



---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: LRD6024/23-S3**

**APPEAL** by Emrajare Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 11<sup>th</sup> day of January, 2024 by Dublin City Council to refuse permission.

**Proposed Development:** The development will consist of: the demolition of all structures (including the former 'Marble Arch' (public house) (circa 721 square metres gross floor area) and warehouse building/structures within adjoining site (circa 1.175 square metres gross floor area); the construction of one number three to eight storey over basement level building (overall height circa +51.9 metres OD) with balconies on the northern, southern and western and eastern elevations; wintergardens on the northern elevation; PV panels at third, fourth, fifth and roof levels and sedum planting at fifth, sixth and roof floor levels. The development will consist of a mixed-use development (consisting of residential, gym, retail, restaurant/café/bar uses), circulation areas, with a total gross floor area of circa 9,151 square metres plus circa 1,790 square metres gross floor area relating to ancillary plant; car, bicycle and motorcycle parking: bicycle and bin storage at basement level. The development will consist of: 113 number residential apartment units providing: three number studio units (ranging in size from circa 37 square metres to 38

square metres gross floor area): 53 number one-bed units (circa 50 square metres gross floor area) and 57 number two-bed units (ranging in size from circa 73 square metres to circa 82 square metres gross floor area); one number restaurant/bar/café unit (circa 225 square metres gross floor area); one number gym (circa 70 square metres gross floor area); one number retail unit (circa 80 square metres gross floor area); 25 number car parking spaces including two number car sharing spaces, 13 number car parking spaces suitable for electrical charging (EV spaces), three number motorcycle parking spaces, 362 number bicycle parking spaces, five number cargo bike parking spaces and bin storage at basement level, with new vehicular access from Davitt Road and the provision of one number at grade, car sharing space and service lay-by on Benbulbin Road. The development will also include areas of communal and private amenity open space at grade and seventh floor levels; all associated hard and soft landscaping (including play areas, seating, boundary treatments and associated works), associated lighting, signage, site services (foul and surface water drainage and water supply); the provision of SUDS measures (including one number attenuation tank at basement level); one number ESB sub-station and one number switchroom at ground floor level and all other associated site excavation, infrastructural and site development works above and below ground, all on a site of 0.295 hectares at Davitt Road (R812) and Benbulbin Road, Drimnagh, Dublin, including the site of the former 'Marble Arch' (public house), 1 Benbulbin Road, Dublin and an adjoining site at Davitt Road, Dublin.

## **Decision**

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

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Dublin City Development Plan 2022-2028,
- (ii) the zoning objective 'Z1 – Sustainable Residential Neighbourhoods', and with a stated objective, 'To protect, provide and improve residential amenities' and located within the Emmet Road Strategic Development Regeneration Area, which provides for a density of between 100 – 250 units per hectare,
- (iii) Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in July 2023,
- (vi) the Urban Development and Building Heights - Guidelines for Planning Authorities – (Department of Housing, Planning and Local Government, 2018),
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) the pattern of existing and permitted development in the area,

(ix) to the submissions and observations received, and

(x) the Planning Inspectors Report

The Board considered that, having regard to the reasons set out below, the proposed development would result in an excessive density/number of units in this area and would result in an excessively tall building at up to eight storeys over basement level, which would result in overbearing and overlooking of adjacent houses and a consequent loss of residential amenity. The proposed development includes a significant number of apartment units that are not provided with any private amenity space, which would result in a substandard form of residential amenity for the future occupants of these units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

### **Reasons:**

1. The proposed development as originally proposed, located within the Emmet Road Strategic Development Regeneration Area (SDRA) provides for 113 apartments on a site area of 0.295 hectares which results in a density of 383 units per hectare. This is contrary to the density range requirements of the Dublin City Development Plan, which provides for a density of between 100-250 units per hectare in the SDRA's and is contrary to Policy and Objective 3.1 of the Sustainable and Compact Settlements Guidelines, 2024. The proposed development would, therefore, provide for a significantly excessive density contrary to National and Local Policy Objectives.

2. It is considered that the proposed development, by reason of its lack of private amenity space for a significant number of the proposed apartments, would be an inappropriate form of development at this location. The proposed development would, therefore, provide for substandard residential amenity, would seriously injure the existing amenities of the area and would be contrary to the proper planning and sustainable development of the area.
  
3. It is considered that the development as originally proposed, by reason of its height, scale, massing and density at this prominent corner site, would constitute overdevelopment of the site and would seriously injure the amenities of the area and of property in the vicinity through significant overbearing and overlooking, especially of the existing houses on Galtymore Road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



---

**Stephen Brophy**

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

Dated this 8<sup>th</sup> day of May 2024.