

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0660

An Bord Pleanála Reference Number: PL 06D.246030

APPEAL by Bernard and Deirdre Stuart care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin and by Crekav Landbank Investments Limited care of New Generation Homes of 4 Inver Mews, Old Chapel Ground, Arklow, County Wicklow against the decision made on the 11th day of December, 2015 by Dún Laoghaire-Rathdown County Council to refuse permission to the said Crekav Landbank Investments Limited.

PROPOSED DEVELOPMENT: Development consisting of: (1) the demolition of the vacant 'Green Acres Convent' (425 square metres) and two outbuildings on site (7.5 and 4.7 square metres) and (2) the construction of 130 number apartments in four detached blocks ranging from five-six storeys with basement parking; Block A, five storeys including set-back penthouse level over basement parking, 33 number apartments (four number one-bed (65 square metres), 20 number two-bed (86-98 square metres), nine number three-bed (106-120 square metres)); Block B, six storeys including set-back penthouse level over basement parking, 33 number apartments (four number one-bed (55.5 square metres), 19 number two-bed (86-101 square metres), 10 number three-bed (101-121 square metres)); Block C, five storeys over podium with parking underneath, 35 number apartments (six number one-bed (60-61 square metres), 19 number two-bed (84-99 square metres), 10 number three-bed (107-123 square metres)); Block D, part five, part six storeys including set-back penthouse level, part over podium with parking underneath, 29 number apartments (five number one-bed (55.1-64 square metres), 15

number two-bed (84-99 square metres), nine number three-bed (108-163 square metres, four of these are duplex units)). Permission will also include all associated site development works above and below ground, including boundary treatment, hard and soft landscaping including permeable surfaces and play areas and all private and public open spaces; provision for 196 number basement parking spaces, nine number surface parking spaces and 178 number bicycle spaces, bin storage and ESB sub-station; the upgrading of existing entrance on Kilmacud Road Upper and provision of foul, surface water and water services on site with connections to existing ones, all on 1.23 hectare site at 'Green Acres Convent', Kilmacud Road Upper, Dublin.

DECISION

REFUSE permission for the above proposed development based on 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

1. The proposed development is located in an area zoned "to provide for and/or improve residential amenity" in the Dún Laoghaire/Rathdown County Development Plan 2016 to 2022. It is considered that the height of the proposal, increased by placement over a parking area, together with proximity of windows and balconies to nearby boundaries would give rise to overbearing and overlooking of those properties, particularly to the east, and would, therefore, seriously injure the amenities of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.

2. Having regard to the limited separation distances between the proposed apartment blocks, and their relationship with the proposed shared open space, together with the monolithic aspect of the area facing to the open space and walkway at the eastern side of the development, it is considered that the proposed development would provide a poor standard residential amenity and would, therefore, seriously injure the residential amenities of future residents.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.