

An  
Coimisiún  
Pleanála

**Commission Order**  
**ABP-321075-24**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2435/21**

**Appeal** by John and Mary Glynn, Breeda Jones and by Others against the decision made on the 14<sup>th</sup> day of May 2021 by Dublin City Council to grant, subject to conditions, a permission to Brian Kennedy in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Planning permission for a residential development on a circa 0.25-hectare site. The development will consist of demolition of existing underutilised two number storey building (390 square metres) and tennis court and the construction of a residential development of 25 number apartments with an overall height of part 4, part 5 number storeys (over basement) comprising: 12 number one bedroom apartments and 13 number two bedroom apartments (including three number two bedroom duplexes) (each with private balconies/terraces) and a ground floor gym (circa 159 square metre). Vehicular and pedestrian access will be provided from Merrion Road into a basement which will provide 25 number car parking spaces (one

number disabled access), 44 number cycle spaces and all ancillary areas, with two number disabled parking spaces and 12 number visitor bicycle parking spaces at surface level; all associated site development works (including relocation of existing ESB substation), hard and soft landscaping and all other ancillary works to include provision of an area of communal landscaped open space, with pedestrian access provided to the north east. The total gross floor area proposed is circa 1,935 square metres, all at The Pavilion, 204-205 Merrion Road, 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**

1. The subject site includes areas of communal open space, residential amenity space in the form of a tennis court, and car parking spaces permitted under previously implemented grants of planning permissions at Merrion Village (planning authority planning register reference numbers 4020/78, 1471/81 and 660/82) and Lennon's Cottages (planning authority planning register reference number 1302/05). Having regard to the nature and extent of the development proposed, it is considered that the proposed development would contravene the terms and conditions of previous grants of planning permission for adjacent residential developments, would erode the open space and recreational amenities associated with Merrion Village, would negatively impact on the parking

spaces and communal open space area developed for the benefit of the residents of Lennon's Cottages, and would set an undesirable precedent for similar type developments altering and replacing open spaces and amenity facilities in other established residential estates and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the proposed development to the eastern site boundary (bounding St. John's House), to the impact that the proposed development would have on the outlook from windows in St. John's House which would be located just 10 metres from the face of the proposed 4/5 storey apartment block, and having regard to the proximity of the proposed development to the southern site boundary (bounding the Circle K Service Station), with windows and balconies taking light from and overlooking that adjacent third party property, it is considered that the proposed development would result in a significant negative impact on the amenities of adjacent residential property, would significantly impact the development potential of adjacent third party property, would constitute an overdevelopment of this constrained site, and 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 Commission considered that, notwithstanding ownership of the subject land and/or consent from the owners to submit the subject application, significant parts of the subject site were integral to existing permitted development immediately adjacent to, or partially overlapping, the subject site at Merrion Village and Lennon's Cottages. Specifically, the grassed open space area immediately to the south-west of units 49-68 Merrion Village forms part of the attendant grounds of that apartment building and that area has

been laid out as amenity open space for the benefit of the residents of Merrion Village. In addition, the tennis court area was to be made available for the recreational use of the residents of Merrion Village which otherwise has a very low level of communal open space provision.

Excluding existing areas of amenity open space from the overall site area would result in a significantly increased density calculation for the subject site which, taken together with the limited set back of the proposed development from the eastern site boundary (bounding St. John's House Nursing Home) and from the southern site boundary (bounding the Circle K Service Station), with windows in both of those elevations, taking light from and overlooking adjacent third party properties, would result in a significant overdevelopment of the site which would result in a significant negative impact on the amenities of adjacent residential properties and would significantly impact the development potential of the adjacent service station site and would, therefore, be contrary to the proper planning and sustainable development of the area.

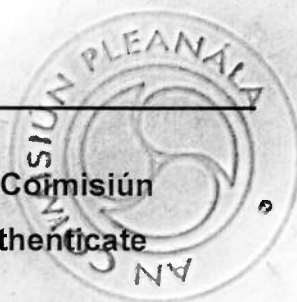
Furthermore, the subject application proposes the replacement of existing communal open space to the rear of Lennon's Cottages with surface car parking to facilitate vehicular access to a proposed basement car parking area. Planning permissions, and compliance with conditions of such planning permissions, relate to the lands which are the subject of such planning permissions and are not altered by subsequent subdivision and/or a change in ownership of such sites.

Given the constrained nature of the site, the Commission considered that the negative impacts of the proposal on adjacent residential property, and its impact on the development potential of an adjacent commercial property, could not be mitigated by conditions of planning permission, as mitigation of those issues would require a fundamental redesign of the proposed development.



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Liam McGree

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 16<sup>th</sup> day of June 2026