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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4021/23**

**Appeal** by Brendan Walsh care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 18<sup>th</sup> day of August, 2023 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** (i) Retention for change of use of part of the existing building from 13 number student accommodation dwelling units (12 by two beds and one by one bed), one number caretaker unit, two number conference and common facilities units to 16 private residential units (12 by two beds and four by one bed) over first and second floor levels. (ii) Retention for minor elevational differences compared to previously approved including the omission of timber panelling with aluminium box flashing window surrounds and replaced with brickwork at Edenmore View Apartments, Edenmore Avenue, Raheny, Dublin.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the planning history of the site, the nature, scale and extent of the proposed development, to the established built form at the subject site, to the pattern of development in the area and to the relevant provisions of the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought, would not seriously injure the amenities of the area, including property in the vicinity, and would be acceptable in terms of visual impact and in terms of residential amenity within the overall scheme. The development for which retention permission is sought, would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered in full and accepted as reasonable, the amendments put forward by the applicant at appeal stage, to address directly the reasons for refusal as set out in the planning authority decision. Specifically, the amendments put forward, relating to unit mix, size and certain internal layout configurations, such as storage area, addressed the specific concerns of the planning authority, but would not materially alter the nature of the development, in terms of the number of units, nor the form and scale of the established building form. In this regard the Board determined that the amendments would not be considered a material departure from the original proposal with consequent new issues of planning relevance. The Board did not, therefore, share the opinion of the inspector, that it would be inappropriate to consider the information supplied at appeal stage, given the modest change offered therein, with no outward planning impacts, yet with a specific approach to addressing the three net reasons for refusal of the planning authority.



## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Revised plans and particulars, detailing the amendments of the respective residential units, as per condition number 1 above, shall be submitted to the planning authority for the purposes of placement on the planning file.

**Reason:** In the interest of clarity.



3. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

5. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.



6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



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**Chris McGarry**

**Member of An Bord Pleanála**

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

Dated this 14<sup>th</sup> day of June 2024