

Reasons and Considerations

1. Having regard to the established pattern of development in the surrounding area, the scale and massing of the proposed building relative to the narrow and constrained backland nature of the site; the height of the development; the proximity to party boundaries; the incorporation of proposed private amenity spaces in unacceptably close proximity to adjoining party boundaries; and the substandard quality and quantity of rear garden space remaining for the multiple units at number 28 Bengal Terrace; the proposed development would constitute overdevelopment of this site area, would be visually obtrusive and out of character with development in the vicinity, would serve to have an unacceptable impact on the residential amenities of numbers 28 and 30 Bengal Terrace due to overbearing impacts, and would have unacceptable overbearing and overshadowing impacts on properties to the east on De Courcy Square, most notably numbers 10 and 11. The proposed development, would, therefore, seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would be contrary to the provisions for mews development as provided for under Section 15.13.5 of the Dublin City Development Plan, 2022-2028, having regard to the proposed three-storey buildings, lack of subservience to the main dwelling, the inadequate provision of private open space amenity for existing and proposed development cumulatively, through to the potential of the quantum of residential development that would arise at number 28 Bengal Terrace to give rise to undue traffic inconvenience and hazards together with the potential to give rise to an unreasonable overspill of car parking in the surrounding area. The proposed

development, both by itself and by the precedent it would set for other ad hoc piecemeal development, particularly along this sensitive to change laneway would, therefore, be contrary to the provisions of the development plan and to the proper planning and sustainable development of the area.

3. Having regard to the existing character and the prevailing pattern of development; the site location on 'Z2' – Residential Neighbourhood Conservation Areas zoned land for which the Dublin City Development Plan, 2022-2028, which has a zoning objective to: "protect and/or improve the amenities of residential conservation areas"; the presence of the perimeter stone walls and a stone watch tower with associated features listed in the said Plans, Record of Protected Structure's for Glasnevin (Prospect) Cemetery (RPS reference number 2745) and the neighbouring land to the south which forms part of an Architectural Conservation Area, it is considered that the proposed development, by reason of its overall design, layout, height, scale, massing and volume, would be out of character with its surroundings, would seriously detract from, as well as be visually overbearing in the context of the architectural character and setting of features of interest that form an integral part of the Glasnevin Cemetery Protected Structure. It would similarly be visually diminishing to the Residential Conservation Area it forms part of, in particular by way of its lack of visual subordination with the Bengal Terrace group and also the more modest neighbouring Architectural Conservation Area two-storey structures. The proposed development would, therefore, materially, and adversely affect the character of this Protected Structure, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the layout, orientation, proximity to party boundaries, and proximity to the rear extension to number 30 Bengal Terrace permitted under planning authority register reference WEB2124/22, the

appellant has failed to demonstrate that the proposed ground floor unit would receive adequate daylight or outlook to the front and rear having regard to the proposed overhang and floor-to-ceiling heights, or would receive adequate levels of sunlight into its proposed private amenity space having regard to its width and proximity to tall boundaries.

5. The proposed development provides for an apartment mews development which is accessed via a poorly surfaced laneway that contains no footpath or verge. Section 15.13.5.4 and Appendix 5, Section 4.3.8, of the development plan requires that such mews development is only permitted where the adjacent access road width is no less than 5.5 metres and where adequate accessibility in terms of private vehicular movements, emergency vehicles and refuse vehicles can be provided. It is considered that these requirements are reasonable particularly in the context whereby there is no unified or coordinated approach for mews development along this lane. The proposed development would, therefore, endanger public safety by reason of a traffic hazard and be contrary to the provisions of the development plan in this regard and would be contrary to the proper planning and sustainable development of the area.

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

Dated this 13th **day of** June **2024.**