



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0421

APPEAL by Sirio Logistic Services Limited care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 22nd day of August, 2019 by South Dublin County Council to refuse permission to the said Sirio Logistic Services Limited.

Proposed Development Construction of a 2,494 square metres residential development consisting of twenty-four apartments in two number four-storey buildings; Block A with eight number apartments and the combined Blocks B and C with 16 number apartments with 24 number parking spaces and 20 number bicycle spaces and landscaped courtyards at the former Esso filling station, Nutgrove Avenue, Rathfarnham, 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. Having regard to the design and scale of the proposed development including the use of balconies, to the proximity of the development to the southern site boundary and to residential development in Stonepark Orchard, in particular Numbers 17 and 18 and the single storey dwelling to the east of these properties, it is considered that the proposed development would have a significant negative impact on the residential amenity of these properties by reason of overlooking of private amenity areas and rear elevations and overbearing visual impact and visual intrusion. The proposed development would, therefore, seriously injure the residential amenities, be contrary to the 'RES' zoning objective of the site and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed four-storey development is considered to be unacceptable as the applicant has failed to demonstrate due regard to the prevailing building height in the surrounding area, the proximity of existing housing, or the formation of a cohesive streetscape pattern, and it is considered that the proposed development does not integrate well with the surrounding area for these reasons. Furthermore, no transition of height is provided at this site, which is surrounded by two-storey suburban development. The proposed development would, therefore, fail to comply with the performance criteria at the scale of the district/neighbourhood that are set out in Section 3 of the “Urban Development and Building Heights Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in December, 2018, particularly in relation to the development making a positive contribution to the urban neighbourhood and streetscape. It is considered that the proposed development would seriously injure the visual amenities of the area, would be contrary to Ministerial guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed extensive use of brick finish, lack of fenestration particularly in the east facing elevation of Block B, and the extent of the staggered building line to Nutgrove Avenue is such that the proposed development would have a bulky and visually incongruous appearance when viewed from Nutgrove Avenue. The proposed development would, therefore, have a significant negative impact on the streetscape and visual amenity of the area and would be contrary to the proper planning and sustainable development of the area.

4. The proposed development features ground floor terraces and above ground floor balconies in Blocks A and B which are located such that they would encroach on the seven-metre wayleave around the diverted surface water sewer that is proposed to run through the site. This sewer is of 1.05 metres in diameter and the extent of wayleave identified is considered appropriate. The proposed development would, therefore, be contrary to the requirements of Irish Water and the Water Services Section of the local authority, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020.