



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0378

Appeal by Geotechnical Investigations Limited care of MDG-AT of Belgrave Building, Unit W4-D1 Ladytown Business Park, Naas, County Kildare against the decision made on the 20th day of March, 2018 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development consisting of 46 units as follows: (1) Block A: 10 number two-storey, three bedroom terrace houses on sites 1-10 inclusive; Block B: nine number two-storey, three bedroom terrace houses on sites 15-23 inclusive; Block C: eight number two-storey, three bedroom terrace houses on sites 24-31 inclusive; Block D: seven number two-storey, three bedroom terrace houses on sites 36-42 inclusive; Block E: four number two-storey, three bedroom terrace houses on sites 43-46 inclusive. All three bedroom terrace houses above have optional attic accommodation. (2) eight apartment units in four two-storey blocks identified as Block F and Block G on sites 11-14 inclusive and sites 32-35 inclusive. The blocks consist of one number three bedroom apartment at ground and first floor level and one number two bedroom apartment unit at ground floor level. The apartment units include four elderly housing units. (3) Landscaping, parklands open space, car parking, street works, junction works onto existing permitted access road,

outfall drains, boundary treatments and all associated site development works at Newcastle, County Dublin.

Decision

Having regard to the nature of the conditions 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 ATTACH conditions numbers 2(e), 2(f), 7, 10 and 31 and the reasons therefor, to REMOVE conditions numbers 2(a), 5 and 24 and the reasons therefor, and to AMEND conditions numbers 2(b), 2(c), 2(d) and 4 so that they shall be as follows for the reasons set out.

Condition 2(b)

Unit numbers 24 and 42, as shown on Site Layout Plan 002A1 submitted to the planning authority on the 22nd day of February 2018, shall be omitted.

Condition 2(c)

Unit numbers 1, 23, 25, 41, as shown on Site Layout Plan 002A1 submitted to the planning authority on the 22nd day of February 2018, shall be redesigned to incorporate dual frontage, with the main elevation facing the eastern boundary. A door and windows shall be provided at ground floor level which addresses the eastern boundary and associated open strip. The redesign shall include a privacy strip extending from the side elevation of the units, inclusive of a boundary treatment with a maximum height of 1.2 metres to the side of the front of the building line of each unit.

Condition 2(d)

A pedestrian footpath shall be designed and located immediately west of the eastern burgage hedge running between Street 1 and Street 4 as shown on Site Layout Plan 002A1 submitted to the planning authority on the 22nd day of February 2018.

Revised plans illustrating these amendments in Conditions numbers 2 (b), (c) and (d), including details of the privacy strip, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

Condition 4

A revised site layout showing the location of bicycle storage shall be provided in accordance with the South Dublin County Council Development Plan 2016-22.

Reason: In the interest of traffic safety.

Reasons and Considerations

- (a) Having regard to the framework plan set down under the Newcastle Local Area Plan, and the natural features in the area, the amendment of conditions numbers 2(b), 2(c), and 2(d) and the retention of condition number 2(f), would be in accordance with the proper planning and sustainable development of the area.

- (b) The provision of a pedestrian linkage from north to south as proposed under condition number 2(d) would enhance the quality of the residential development proposed, would not conflict with the objectives of the Newcastle Local Area Plan 2012 and would be in accordance with the proper planning and sustainable development of the area.
- (c) Having regard to framework plan set out under the Newcastle Local Area Plan 2012, it is considered that Block E provides an unsatisfactory design arrangement in relation to the adjoining open spaces and streets.
- (d) The overall design, scale and layout of the proposed development would be acceptable in the context of the visual amenities of the area and the residential amenities of future residents. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.
- (e) The provision of a bond to ensure protection of trees and hedgerow to be retained on site during construction of the project is reasonable and would be in accordance with the proper planning and sustainable development of the area.
- (f) Adequate information is available to assess the application in relation to traffic impact.
- (g) The inclusion of charging points for electrical vehicles is consistent with the proper planning and sustainable development of the area.
- (h) In the context of the South Dublin County Council Development Plan 2016-22, the retention of condition number 10, and the removal of conditions 2(a) and 24 is considered to be in accordance with national policy, with the development plan and with 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.

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

Dated this day of 2018.