

An
Bord
Pleanála

Board Order ABP-321620-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3953/24

Appeal by Corduff JG Enterprises Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 3rd day of December, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Alterations to development previously approved under planning register reference number 3334/21 as follows: (i) the demolition of the existing warehouse, (ii) alterations to the approved apartment building comprising the construction of a three-storey over-basement residential development comprising 10 number apartments (five number one-bedroom duplex units, two number one-bedroom apartments, and three number studio apartments), on lands fronting Blessington Lane, (iii) the provision of private balconies/terraces to serve apartments, (iv) provision of a communal landscaped courtyard with bicycle parking facilities and bin storage and (v) landscaping, boundary treatments, SuDS drainage and all ancillary works necessary to facilitate the development at the rear of numbers 42-43 Blessington Street (Mews along Blessing Lane), Phibsborough, Dublin (Protected Structures RPS numbers 806 and 807).

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

Having regard to the Z8 (Georgian Conservation Areas) land-use zoning objective for the subject site as set out in the Dublin City Development Plan 2022-2028, to the adjoining designated protected structures numbers 42 and 43 Blessington Street and to the prevailing nature and scale of development on Blessington Lane, it is considered that the proposed brownfield development, subject to a reduction in the number of residential units to six (six number units), located within the highly accessible Dublin North Inner City would provide an innovative approach to optimise densities whilst respecting the established character of the conservation area. It is considered that, subject to compliance with conditions set out below, the proposed development would comprise the efficient use of urban land, would provide sufficient useable communal and private amenity space across the subject site and would not have undue adverse impacts on the residential amenity of future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of November, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission granted under planning register reference number 3334/21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The proposed development shall be amended as follows:
 - (a) the proposed three number studio apartments and proposed basement level shall be omitted. A total of six number units are hereby permitted on ground, first and second floor only,
 - (b) the proposed communal amenity space shall be enlarged to incorporate the space created by the omission of the proposed basement level, as per (a) above, in conjunction with revised landscaping proposals,
 - (c) a revised ground floor layout to include new and suitably screened private amenity spaces for proposed unit number 4 and unit number 5 incorporating revised landscaping proposals and a privacy strip onto Blessington Lane,
 - (d) the proposed bin storage provision shall be reduced proportionately with the omission of the three number studio units, and

- (e) the location of one number bicycle space for larger non-standard bicycles. The space shall comply with the dimension standards contained within Section 6 of the Cycle Design Manual, issued by the National Transport Authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity and to protect the setting of the protected structures (numbers 42 and 43 Blessington Street) within this designated Z8 Georgian Conservation Area.

4. (a) The proposed bicycle parking shall be secure, conveniently located, sheltered and well lit. Bicycle parking design shall allow both wheel and frame to be locked and shall be separated between long-term and short-term spaces.
- (b) The proposed bicycle parking spaces agreed under this condition shall be constructed and ready for use prior to occupation of the first residential unit.
- (c) Contracts for sale/rent/lease of the proposed apartments shall make it clear to prospective tenants that the apartments will not have dedicated car parking on site.
- (d) All costs incurred by the planning authority, including any repair to the public road and services necessary as a result of development, shall be at the expense of the developer. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of providing high quality bicycle parking infrastructure and of orderly development.

5. The non-amenity roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme, incorporating a Delivery and Servicing Plan (DSP) and providing adequate measures for the future maintenance of open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. A schedule of landscape maintenance, including the specimen tree to the front elevation onto Blessington Lane, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The

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schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and

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section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution in respect of LUAS Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.


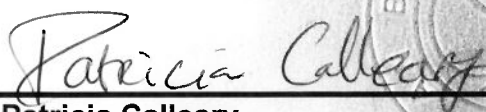
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution as a contribution lieu of the public open space requirement in respect of public open space benefitting the development in the area of the planning authority is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the adopted Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.



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

Dated this 26th day of May

2025