



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2010/19

APPEAL by Mary O'Connell of 17 Oaklands Drive, Rathgar, Dublin and by Others against the decision made on the 26th day of July, 2019 by Dublin City Council to grant subject to conditions a permission to Crekav Trading GP Limited care of Marlet Property Group Limited of 8-9 Hanover Street East, Dublin.

Proposed Development: Demolition and removal of the existing derelict glass greenhouses and related structures (circa 4,450 square metres) on site with the existing 1.5 storey, three bedroom dwelling at 28A Highfield Grove to be retained and included as part of the proposal; the partial demolition of existing site boundaries to provide for a new pedestrian access and entrance gate on the north-west boundary of the site within the curtilage of the property at 28A Highfield Grove (and the creation of new boundary to this property) with vehicular access maintained off Oaklands Crescent and Saint Luke's Hospital service road to the west; the construction of 14 number new dwellings comprising: two number Type A (three-storey, four bedroom) end of terrace dwellings, two number Type B (three-storey, four bedroom) end of terrace dwellings, four number Type B (three-storey, four bedroom) terraced dwellings, two number Type C (three-storey, four bedroom) detached

dwellings, two number Type E (three-storey, four bedroom) semi-detached dwellings, one number Type F (three-storey, four bedroom) detached dwelling and one number Type G (two-storey, three bedroom) detached dwelling, all with in curtilage car parking; provision of public open space (totalling circa 509 square metres); and all other site development works and site services above and below the ground required to facilitate the proposed development including visitor car parking, bike parking, bin storage, incidental open space, boundary treatments, landscaping and surface water attenuation facilities required to facilitate the proposed development on a site of circa 0.69 hectares, incorporating former Highfield plant nursery located off Highfield Grove, Oaklands Crescent Road and Saint Luke's Hospital service road together with the existing "Primrose Lodge" property at 28A Highfield Grove, all accessed off Highfield Road, Rathgar, Dublin. The site is bounded by the rear gardens of Saint Kevin's Park to the south, Highfield Grove and Four Oaks to the north, Sunbury Park to the east and Saint Luke's Hospital to the west, Rathgar, 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. On the basis of the information submitted with the planning application and appeal, it was noted that the proposed development would be reliant on works to provide access arrangements which are outside of the appeal site (red line) boundary. The Board considered that the proposed development would endanger public safety by reason of traffic hazard as it has not been demonstrated that safe access to the proposed development would be provided.
2. Having regard to the location of the site within easy walking distance of high-quality transport in an existing fully serviced area, the Board considered that the proposed development with a density of 22 units per hectare and the preponderance of four-bed house types, would not provide for an acceptable efficiency in serviceable land usage and that therefore the density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government in May 2009, as they relate to cities and towns. The proposed development would, therefore, be contrary to these Ministerial Guidelines and 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 considered that safe access to the site had not been adequately demonstrated in the information submitted, and that the proposed low density and lack of housing mix would be unacceptable in terms of efficient land use on a serviced site near high quality public transport, and considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019