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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D17A/0747**

**APPEAL** by Helen and Neil McCarthy care of Mike Freaney Architect of 17 Nutgrove Park, Clonskeagh, Dublin against the decision made on the 18<sup>th</sup> day of December, 2017 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Anne O'Dwyer and Declan Taite as Receivers over Certain Assets of the Model Investment Partnership (in receivership) care of McGill Planning of First Floor, 7 Fitzwilliam Street Upper, Dublin.

**Proposed Development:** Development comprising modifications to permission granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL 06D.242786) (also subject to concurrent modification application planning register reference number D17A/0513 on the remainder of lands) as follows: demolition of 6 Taney Road (two-storey, four-bedroom, semi-detached house, circa 170 square metres) and construction of a three-storey, five-bedroom, detached house plus two-bedroom granny flat (circa 302 square metres); revision to permitted redesign of 8 Taney Road from two-storey, four-bedroom, semi-detached house (circa 216 square metres) to three-storey, five-bedroom, detached house (circa 236 square metres). Revision to two permitted House Type E (two-storey, four-bedroom,

detached houses each circa 126 square metres) to one number House Type E1 (three-storey, four-bedroom, detached house circa 148 square metres) and one number House Type D1 (three-storey, four-bedroom, detached house, circa 143 square metres); revised design to two number permitted House Type D units (three-storey, four-bedroom, detached houses, circa 132 square metres) to one number House Type D1 and one number House Type D2 (each three-storey, four bedroom, detached houses, circa 143 square metres); provision of two number additional houses comprising House Type D1 and D2 units (three-storey, four-bedroom, detached houses, circa 143 square metres each); all associated site development works, services provision (including ESB cabinet), access, car parking, open space and boundary treatment works; all other works as permitted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL 06D.242786); at a site circa 0.315 hectares comprising numbers 6 and 8 Taney Road and a portion of Former Taney Nurseries, Taney Road, Dundrum, Dublin.

## **Decision**

**REFUSE permission for the above proposed development in accordance with 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**

Having regard to this application, which is described as a modification of a permission previously granted under planning register reference number D13A/0490 (An Bord Pleanála reference number PL 06D.242786, to the proposed density of 25 dwellings per hectare, to the urban nature and proximity of the site to the amenities and public transportation services such as Luas and Dublin Bus, it is considered that such low density would be contrary to 'Policy RES3' as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and would be contrary to the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)" issued by the Department of the Environment, Heritage & Local Government in 2009. 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 had concerns relating to the low density proposed as well as the uncoordinated approach to development of these two neighbouring sites.

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

**Dated this            day of            2018.**