

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## South Dublin County

**Planning Register Reference Number: SD16A/0042**

An Bord Pleanála Reference Number: PL 06S.246498

**APPEAL** by Foxrock Motor Company Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 5<sup>th</sup> day of April, 2016 by South Dublin County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Change of use of nine square metres of floor area from retail ancillary use to retail use and a change of use of 4.8 square metres of floor area from retail use to retail use with ancillary off-licence use at Texaco Rathfarnham service station, Rathfarnham Road, 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**

The proposed development is located adjacent to an area (Rathfarnham Village) which is zoned 'VC' in the South Dublin County Development Plan 2016 – 2022 with a zoning objective 'to protect, improve and provide for the future development of village centres. Furthermore, it is the stated policy of the planning authority to strengthen the commercial viability of traditional villages of the County (Development Plan Policy UC 3 refers). The proposed development would increase the retail floor area associated with the petrol station in excess of the 100 square metres cap recommended in the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012. It is considered that the developer has not satisfactorily demonstrated that the proposed development would not negatively impact on the commercial viability of Rathfarnham Village. Accordingly, it is considered that the proposed development would contravene Development Plan Policy UC 3 and would be contrary to the said Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the requirements of the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012, particularly in respect of the 100 square metres cap on retail floorspace within petrol stations and concurred with the analysis by the planning authority in respect of the failure of the developer to demonstrate that the proposed development would not negatively impact on the adjoining District Centre.

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

**Dated this                    day of                    2016.**