



An  
Bord  
Pleanála

## Board Order ABP-320499-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1621/24**

**Appeal** by Ruairí Sámh and Jenny Dimond of 8 Fontenoy Street, Phibsboro, Dublin and by Johnathon Armstrong of 10 Fontenoy Street, Phibsboro, Dublin against the decision made on the 15<sup>th</sup> day of July, 2024 by Dublin City Council to grant subject to conditions a permission to Ronan and Carmen Murphy care of Comaskey Architects of 23 Mountjoy Square East, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing industrial shed and the construction of a new two-storey detached dwelling to the rear of number 9 Fontenoy Street, Dublin.

### Decision

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

## Reasons and Considerations

The Board was of the opinion that the proposed development, by reason of its scale, mass and height, would be visibly obtrusive and overbearing, would seriously injure the residential amenities of the main property and of neighbouring properties, and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board considered that, in principle, the site is suitable for infill/backland/mews development; however, with regard to the separation distance between the proposed two-storey detached dwelling, and the proposed northern site boundary with number 9 Fontenoy Street, the Board was mindful of the Dublin City Development Plan 2022-2028, in particular, Section 15.13.4 Backland Housing, that a proposed backland dwelling shall be located not less than 15 metres from the rear façade of the existing dwelling.

The Board also considered that the proposed development would adversely impact the existing residential amenities of the main property at Number 9 Fontenoy Street, and it noted the Inspector's observation that a habitable dwelling located to the south of the existing building line on Fontenoy Street would introduce an active residential use, with the potential for noise and nuisance considerations.

The Board also noted Section 15.13.5.2, of the Dublin City Development Plan 2022-2028, with regard to mews, that the height of mews building should not negatively impact on the views from the main property.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the comment of the Inspector that the height and mass of the proposed two-storey detached dwelling would be greater than the existing shed to be demolished. It noted the Inspector's observation that, although the footprint of the proposed development to the south would be reduced by 3025 mm, the increase in the eaves height with the shared boundaries with number 8 and number 10 Fontenoy Street, from 2600 mm to 4750 mm would result in a greater massing than

the existing shed proposed to be demolished. In that context, the Board was mindful of the Dublin City Development Plan 2022-2028, in particular, Section 15.13.4 that applications for backland housing should consider, amongst other matters, the scale, form and massing of the existing properties and interrelationship with the proposed backland development.

The Board considered that the proposed development would have an overbearing impact on the rear garden of Number 8 Fontenoy Street, and it did not share the Inspector's opinion that, on balance, the proposed development would not significantly adversely impact the residential amenities of Number 8 Fontenoy Street.



MaryRose McGovern

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board

Dated this 26 day of November 2024