

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0271

APPEAL by The Moriarty Group care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin, and by Others, against the decision made on the 23rd day of May, 2022 by South Dublin County Council to grant subject to conditions a permission to Hollyville Investments Limited care of Downey Planning of 29 Merrion Square, Dublin.

Proposed Development: Demolition of the existing building on site and the construction of a five-storey over partial basement, mixed-use development comprising a gastro pub/restaurant with off-licence, two retail units, associated bin stores, bike stores, one ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 50 apartments (25 one-beds and 25 two-beds) on the upper floors, all provided with private balconies/terraces; communal roof gardens; car parking; motorcycle parking; bicycle parking; landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works necessary to facilitate the development on lands at The Silver Granite pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at The Silver Granite car park adjoining Palmerstown Shopping

Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park), all at lands at The Silver Granite pub, Palmerstown, County Dublin.

Decision

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

Reasons and Considerations

1. The design and layout of the proposed car parking area would result in vehicles exiting the car park the wrong way onto a one-way system within the existing Palmerstown Shopping Centre car park. The car parking area would also remove an existing emergency vehicular access to the Shopping Centre from Kennelsfort Road Upper and would block access to an existing service area to the south of the Palmerstown Shopping Centre. It is considered that the design and layout of the car parking area would, therefore, negatively impact on the existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard.

2. It is considered that the of 1.8-metre-high opaque screens to serve six number single aspect east facing units (numbers 9, 10, 23, 24, 37, 38), in addition to the provision of six number single aspect north facing units (numbers 6, 7, 20, 21, 34 and 35), would result in substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding to accept the Inspector's recommendation to refuse permission, the Board concurred in part with the recommendation.

The Board concurred with the Inspector that the car parking arrangement was not satisfactorily addressed in the application, particularly the impact on the operation of the existing Palmerstown Shopping Centre and the vehicular movements proposed.

The Board also agreed with the Inspectors assessment that the residential amenity of the six east facing units would be negatively impacted by the 1.8 metre opaque balcony treatment proposed. The Board concluded that the single aspect north facing units in addition to the poor aspect from the east facing units detracted from the overall quality of the scheme proposed.

The Board did not concur with the Inspector on a number of design and layout details for the reasons and considerations that follow:

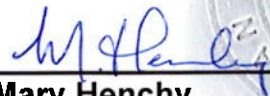
The Board, having had regard to South Dublin Development Plan, Policy H13, Objective 4 in relation to residential consolidation, considered that as this is a new build and not a proposal to provide accommodation over an existing structure the proposal was not, therefore, contrary to the Plan. The Board, noting the zoning and the location of the site, concurred with the planning authority that the mix of uses proposed is appropriate.

The Board did not consider the location of the car park at the opposite side of Kennelsfort Road Upper a reason for refusal, due to the proximity of the parking. Neither was the proximity of the private amenity space for units 11, 12, 13 and 14 considered an issue, due to the privacy strip proposed.

The Board noted the planning authority's assessment of public open space and the positive contribution being made by the proposed public realm. The Board agreed with the planning authority that at this corner site the approach to public open space is appropriate and a Section 48 contribution in lieu of open space as provided for in the development plan may be appropriate.

The Board considered in this instance the location of the Bin Store is acceptable, having regard to the report from the Environmental Health Officer, the corner site location and the limited size and access to the basement.

The Board noted Appendix 11, Section 6.7 of the development plan provides where the developer does not propose 30% three bed units, an opportunity is provided for sufficient justification to be made, this may have been given to the applicant if it was not for the substantive reasons for refusal set out above.



Mary Henchy

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

Dated this 18th day of January 2024.