

An
Coimisiún
Pleanála

Direction
CD-020522-25
ABP-321796-25

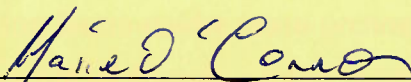
The submissions on this file and the Inspector's report were considered at a meeting held on 21/08/2025.

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

Planning

Commissioner:

Date: 03/09/2025


Marie O'Connor

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to Policy Objective PHP20: Protection of existing residential amenity and the Building Height Strategy and policies (Appendix 5) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the location of the site in an area where the prevailing height of the existing dwellings are two storey and which is greater than 500m from high frequency public transport, it is considered that the proposed density of the scheme is excessive in the context of the location and the adjoining development. The Commission agreed with the inspector that increased height is appropriate at this location (Residual Suburban Area) in accordance with Policy Objective BHS3 of the Development Plan which seeks to promote general building heights of 3 to 4 storeys but did not consider that the density proposed

would ensure an adequate balance with the reasonable protection of existing amenities and the established character of the area. In addition, having regard to Policy Objective CA6 and Section 12.3.9 of the County Development Plan, the Commission were not satisfied that a strong justification had been provided for the demolition of the existing dwelling. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Policy Objective PHP37 and Section 12.8.2 of the County Development plan, the Commission were not satisfied that, given the location of the protected structure, the public open space provision, the topography and overall layout of the site, the provision of pedestrian and cycle permeability through the site could be achieved through the repositioning of Block A by way of condition. The Commission agreed with the Inspector and the planning authority that permeability through the site was desirable, but considered that there were significant issues to be resolved both inside and outside the site boundary (within South Dublin County Council planning area) which could not be overcome by the imposition of conditions. In addition, having regard to the scale of the proposed development and the traffic to be generated by providing increased permeability, it is considered that the development as proposed would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists at the junction with the Castle Golf Club access which could be further exacerbated and which was not addressed in the Transport Assessment Reports on file. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Commission noted that the Bat Survey submitted with the application recorded the presence of a common pipistrelle bat roost within the attic space of the proposed dwelling to be demolished on site and stated that a derogation licence is required from the National Parks and Wildlife Service (NPWS) for the demolition of this building. Having regard to the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Policy Objective GIB22 Non-

Designated Areas of Biodiversity Importance of the Dun Laoghaire Rathdown Development Plan 2022-2028, the applicant has not satisfied the Commission in relation to the provision of a derogation licence from the National Parks and Wildlife Service (NPWS) for the demolition of the dwelling on site. However, given the substantive reasons for refusal the Commission decided not to pursue the matter further.