



An
Bord
Pleanála

Board Order

ABP-304063-19

Planning and Development Acts 2000 to 2018

Planning Authority: Dun Laoghaire-Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26th day of March 2019 by Foster Stack Limited care of Simon Clear and Associates, 3 Terenure Road West, Terenure, Dublin 6W.

Proposed Development:

A permission for a 'Build-to-Rent' strategic housing development at 24, 26 and 28 Foster's Avenue, Mount Merrion, Blackrock, Co. Dublin, on a site of circa 0.6068 hectares.

The development will consist of:

- Demolition of the existing buildings on site consisting of vacant industrial buildings and a two-storey residential dwelling 'Sunnyside';
- Construction of a part four-storey and part five-storey over basement apartment development with a setback at fourth floor;
- The development will have a total of 123 number residential units, consisting of 53 number one-bed units and 70 number two-bed units with associated balconies;
- Basement level car parking for 71 number cars, 10 number motorcycles and 244 number bicycles;

- A further two number car parking spaces will be provided at ground level for visitors and 32 number additional bicycle spaces will also be provided at ground level (22 number internally and 10 number externally);
- Provision of communal facilities including a cinema and laundry facilities in the basement, a lobby, communal amenity area and gym on the ground floor, an amenity room on the fourth floor along with three guest bedrooms located on the second, third and fourth floors;
- Vehicular and pedestrian entrances from Foster's Avenue;
- Bin stores, landscaping, boundary treatments and all associated site works and services.

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. Having regard to the design, scale, bulk and height of the development, to its proximity to site boundaries and to the proposed removal of trees at the development site, it is considered that the proposed scheme would be overbearing when viewed from adjacent residential properties and would seriously injure the residential amenities of adjoining properties through undue

levels of overlooking, overshadowing and noise impacts. In addition, the development would have an adverse visual impact on Fosters Avenue due to its bulk and scale in close proximity to the road in advance of the established building line to the west of the site, and to the extensive nature of the façade at the road frontage. The proposed development would be contrary the National Planning Framework and Ministerial Guidelines, which promote innovative and qualitative design solutions and would seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Bat Survey Report indicates that there are three bat species present at the development site, that is the Soprano Pipistrelle, Common Pipistrelle and Leisler's Bat, which are all protected under the European Communities (Birds and Natural Habitats) Regulations 2011 and the Wildlife Act 1976 (as amended). It is considered that the proposed development would have a significant adverse impact on the bat species present at the site due to the removal of existing trees that provide connectivity and foraging habitat and to potential light spillage from the apartment building and the public lighting serving the development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019