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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/1079**

**APPEAL** by Sam Campbell care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin against the decision made on the 30<sup>th</sup> day of July, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** 1. Demolition of 1,182 square metres of existing commercial buildings. 2. Raise site level and erect two number four-storey (top level set back) buildings with balconies: Block A (1,204 square metres) with 13 number apartments (four number one bed, six number two bed, three number three bed) and Block B (1,162 square metres) with 12 number apartments (two number one bed, eight number two bed, two number three bed) and communal/landlord areas. 3. Alterations to boundaries: relocate eastern vehicular gate, introduction of metal railings and central pedestrian gate to front, and raise rear wall to 1.8 metres. 4. External areas to have 25 number car parking spaces, 22 number bicycle spaces, 290 square metres of shared open space. 5. All ancillary works, including landscaping, drainage and services, all at Ely House, 1 Nutgrove Avenue, 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**

Having regard to the location of the site in an area which is at risk of flooding, the Board is not satisfied on the basis of information submitted with the planning application and the planning appeal, that issues relating to flood risk have been satisfactorily addressed and it is considered that the proposed development would be premature pending the provision of confirmed detail regarding flood alleviation measures (on-site and/or off-site) necessary to resolve this matter. The proposed development would, therefore, be contrary to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of Environment, Heritage and Local Government, 2009, to Appendix 13 'Strategic Flood Risk Management' and Policy CC15 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2020**