

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2044/25

Appeal by Brimwood Unlimited Company care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 7th day of July, 2025 by Dublin City Council to refuse permission.

Proposed Development: Removal of existing boundary wall and vehicular gate fronting mews lane. Construction of a three-storey four-bedroom mews dwelling fronting O'Devaney Gardens. Provision of outdoor terraces/balconies to rear of house at ground and first floor levels and to the front at first floor level. Provision of one number rooflight. Landscaping, boundary treatment, Sustainable Drainage Systems (SuDS) and foul drainage, and other ancillary works necessary to facilitate the development, all at rear of 34 North Circular Road, Dublin and fronting O'Devaney Gardens.

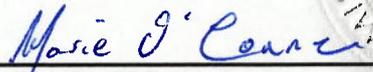
Decision

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

Reasons and Considerations

1. It is considered that, by reason of its height, scale, bulk and massing, the proposed development would materially affect the setting and character of number 34 North Circular Road, which is included in the National Inventory of Architectural Heritage (NIAH) Register Number 50070137, and forms part of a terrace of dwellings which are of regional significance. The proposed development would be contrary to the Z2 zoning objective for the site which aims to protect and/or improve the amenities of residential conservation areas, and the provisions of Policy BHA9 (Conservation Areas) of the Dublin City Development Plan 2022-2028 which aims to protect the special interest and character of all of Dublin's Conservation Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that inadequate consideration has been given to the design approach, and that, by reason of its height, scale, massing and bulk, and the limited separation distances to the rear elevation of number 34 North Circular Road, the proposed development would constitute overdevelopment of the site and would result in an overbearing impact on number 34 North Circular Road. It is considered that the proposed separation distances do not comply with SPPR1 (Specific Planning Policy Requirements) of the Sustainable and Compact Settlement Guidelines for Planning Authorities (2024) which require a minimum separation distance of 16 metres between opposing windows, serving habitable rooms at the rear of houses. Furthermore, it is considered that the applicant has not adequately demonstrated that the proposed development and its associated areas of open space would have access to daylight and sunlight and would not overshadow any adjacent areas of private amenity space. The proposed development would seriously injure the residential amenities of existing and future residents, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Marie O'Connor

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

Dated this 04 day of December 2025.