

An
Bord
Pleanála

Board Order

ABP-318355-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4280/23

Appeal by Double E Investments Limited care of Hughes Planning of 85 Merrion Square, Dublin against the decision made on the 2nd day of October, 2023 by Dublin City Council to refuse permission.

Proposed Development: The development will consist of: (i) demolition of the existing two storey over basement building (licensed public house and ancillary off-licence); (ii) construction of a part-four, part-six, part-seven and part-eight-storey mixed-use development consisting of the following: (a) 52 number apartments (23 number one-bed apartments and 29 number two-bed apartments) from first to seventh floor level, each served by private amenity space in the form of a balcony/terrace and having shared access to 354.5 square metres of external communal amenity space provided via roof terraces at the fourth and sixth floor levels; (b) provision of three number retail units (total of 149.7 square metres) and a public house (total of 368.2 square metres) at ground floor level; (c) provision of refuse storage, a plant room, ESB substation/switch room, 96 number secure bicycle parking spaces, one number accessible bicycle parking spaces and two number cargo bicycle at ground floor level; (d) erection of six number antennas and six number link dishes mounted on ballast support poles and associated diplexers, remote radio units and lighting finials on a steel mounting support platform together with two number outdoor cabinets and stepovers and associated equipment at the

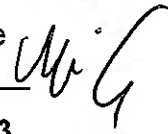
roof top; (iii) all ancillary works, inclusive of landscaping, green roof, rooflights, solar panels, visitor bicycle parking spaces (40 number) and all associated site development works necessary to facilitate the development at Kestrel House, 157 Walkinstown Road, Dublin (with frontage to Cromwellsfort Road and Bunting Road).

Decision

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

Reasons and Considerations


1. Policy SC10 of the Dublin City Development Plan 2022-2028 states that it shall be the policy of the planning authority to ensure appropriate densities and the creation of sustainable communities, in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which have since been replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, published by the Department of Housing, Local Government and Heritage in 2024, which recommend residential densities in the range 50-250 dwellings per hectare (net) in suburban locations around Dublin City around existing or planned high-capacity public transport nodes. Furthermore, Section 15.5.5 of the development plan states that all new development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood and that the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity. Having regard to the non-central and suburban location of the site, and the character and pattern of development in the vicinity, it is considered that the proposed development of 52 apartments, three retail units and a 384 square metres public house, on a 0.1223 hectare site, rising to a height of eight stories, would result in a residential density of 425 units per hectare, which would constitute overdevelopment of the subject site and would have an adverse impact on the character of the area, would be contrary to Policy SC10 and Section 15.5 of the



development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the suburban location of the site and the non-provision of car parking for both residential and commercial uses, it is considered that the proposed development would be likely to give rise to unacceptable levels of overspill and haphazard parking on adjacent heavily trafficked roads and bus corridors, would seriously injure the amenities of the area and would endanger public safety by reason of traffic hazard and obstruction of pedestrians, bus services and other road users. It is also considered that the proposed development would be contrary to Policy SMT27 of the development plan which requires, inter alia, the provision of sustainable levels of car parking and car storage in residential schemes and the safeguarding of the residential parking component in mixed-use developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the proposed development would be out of character with the prevailing pattern of development in the area and could not be supported by relevant national or local planning policy regarding the density of new residential development.



Liam McGree

Member of An Bord Pleanála

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



Dated this 11th day of FEBRUARY 2025