

An
Bord
Pleanála

Board Order ABP-311809-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0717

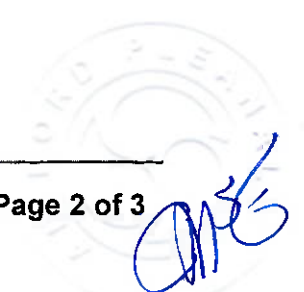
Appeal by Ultra Dawn Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 5th day of October, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Works on Ballyogan Road comprising amendments to existing road markings including the removal of the existing hatching to provide a new right turn storage area, removal of the existing three-way road marking and replacement with a new bifurcation arrow and new two-way road markings. The proposed development will principally include the demolition of the existing single storey commercial unit and associated outbuildings at Number 133 Ballyogan Road and the existing single storey dwelling at Number 152 Ballyogan Road (totalling 1,350 square metres) and the construction of a Build-to-Rent residential development comprising 78 number units (39 number one-bedroom units and 39 number two-bedroom units) provided in two number blocks and principally ranging in height from part one number to part five number storeys, with pop-up six number storey element fronting Ballyogan Road. The proposed development has a total gross floor area of 6,809 square metres.

The proposed development also includes communal amenity space at ground floor level of Block B including a lobby and reception area (49 square metres), a gym (52 square metres), a function room (35 square metres), a lounge (69 square metres) and a cinema room (33 square metres); external public and communal open space; 62 number car parking spaces (including two number accessible spaces); two number motorcycle parking spaces; bicycle parking; the provision of an upgraded vehicular entrance to Ballyogan Road and the closure of the remaining two number existing entrances; PV panels on the roof; plant; hard and soft landscaping; and all other associated site works above and below ground. All on a site of 0.48 hectares (4,773 square metres) at Numbers 133 and 152 Ballyogan Road, Dublin.


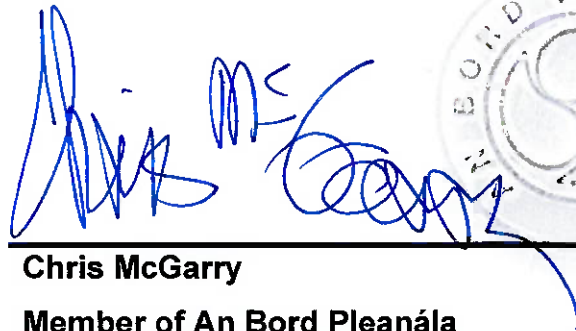
Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.



Reasons and Considerations

Having regard to the relevant provisions of the current Development Plan in relation to development proposals in areas at risk of flooding, in particular Section 5.3 of Appendix 15 (Strategic Flood Risk Assessment) which notes that for sites within flood zone C but adjoining or in close proximity to a watercourse, 'there could be a risk of flooding associated with factors such as future scenarios (climate change) or in the event of a failure of a defence, blocking of a bridge or culvert'. Having regard to the specific site characteristics and location, the Board cannot be satisfied, in the absence of adequate information relating to the factors as outlined in Appendix 15 of the current Development Plan, that there would not be a risk of flooding either onsite or upstream or downstream, nor that an analysis of such risk, and appropriate mitigating measures to address any risk are comprehensively addressed in the application and appeal. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 17th day of November 2023