

An
Coimisiún
Pleanála

Commission Order
ABP-322621-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: 3097/25

Appeal by Michael and Eimear O'Doherty care of BPS Planning and Development Consultants of PO BOX 13658, Dublin against the decision made on the 28th day of April, 2025 by Dublin City Council to refuse permission.

Proposed Development: Construction of a two-storey over part basement maisonette on a 120-square-metre site, including redesigned pedestrian and vehicular entrances formed within the existing boundary wall, all at site to the rear of 120 Rathfarnham Road, Terenure, Dublin.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

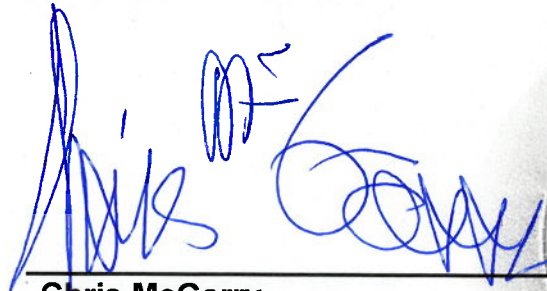
1. Having regard to the constrained nature of the site, it is considered that, by reason of the location of the main area of private open space to the front of the proposed new dwelling, below street level and facing north, and the location of Bedroom 2 below street level and also with a north-facing aspect, the proposed development would result in a poor standard of residential amenity for the proposed new dwelling, which would be contrary to the provisions of Section 15.11, 15.13.3 and 15.13.4 of the Dublin City Development Plan 2022-2028. The proposed development would constitute a substandard form of development which would seriously injure the amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the constrained nature of the site, the design of the proposed new dwelling and the inadequate separation from the rear elevation of number 120 Rathfarnham Road, it is considered that the proposed new dwelling would be out of keeping with the pattern and character of development in the area, and would result in an overbearing impact when viewed from the rear of number 120 and from its rear garden. The proposed development would seriously injure the residential and visual amenities of the surrounding area, 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 first off, agreed with the Inspector that the plot location and zoning allows for consideration of appropriately designed infill development. However, having considered the totality of the documentation on file, including the report of the Dublin City Council planning officer, the Commission did not share the opinion of the Inspector in two key areas: the quality of private open space at the proposed dwelling and the relationship of the proposed dwelling to the main house at 120 Rathfarnham Road. Specifically, the Commission noted the significant depth of the front basement courtyard, its north-facing aspect and the fact that this area would be accessed solely from a bedroom. In combination, these factors led to a conclusion by the Commission that this open space area would be substandard and would not constitute an acceptable area of open space. The Commission further concluded that the overall substandard residential amenity of the proposed dwelling would be compounded by the modest quantum of private open space available to the proposed dwelling elsewhere on the site.

On the matter of the positioning and form of the proposed dwelling, approximately 5.4 metres from the rear elevation of the existing dwelling on site, and the consequent limited area of private open space remaining to the rear of the main dwelling, the Commission determined that this interrelationship would result in an overbearing effect when viewed from 120 Rathfarnham Road and specifically from its reduced rear garden area. The Commission noted the commentary of the Inspector that while the separation distance would be approximately 5.4 metres, the two-storey height of the proposed dwelling along with its flat roof, and thus an overall height significantly less than that of 120 Rathfarnham Road, would constitute mitigation. The Commission considered the plans and particulars submitted with the planning application and the appeal and determined that overbearance from the specific form and positioning of the proposed dwelling would be a measurable and material consideration by reference to the

residential amenity of 120 Rathfarnham Road. The mere fact that the proposed dwelling would be of lesser overall height than the existing dwelling would not of itself diminish this adverse effect.

In overview, the Commission agreed with the conclusions of the planning authority and determined that a refusal of permission would be warranted.


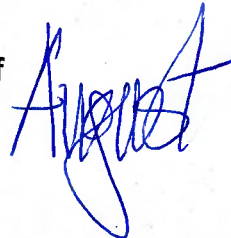


Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this  **day of**  **2025.**