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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0034**

**APPEAL** by Ark Vetcare care of Edward Fitzgerald Selby, Architect of 32 Butterfield Grove, Rathfarnham, Dublin against the decision made on the 7<sup>th</sup> day of March, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development** The provision of a 63 square metre single-storey flat-roofed storage building, with masonry rendered walls and zinc capping, to the yard to the rear of the site, the building to be for the use of the existing veterinary practice at Ark Vetcare, Kill Lane, Foxrock, 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**

The site for the proposed development is covered by zoning objective A in the Dún Laoghaire-Rathdown Development Plan 2016-2022, where the purpose of the zoning is to protect and/or improve residential amenity. Furthermore, this area was specifically identified as providing private open space, in the form of residential courtyards, for the two adjoining apartments, under planning register reference number D04A/1307. Having regard to its close proximity to adjacent residential properties, including these apartments, it is considered that the proposed commercial/veterinary storage building would result in overdevelopment of the site, would have a negative impact on the amenities of residents, and would be inconsistent with the permitted use of this site. The proposed development would, therefore, seriously injure the residential amenities of adjoining property, and 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 had regard to the planning history of the site and was satisfied that the area proposed for the store was unambiguously designated as amenity space for the adjoining apartments under the relevant planning permission for these apartments, and did not consider it appropriate that such an area, notwithstanding the non-compliance with the original planning permission, should be used for any other purpose. The Board was also satisfied that the provision of commercially related storage, whether as proposed or as reduced in scale as suggested by the Inspector, would seriously injure the residential amenities of the residents of the apartments and surrounding residential properties. Furthermore, the Board was not convinced that the remaining balconies, having regard to the planning history of the subject lands, was adequate to provide the sole private open space for these apartments, as suggested by the applicant.

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

**Dated this            day of            2018.**