

An  
Bord  
Pleanála

## Board Order ABP-321353-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3795/24**

**Appeal** by Anne-Marie Murphy care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by James Nolan of 3 Nutley Avenue, Donnybrook, Dublin against the decision made on the 8<sup>th</sup> day of November, 2024 by Dublin City Council to grant subject to conditions a permission to Aoife Bradley care of Hughes Planning and Development of 85 Merrion Square, Dublin for the proposed development.

**Proposed Development:** (i) Demolition of a two-storey, five-bedroom detached dwelling; (ii) construction of a replacement two-storey six-bedroom detached dwelling with attic accommodation, inclusive of rooflights, attic level dormers, and canopies forming ground floor covered terraces to rear; (iii) construction of a flat-roof single storey garden room in the rear private amenity space; (iv) alterations to the existing vehicular/pedestrian entrance gate off Nutley Avenue to provide wider vehicular/pedestrian entrance gate; and, (v) landscaping, boundary treatments, drainage, SuDS and all ancillary works necessary to facilitate the development, all at 4 Nutley Avenue, Ballsbridge, Dublin.

## **Decision**

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

## **Reasons and Considerations**


Having regard to Section 15.7.1 of the Dublin City Development Plan, 2022-2028, which requires an evidenced basis for the demolition of existing dwellings and their replacement, it is considered that the applicant has not provided an adequately robust justification for the proposed demolition of the existing dwelling at the subject site, to facilitate the construction of a replacement dwelling. The Board was mindful that the subject dwelling does not appear to be fundamentally uninhabitable, structurally unsound or unsuitable for appropriate ameliorative repair, deep retrofitting and extension works (subject to planning permission, as applicable) to result in a dwelling house that meets the applicant's needs for improved habitability, additional habitable and ancillary space through to the upgrading of the design aesthetic of this dwelling, as well as its energy efficiency.

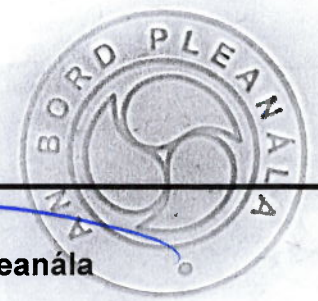
The Board considered the requirement for an evidenced basis for the demolition of existing dwellings and their replacement, to be reasonable and consistent with the Core Strategy set out under Chapter 2 or Policies CA6 and CA7 of the development plan, which together promote and support the retrofitting as well as the reuse of existing buildings, where possible, rather than their demolition and reconstruction, and support the achievement of high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including the retrofitting of appropriate energy efficiency measures in the existing building stock.

The Board was mindful that the local planning provisions and policies align with the Regional, Spatial and Economic Strategy for the Eastern and Midland Regional Area, 2019-2031, which under Regional Policy Objective 7, supports the use of renewable energy sources in existing buildings, including retro-fitting of energy

efficiency measures in the existing building stock and energy efficiency in traditional buildings, through to National Policy on Architecture – People and Places, 2022, which in a consistent manner supports the reusing, repairing, adapting, and upgrading of buildings in preference to their demolition. The Board considered that the local planning provisions and policies also align with the targets set out within the Climate Action Plan, 2025, which provides for a more energy efficient outcome, than that proposed by the demolition of an existing dwelling and the construction of a replacement dwelling.

The Board considered that the proposed development is a type of a development that the planning authority may permit only where compliance with Section 15.7.1, Policies CA6 and CA7 is demonstrated. The Board considered that the applicant failed to demonstrate compliance with these development plan provisions. The proposed development, if granted, would set an undesirable and negative precedent for similar demolition of existing dwellings in their entirety, in the local area and within the wider area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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



Dated this *13<sup>th</sup>* day of *May* 2025.