

**An
Bord
Pleanála**

**Board Direction
BD-015001-24
ABP-313828-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2024.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

In deciding to accept the Inspector's recommendation to refuse permission, the Board concurred in part with the recommendation.

The Board concurred with the Inspector that the car parking arrangement was not satisfactorily addressed in the application, particularly the impact on the operation of the existing Palmerstown Shopping Centre and the vehicular movements proposed.

The Board also agreed with the Inspectors assessment that the residential amenity of the 6 east facing units would be negatively impacted by the 1.8m opaque balcony treatment proposed. The Board considered that the single aspect north facing units in addition to the poor aspect from the east facing units detracted from the overall quality of the scheme proposed.

The Board did not concur with the Inspector on a number of design and layout details for the reasons and considerations that follow:

The Board having had regard to South Dublin Development Plan, Policy H13, Objective 4, considered that as this is a new build and not a proposal to provide accommodation over an existing structure the proposal was not contrary to the Plan. The Board, noting the zoning and the location of the site, concurred with the Planning Authority that the mix of uses proposed is appropriate.

The Board did not consider the location of the car park at the opposite side of Kennelsfort Road Upper a reason for refusal, due to the proximity of the parking. Neither was the proximity of the private amenity space for units 11,12,13 and 14 considered an issue, due to the privacy strip proposed.

The Board noted the Planning Authorities assessment of public open space and the positive contribution being made by the proposed public realm, the Board agreed with the Planning Authority that at this corner site the approach to public open space is appropriate, a Section 48 contribution in lieu of open space as provided for in the Development Plan may be appropriate.

The Board considered in this instance the location of the Bin Store is acceptable, having regard to the report from the Environmental Health Officer, the corner site location and the limited size and access to the basement.

The Board noted Appendix 11, Section 6.7 of the South County Development Plan provides where the applicant does not propose 30% three bed units, an opportunity is provided for sufficient justification to be made, this may have been given to the applicant if it was not for the substantive reason for refusal.

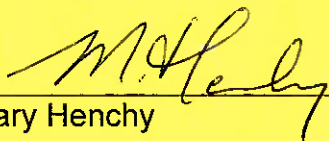
Reasons

1. The design and layout of the proposed car parking area would result in vehicles exiting the car park the wrong way onto a one-way system within the existing Palmerstown Shopping Centre car park. The car parking area would also remove an existing emergency vehicular access to the Shopping Centre from Kennelsfort Road Upper and would block access to an existing service area to the south of the Palmerstown Shopping Centre. It is considered that the design and layout of the car parking area

would, therefore, negatively impact on the existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard.

2. It is considered that the of 1.8-metre-high opaque screens to serve six number single aspect east facing units (numbers 9, 10, 23, 24, 37, 38), in addition to the provision of six number single aspect north facing units (numbers 6, 7, 20, 21, 34 and 35), would result in substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Mary Henchy

Date: 10/01/2024