



An  
Bord  
Pleanála

**Board Direction**  
**BD-013186-23**  
**ABP-314281-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/08/2023.

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

#### **Reasons and Considerations**

1. The proposed unit mix fails to comply with Table 12.1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would be contrary to Policy Objective PHP27 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the design and layout of the proposed development is contrary to Policy Objective PHP35: Healthy Placemaking of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 having regard to the following:
  - (a) The necessity to increase connectivity falls short in terms of the qualitative provision within the scheme and the lack of appropriate pedestrian or bicycle connectivity to the wider area over Springfield Lane to the north and lands to the south fails to adhere to the requirements of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. Whilst not actively engaging with the adjoining Cairnbrook residential lands results in development that conflicts with the established road hierarchy resulting in potential hazardous access arrangements and would fail to create a

sense of place. In the absence of the incorporation of the recommendation of the Safety Audit into the scheme as a result it is considered that the development would endanger public safety and traffic safety. Furthermore, the proposed development is overly car dependant and is considered premature because of the lack of adequate, safe pedestrian facilities on Glenamuck Road.

(b) The alignment of the apartment blocks significantly impacts the quality layout of the scheme resulting in undue overshadowing and perceived sense of overlooking by virtue of proximity to house Numbers 35 to 37. Furthermore, the separation distance between Blocks 01 and 02 provides limited outlook for the bedroom windows between the blocks, as a result, it is considered that the development is not in accordance with section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 as they relate to minimising overshadowing and loss of light and the resulting impact quality placemaking standards.

(c) The layout does not appropriately reflect the adjoining permitted development by the local authority under the provisions of Part 8 of the Planning and Development Regulations 2001, as amended, in particular, the boundary treatment along the shared eastern site boundary and the juxtaposition of 19B and 18B as they relate to the permitted Part 8 housing development. On the basis of the evidence submitted the Board cannot be satisfied that the development will not impact negatively on the ability to complete the Part 8 consent or the proposed development.

It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development is contrary to Policy Objective GIB18: Protection of Natural Heritage and the Environment of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 where it is a stated Policy Objective "to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas, Special Areas of Conservations, proposed Natural Heritage Areas and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10

of the Habitats Directive". The development plan states that the implementation of this policy objective involves inter alia identification and protection of non-designated sites of local and high nature conservation value, and the management of features of the landscape which are of major importance for wild fauna and flora in accordance with Article 10 of the Habitats Directive.

On the basis of the evidence submitted, the Board cannot be satisfied that the proposed development will not result in adverse impacts on important habitats with affinity to Annex 1 habitats and wetland and grassland habitats with affinity to Annex 1 habitat and as such is contrary to Policy Objective GIB18: Protection of Natural Heritage and the Environment of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the proper planning and sustainable development of the area.

**Board Member**



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Peter Mullan

**Date:** 08/08/2023

