

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Dun Laoghaire-Rathdown County

**Planning Register Reference Number: D16A/0082**

An Bord Pleanála Reference Number: PL 06D.247612

**APPEAL** by Badgers Glen Protection Group and others care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 25<sup>th</sup> day of October, 2016 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to LDB Developments Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin.

**PROPOSED DEVELOPMENT:** Development consisting of the removal of the existing car wash, sheds, workshop and existing associated structures; the closure of the two number existing vehicular entrances from Braemor Road; the construction of a four-storey over basement level nursing home consisting of 101 number bedrooms, with associated ancillary/common facilities, office/administration areas; elevational signage and green roof; the provision of a new vehicular and pedestrian access onto Landscape Road, basement level car parking (18 number car parking spaces), ancillary bin storage, 27 number bicycle spaces (19 number at basement level and eight number at ground level), associated plant areas at roof level, all associated site development, engineering, landscaping works and boundary treatments. The subject site is bounded by Braemor Road to the north, Landscape Road to the east and open space known as 'Badger's Glen' to the south and west, all at 149 Braemor Road, Churchtown, 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. It is considered that, by reason of its scale, height, mass and bulk, the extent of site coverage and the proximity of the building to boundaries, and by reason of the inadequate provision made for servicing and for car parking for staff, clients and visitors in a location that is remote from high capacity public transportation, the proposed development would represent significant overdevelopment of the subject site, would seriously injure the visual amenities of the area, and would be inconsistent with the pattern of development in the vicinity, notwithstanding the brownfield nature of the majority of the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would be premature by reason of deficiencies in the existing foul sewage system upon which it relies and the time within which the constraints involved may reasonably be expected to cease. Furthermore, it is considered that the proposed arrangements put forward as part of the application to deal with these constraints and deficiencies would be unacceptable and prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the fact that a significant portion of the subject site is located on lands zoned "F" in the current Development Plan for the

area, where the objective is “to preserve and provide for open spaces with ancillary active recreational amenities”, and having regard to the fact that significant engineering structures and facilities servicing the proposed development are proposed to be located within this area, it is considered that the proposed development would materially contravene the zoning objective set out in the Development Plan, and therefore would 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 did not share the inspector's analysis of the issues raised, and in particular noted that the apartment block previously permitted on this site in 2007 was of significantly less mass and bulk, and involved a smaller site coverage, than the proposed development, and therefore did not accept the Inspector's opinion that this represented an appropriate precedent that would justify the proposed development, particularly since public transportation provision had materially changed in the interim. In addition, the Board was not convinced by the analysis of traffic generation and parking provision, and noted that such provision was not considered acceptable by the planning authority's transportation division. The Board also considered that the issues raised regarding the deficiencies in the foul sewage system serving the development had not been addressed, and was concerned about the proposed options put forward by the applicant, all of which it considered were unacceptable and did not adequately overcome the third reason for refusal cited by the planning authority in its refusal for a similar development on this site under planning authority register reference number D14A/0811.

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

**Dated this                      day of                      2017.**