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**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB2243/25**

**Appeal** by Halexmain Enterprises Limited care of Manahan Planners Town Planning Consultants of 38 Dawson Street, Dublin against the decision made on the 25<sup>th</sup> day of July, 2025 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** The proposed development will consist of the following: (a) demolition of the existing two storey dwelling, two sheds and the Irish Cone and Wafer Factory; (b) construction of a six-storey residential building (Block A) on the north part of the site, containing a total of 35 number apartments comprising of 13 number one-bed apartments, 12 number two-bed apartments, six number two-bed duplex apartments, four number three-bed duplex apartments, communal amenity space on the fifth floor and roof level and one number substation at upper ground floor level; (c) construction of a seven-storey residential building (Block B) on the south part of the site that will reduce to three-storey to Shannon Terrace side, containing a total of 30 number apartments comprising of 19 number one-bed apartments, nine number two-bed apartments and two number two-bed duplex apartments; communal amenity spaces on the ground level and third floor level and (d) construction of a pedestrian bridge over the river Camac and of a pedestrian stair located on the north-west side on Kilmainham Lane, to connect the two parts of the site. Vehicular and pedestrian access to the development will be

served through Kilmainham Lane and Shannon Terrace all with associated site works, bicycle store, bin store, landscaping, public open space, communal open space and services at site north and south of and including the Camac River, that includes number 6 Kilmainham Lane and adjacent lands and the former Irish Cone and Wafer factory, Kilmainham, Dublin.

## **Decision**

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

## **Reasons and Considerations**

1. Having regard to the location of a significant portion of the site in an identified Flood Zone, pending the outcome of the Camac River Flood Alleviation Scheme, the Commission is not satisfied, on the basis of the information lodged with the planning application and the appeal, that the development appropriately mitigates the risk of flooding on the site in accordance with the recommendations of the Strategic Flood Risk Assessment, and the provisions of the 'Planning System and Flood Risk Management - Guidelines for Planning Authorities' (2009). The proposed development if permitted would, therefore, contravene Policy SI14 and SI15 of the Dublin City Development Plan 2022-2028. The Commission are not satisfied that the development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands.

2. Having regard to the height, scale and density of development, it is considered that the proposed development would constitute overdevelopment of the site, including an exceedance of the indicative density range for the site, would have an unreasonable overbearing and visually dominant effect on adjoining sites, would seriously injure the amenity of existing residents of the area by way of undue overlooking and overshadowing impacts. The development also fails to provide an adequate standard of communal and public open space for future residents. For those reasons, the proposed development would contravene the development plan by failing to have regard to the performance criteria set out in Table 3 of Appendix 3 as well as the Z1 zoning objective which seeks to protect, provide and improve residential amenities and would, therefore, be contrary to the proper planning and sustainable development of the area.

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



Dated this 13<sup>th</sup> day of Jan. 2026.