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## **Planning and Development Acts 2000 to 2020**

### **Planning Authority: South Dublin 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 26<sup>th</sup> day of November 2020 by McCabe Durney Barnes Limited care of McCabe Durney Barnes Limited of 20 Fitzwilliam Place, Dublin.

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

- 131 number residential units including:
  - 21 number houses (11 number four-bed; 10 number five-bed) of up to two-storey plus roof storey.
  - 51 number duplex apartment units (11 number one-bed; 23 number two-bed; 17 number three-bed) in seven blocks of up to three-storeys.
  - 59 number apartment units (18 number one-bed; 38 number two-bed; three number three-bed) in three apartment blocks up to four-storeys.
- A creche of circa 128 square metres at the ground floor of Block L.
- A shop of circa 65 square metres at the ground floor of Block G, with associated storage.
- A total of 167 number car parking spaces, of which:
  - 88 number are at surface level and 79 number in the basement under apartment Blocks F and G.
  - Five number are dedicated visitor parking spaces.

- A total of 288 number bicycle parking spaces and five number motorcycle spaces.
- A new vehicular access onto Stocking Lane.
- A new vehicular and pedestrian and cycle access to the Springvale estate to the east.
- New roads, footpaths and bicycle paths and connections within the site
- A new pedestrian crossing on Stocking Lane to the north west.
- The expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west.

The development also includes landscaped private and public open space, boundary treatment, lighting, play area, an Electricity Supply Board substation, site drainage works and all ancillary site development works above and below ground all located at Stocking Lane, Dublin 16.

## **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**

Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.

Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

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

**Dated this          day of                                  2021**