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## Planning and Development Acts 2000 to 2020

### Planning Authority: Dún Laoghaire-Rathdown County Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16<sup>th</sup> day of April 2021 by Blathus Limited care of Ian Doyle of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford.

**Proposed Development comprises of the following:**

Demolition of existing dwelling on site and permission for a mixed use development consisting of:

- 143 number residential units, including four number live work units (Block A - 34 number units, Block B - 27 number units, Block C - 48 number units, Block D - 34 number units);
- Communal Room (36 square metres);
- Hot Desk Area (36 square metres);
- Commercial Unit (42 square metres);
- Two number office units (Office 1 - 48 square metre, Office 2 – 97 square metre);
- Coffee Shop (42 square metre);
- Gym (115 square metre);
- Community Room (36 square metres) and

- Crèche (200 square metres);
- Together with 166 number Car Parking Spaces (9 number surface spaces and 157 number basement spaces inclusive of 5 number disabled spaces and 5 number car share), raised pedestrian board walk, landscaping and tree planting and all associated works all located at Lambs Cross, Sandyford Road, Dublin 18.

## **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.

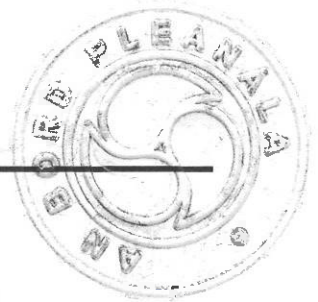
## Reasons and Considerations

1. The Board is not satisfied that a comprehensive evaluation of the impact of the proposed development including the construction of a basement level and potential dewatering of the ponds in Gorse Hill has been provided. There are concerns that the proposed development would adversely impact on the hydrology and hydrogeology of the four number ponds in the Gorse Hill area with potential negative consequences for smooth newt. It is also considered that the developer has not adequately demonstrated that the proposed development, which includes a boardwalk through Fitzsimons Wood proposed National Heritage Area would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the Green County Strategy in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 to protect and preserve areas designated as proposed Natural Heritage Areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by virtue of the scale, bulk and design of the blocks, the poor quality open space provision, undue overshadowing of the adjacent Whinsfield residential development and poor quality elevational treatments, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, and to Policy UD6: Building Height Strategy, Policy RES 3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dún Laoghaire-Rathdown Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development materially contravenes Policy UD6: Building Height Strategy of the Dún Laoghaire-Rathdown Development Plan 2016-2022. The statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the developer. Accordingly, the Board is precluded from granting permission in circumstance where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

  
Michelle Fagan

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



Dated this 5<sup>th</sup> day of August 2021