



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0265

APPEAL by Saint Anne's Kilmacud SPV Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 22nd day of May, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Demolition of existing two-storey buildings on site and the construction of 30 number apartments, including 12 number one-bedroom, 12 number two-bedroom and six number three-bedroom, with associated surface car parking provision. The development will utilise the existing vehicular and pedestrian access. All with associated landscaping, boundary treatments, foul and surface water services, site works and development works at Saint Anne's Convent, Kilmacud Road Upper, Kilmacud, Stillorgan, County 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

1. Notwithstanding the residential zoning designation of the site, which is located on a major transport corridor within 200 metres of a bus stop along a Quality Bus Corridor and within one kilometre of a Luas station, it is considered that the proposed density of the scheme would be excessive in the context of adjoining established development at Whately Place and Marsham Court, and would, therefore, represent overdevelopment of a restricted infill site. Furthermore, by reason of its design, scale, bulk, height, and proximity to the site boundaries, it is considered that the proposed apartment block would result in an abrupt transition in scale relative to the receiving environment, would be out of character with the existing urban landscape in the vicinity, and would seriously injure the residential amenities of adjoining properties through undue levels of overlooking, overshadowing and overbearing impact. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 that residential development is provided with adequate open space in the interest of residential amenity. This policy is considered to be reasonable. The proposed development is deficient in the quantum, location and quality of communal open space, and would, therefore, conflict with the provisions of the Development Plan, and would offer a poor standard of residential amenity in terms of quality open space provision for the future residents of the proposed apartments. The proposed development would, therefore, would be contrary to the proper planning and sustainable development of the area.

Philip Jones

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

Dated this day of 2019.