

# Board Order ABP-307506-20

## Planning and Development Acts 2000 to 2019

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 8<sup>th</sup> day of July 2020 by Heronvale Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin 2.

## **Proposed Development comprises of the following:**

A development with a total gross floor area of circa 16,394 square metres will consist of the provision of 130 number residential units (Phase 1) comprising

- (a) 55 number three storey houses comprising:
  - 14 number five-bedroom units,
  - 25 number four-bedroom units,
  - 11 number three-bedroom units.
  - 5 number two-bedroom units,
- (b) 75 number apartments (consisting of 15 number corner units arranged in five number three storey blocks and 60 number units arranged in four number four storey blocks) comprising:
  - 47 number two-bedroom units,
  - 28 number one-bedroom units,

including all private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels for each apartment block. a new public park and related play areas),

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- (c) Surface car parking (204 number spaces in total); car club spaces; 158 number cycle parking spaces (long and short stay spaces including secure stands); motorcycle parking; storage areas; internal roads and pathways including a part-temporary pedestrian and cycle link to Glenamuck Road; pedestrian access points including all pedestrian, cycle and vehicular connection points to adjoining lands,
- (d) Hard and soft landscaping and boundary treatments; changes in level; piped infrastructural services and connections; plant; electric vehicle charging points; Electricity Supply Board substation; revised entrances and tie-in arrangements to adjoining roads; waste management provision; solar panels; green roofs; attenuation tank and related Sustainable Urban Drainage Systems (SuDs) measures; signage; public lighting; temporary access arrangements during the construction process and all site development and excavation works above and below ground.
- (e) Vehicular access to the site will be from Enniskerry Road. No works are proposed to Shaldon Grange, which is an adjoining Protected Structure, as part of this application all located at a total application site area of circa 3.32 hectares (with a substantive residential site development area of 2.96 hectares), on lands located off Enniskerry Road (R117), Kilternan, Dublin 18, principally bounded by existing undeveloped lands to the north and east; the adjoining Shaldon Grange residential property and associated lands (Protected Structure) to the south and Enniskerry Road to the west. The application site also includes limited frontage to Glenamuck Road to the southeast.

## **Decision**

Refuse permission for the above proposed development based on the reasons and considerations set out below.

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#### **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 conclusion of the Planning Inspector and the planning authority that the proposed development is in material contravention of the Kilternan – Glenamuck Local Area Plan 2013 (2023) (in terms of its phasing plan, which allows for 700 units for Phase 1) and that the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with by the applicant, the Board considers that it is precluded from and would not have jurisdiction to consider whether to grant permission in the absence of those statutory requirements being met.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was satisfied that it would not have jurisdiction to determine an application which is in Material Contravention of the Kilternan – Glenamuck Local Area Plan 2013 (2023) if the statutory requirements relating to public notices and a Material Contravention Statement had not been complied with.

Paul Hyde

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

Dated this day of 2020

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