# An Bord Pleanála



#### PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

# **Dún Laoghaire-Rathdown County**

Planning Register Reference Number: D15A/0618

An Bord Pleanála Reference Number: PL 06D.246225

**APPEAL** by Dwyer Nolan Developments Limited care of Fenton Associates of Unit 3, The Seapoint Building, 44-45 Clontarf Road, Dublin against the decision made on the 8<sup>th</sup> day of February, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The completion of Block E within an overall permitted development. Block E has been completed to date to second floor level in accordance with planning permission reference D03A/0411. The proposed development consists of (i) the completion of Block E, including fenestration and internal works to ground, first and second floors, (ii) completion of the third floor and roof to accommodate 14 number previously approved apartments, (iii) an increase in balcony sizes, (iv) provision of external storage to the apartments, and (v) all site development works and open space in accordance with original permission, all at Elmfield on Ballyogan Road, Dublin.

#### **DECISION**

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

## **REASONS AND CONSIDERATIONS**

Having regard to the zoning objective for the area, as set out in the Dun Laoghaire-Rathdown Development Plan 2016-2022, to the established pattern of development in the area, the location of the site adjacent to the Luas line, the nature, scale and design of the proposed development, and the amendments to the original layout to address the storage requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in 2015, it is considered that the attachment of condition number 2 would be unwarranted in the interests of the proper planning and sustainable development of the area.

### **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.

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

Dated this day of 2016.

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