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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0138**

**APPEAL** by David and Anne Kennedy of Mandalay, Friarstown, Bohernabreena, Dublin against the decision made on the 14<sup>th</sup> day of January, 2020 by South Dublin County Council to grant subject to conditions a permission to Capami Limited care of Delphi Design Architects and Planning Consultants of Unit 13, The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin.

**Proposed Development:** Residential development of 52 number dwellings on a site measuring 2.66 hectares, located east of Bohernabreena Road and south of Oldcourt Road, and within the lands designated for the Ballycullen-Oldcourt Local Area Plan 2014 (as amended) comprising: one number three-storey, four bed detached house; one number two-storey, three bed detached house; 32 number two and three-storey three and four bed, semi-detached houses; and 18 number one and two bed apartment units in one number three-storey apartment block. Access to the proposed development will be via the previously permitted Main Link Street for the Ballycullen-Oldcourt Local Area Plan (under Register Reference number SD17A/0041 and PL06S.249367), which includes permitted access off Bohernabreena Road. The proposed development also includes for all associated site development works; car parking; open spaces; landscaping at site east of Bohernabreena

Road and south of Oldcourt Road, Bohernabreena, Dublin as amended by the revised public notices received by the planning authority on the 9<sup>th</sup> day of September 2019.

## **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**

Having regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009 and the Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 in relation to housing density in outer suburban/greenfield sites in cities and larger towns, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, given the site location on zoned land and in an area that has been earmarked for residential development in both the South Dublin County Council Development Plan, 2016-2022 and the Ballycullen–Oldcourt Local Area Plan, 2014 and noting that the density of the proposed development is at the lower end of the density range as set out within the stated Local Area Plan.

It is considered that the density proposed would be contrary to the 2009 Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency and contrary also to the 2018 Ministerial Guidelines which affirm under Specific Planning Policy Requirement 4, that the minimum densities for greenfield or edge of city locations set out in the 2009 Ministerial Guidelines must be secured. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this            day of            2020**