

An
Coimisiún
Pleanála

Commission Order
ABP-322764-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2653/24

Appeal by Margaret Robson and Darryl Jones of 297 Blackhorse Avenue, Dublin against the decision made on the 20th day of May, 2025 by Dublin City Council to grant permission subject to conditions to Greenspace Homes Limited care of SCA Planning of 17a Bridgecourt Office Park, Walkinstown Avenue, Dublin for the proposed development.

Proposed Development: The development will consist of modifications to planning permission granted under planning reference number 3705/20 (An Bord Pleanála reference number 311000-21). Modifications will include an additional floor providing six number units consisting of two number one-bed apartments and four number two-bed apartments and all associated adjustments to the elevations and sections at Blackhorse Avenue, Dublin. The site bounds the wall of the Phoenix Park, which is a Protected Structure (reference number 6781).

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 provisions of the Dublin City Development Plan 2022-2028, as varied, and the location of the proposed development on zoned and serviced lands within a city urban neighbourhood, it is considered that, subject to compliance with the conditions set out below, the proposed development would make efficient use of an underutilised brownfield site and positively contribute to this neighbourhood, would positively contribute to an increase in housing stock in this accessible urban location with a range of social, commercial, and public transport infrastructure, would be acceptable in terms of urban design and building height, would be acceptable in terms of pedestrian and traffic safety, would provide an acceptable form of residential amenity for future occupants, and would not seriously injure residential or visual amenities or significantly increase traffic volumes or negatively impact cultural heritage. 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, and the further information submitted to the planning authority on the 24th day of April 2025, 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 be carried out and completed in accordance with the terms and conditions of the permission granted on the 5th day of May 2022 under appeal reference number ABP-311000-21 and any agreements entered into thereunder.

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

3. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

5. (a) Prior to commencement of development, the developer shall submit to the planning authority for written agreement revised drawings showing an increased provision of Sheffield cycle parking stands in combination with the proposed two-tier spaces. The revised plans shall demonstrate how the minimum quantum of 41 number bicycle parking spaces is achieved. The proposed bicycle parking spaces for residents and visitors, shall be constructed and available for use prior to occupation of any of the apartment units.
- (b) The developer shall implement the measures outlined in the Mobility Management Plan, Car Parking Management Plan, and Bicycle Management Plan dated April 2025 and submitted as part of the further information response on the 24th day of April 2025 to ensure that future occupants of the proposed development comply with this strategy.
- (c) A Travel Plan Coordinator for the overall scheme shall be appointed to oversee, co-ordinate and implement the individual plans.
- (d) The shared resident e-cargo bike scheme shall be available to residents at first occupation of the development and shall be permanently maintained.

- (e) The resident car parking management criteria shall be amended whereby the priority for a car space shall be leased to residents on a mobility 'needs' basis before applying a 'first come, first served' approach.
- (f) A minimum of 50% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV ducting and charging stations/points at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: In the interest of road safety and orderly development and in the interest of sustainable transportation and safety.

- 6. 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Coimisiún 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 of the area.

7. The developer shall pay a financial contribution to the planning authority in lieu of a shortfall in public open space as set out in the Dublin City Council Development Contribution Scheme 2023-2026, or any subsequent scheme. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: To ensure compliance with policy GI26 and Section 15.8.7 of the Dublin City Development Plan 2022-2028.

8. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

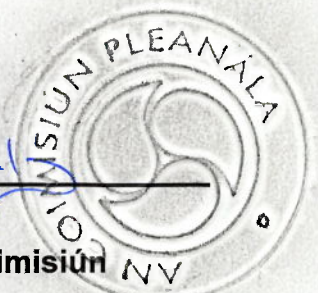
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

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



Dated this *7th* day of *October*, 2025.