



An  
Bord  
Pleanála

**Board Direction**  
**BD-018427-24**  
**ABP-313220-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/12/2024.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. Having regard to the Dun Laoghaire Rathdown County Development Plan 2022-2028, to the location of the proposed development within a wider area zoned as Major Town Centre, and to the predominantly residential nature of the proposed development accounting for 95% of the proposed gross floor space, the Board was not satisfied that the proposed development would provide an appropriate range and mix of supporting uses at this location, that would be consistent with objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 including CS7 – Strategic Employment Locations; PHP3 – Planning for Sustainable Communities; MFC1 – Multifunctional Centres; RET5 – Major Town Centres; and Specific Local Objective 8 – unit mix

The proposed development would, therefore, be contrary to the overall aims for the Major Town Centre which seeks to provide an appropriate mix of uses and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing character and the prevailing pattern of development, the site location within and adjoining an Architectural Conservation Area and adjoining several Protected Structures, it is considered that the proposed development, would seriously detract from the architectural character of the area, and particularly the character of Main Street and Dundrum Architectural Conservation Area, and the setting of Holy Cross Church and the associated Parochial House, gates, and railings.

The Board considered the proposal would materially contravene:

- Policy Objective HER14 of the adopted Dún Laoghaire-Rathdown County Development Plan 2022-2028, which prohibits the demolition of a structure that positively contributes to the character of Dundrum Architectural Conservation Area,
- HER8 Work to Protected Structures;
- HER13: Architectural Conservation Areas;
- Specific Local Objective 9: Cognisance of character of main street

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the excessive density, height, and scale, together with its monolithic appearance, it is considered that the proposed development would result in unacceptable overbearing impacts for properties in the residential area to the west of the site. The proposed development would also result in excessive overlooking for existing adjoining properties along the west side of Main Street, and on the basis of information submitted, the Board is not satisfied that there would be acceptable impacts to existing open spaces/amenity areas in respect of overshadowing for existing residential properties to the west of the site.

Having regard to these impacts, it is considered that the proposed development would be contrary to Dún Laoghaire-Rathdown County Development Plan 2022-2028 Objectives PHP18: Residential Density and PHP20: Protection of Existing Residential Amenity and the proposed

development would be seriously injurious to the amenities of properties in the vicinity of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the nature, design, and layout of the proposed scheme, it is considered that the proposed scheme would represent in a substandard form of development and residential amenity for future occupiers. The excessive proportion of smaller residential units would materially contravene the Dún Laoghaire-Rathdown County Development Plan 2022-2028 in respect of Policy Objective PHP27: Housing Mix and section 12.3.3.1 (Table 12.1) and is contrary to Specific Local Objective 123 – balanced mix of housing. The proposed communal open space would be substandard having regard to its overall quantity and quality, and the proposal to provide more than 30% of such space in the form of roof gardens would conflict with section 12.8.5.4 of the Development Plan. The failure to provide external storage facilities would also be contrary to section 12.3.5.3 of the Development Plan.

The proposed public open space is substandard having regard to its location, quantity, and quality, which would not comply with the requirements of the Development Plan (Sections 12.8.3.1 and 12.8.5).

Having regard to the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2023), the proposed development would be substandard in respect of the level of privacy afforded to private amenity spaces; the number and nature of single-aspect units; the enclosed nature of internal corridors; and a lack of quality internal resident amenities/facilities. Furthermore, the separation distances between:

- Blocks 2A and 2C (c. 8.3m);
- Blocks 3A and 3C (c. 8.3m); and
- Blocks 4A and 4B (c. 10.8m)

would be inadequate, would give rise to overlooking and do not include appropriate privacy mitigation to comply with Section 12.3.5.2 of the CDP which outlines that apartment developments should provide for acceptable



separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Notwithstanding the Site-Specific Flood Risk Assessment submitted with the application, the Board is not satisfied, on the basis of the information lodged with the planning application and the absence of detailed hydraulic modelling, that the proposed development would not give rise to an increased risk of flooding either on the proposed development site itself, or on other lands.

The proposed development would be contrary to section 12.9.6 of the Development Plan, and would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

**Note:**

1. The Board did not consider that the Planning Inspector's recommended reason for refusal number relating to "proposed access arrangements along the by-pass would conflict with an existing public bus interchange" was fully justified because some elements of the current transport arrangements relevant to the site location significantly altered following the submission of the application. In the interests of natural justice, given that some issues have arisen post application, the Board decided that noting these concerns was sufficient at this time given the substantive reasons for refusal.
2. Furthermore, the Board considered the designation of the North-west Irish Sea Special Protection Area since the making of the application. However,

the Board considered that this designation would not affect the ultimate determinations reached in respect of Appropriate Assessment Screening Dev(Stage 1) or Appropriate Assessment (Stage 2).

3. In relation to the coming into effect of the Dun Laoghaire Rathdown County Development Plan 2022-2028 post submission of the application, the Board noted that the applicant had the benefit of access to the draft and adopted plan prior to the submission of the application and is satisfied for the Inspector to assess the application against the Dun Laoghaire Rathdown County Development Plan 2022-2028.
4. In relation to the Dundrum Local Area Plan 2023 the Board noted that as this Plan was not in operation at the time of the making of the application and the Board decided in the interests of natural justice to omit associated elements of the Inspectors recommended reasons for refusal from this Board Order and to not pursue these matters further at this time given the substantive reasons for refusal.
5. In relation to the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities' (2024) the Board noted that these Guidelines were not published at the time of the making of the application and given the substantive reasons for refusal, the Board did not pursue these matters further.

**Board Member**

  
Liam Bergin

**Date:** 11/12/2024

