



Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0259

APPEAL by Fox Connect Limited of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 9th day of December, 2020 by South Dublin County Council to refuse permission.

Proposed Development: (a) Formation of a new vehicular, cycle and pedestrian entrance off Hermitage Gardens to the west of the site and two pedestrian/cycle entrances to the north of the site off the N4, (b) construction of a semi-basement/full basement car park for 97 cars, bin and bicycle storage and plantrooms, with two-way access ramp, (c) construction of a 1.2 metres high (approximately) raised podium over the car park area, (d) a four-storey above podium apartment block containing 15 apartments, (e) a three-storey apartment block (A) containing 21 apartments and a 15.12 square metres substation at ground floor, (f) a three-storey apartment block (B) containing 21 apartments, (g) a 20 storey above podium apartment building containing 104 apartments, entrance lobby, communal facilities including work stations, meeting rooms, laundry and office and external podium level terrace, (h) 328 bicycle parking places dispersed throughout, underground rainwater retention tanks, hard and soft landscaping, including planted communal gardens and play areas, pedestrian and cycle access/egress only will be retained off the

N4, the mix of the apartments will be as follows: 37 studio apartments, 42 one-bed apartments, eight two-bedroom (three person) apartments, 70 two-bedroom (four person) apartments, four three-bed apartments, total number of apartments proposed is 161. 67% of the apartments will be dual aspect and all will have balconies or private open space, all buildings will have roof plantrooms, green roofs and photovoltaic panels, all on lands (6,354 square metres) adjacent to the Foxhunter Pub, Lucan Road, Ballydowd, Lucan, County Dublin .

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, and in the absence of an Appropriate Assessment Screening Report and/or a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse affects on the integrity of European site/s, in view of the site/s' Conservation Objectives. In such circumstances the Board is precluded from granting permission.
2. The application site is subject to zoning objective "RW – To provide for and consolidate retail warehousing" in the South Dublin County Development Plan 2016-2022. Residential use is a "Not Permitted" land use on lands subject to zoning objective "RW". In this regard the proposed development of 161 apartments and associated communal facilities is a material contravention of the development plan. In addition, the proposed development is contrary to the strategic approach set out in the Core Strategy of the development plan to achieve the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) and the proper planning and sustainable development of the area.
3. The proposed development would fail to comply with Policy H7 - Urban Design in Residential Development and Policy H9 - Residential Building Heights as well as sections 11.2.0, 11.2.1 and 11.2.7 of the South Dublin County Development Plan 2016-2022, and would not comply with the criteria set out in Section 3.2 and SPPR 3 of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore,

materially contravene objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the absence of information, and/or inadequacy of submitted information, in relation to daylight and sunlight performance, microclimate conditions, noise protection measures and childcare facilities, the Board is not satisfied that future residents of the proposed development would be provided with acceptable standards of residential amenity, within apartment units, private amenity space and public open spaces. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. Having regard to the design, the excessive height, bulk, scale and massing of buildings and the proximity of the proposed development to adjoining two-storey residential properties, the Board considered that the proposed development would be visually obtrusive and would adversely impact on the visual amenity of the application site, would seriously injure the residential and visual amenities of property in the vicinity of the site and the character of the wider area, and would set an undesirable precedent for similar type developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
6. Having regard to the scale of the proposed development and the consequent intensification of vehicular traffic on the Hermitage Gardens cul-de-sac and the uncertainty in relation to the impact of increased traffic movements on the capacity and efficacy of the junction between this cul-de-sac and the regional road, the Board was not satisfied that the proposed development would not seriously injure the residential amenities of adjoining residents and endanger public safety by reason of

traffic hazard or obstruction of road users. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

7. The proposed density equates to 253 dwelling houses per hectare, which represents a substantial increase relative to the existing density on residential sites in the vicinity of the site. Policy H8 - Residential Densities of the South Dublin County Development Plan 2016-2022 states it is the policy of the Council "to ensure that the density of new residential development is appropriate to its location and surrounding context". The proposed density, is considered to be inappropriate for the subject site, having regard to the overall accessibility of the site, the context and its surrounding area, and the strategic approach for consolidated development set out in the Core Strategy of the development plan. As such, the proposed development would be contrary to the development plan and therefore, would not be in accordance with the proper planning and sustainable development of the area.


Maria FitzGerald

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

Dated this 21st day of February 2022.