

An
Bord
Pleanála

Board Order ABP- 314135-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

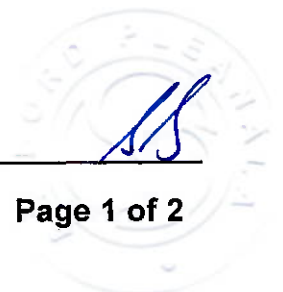
Planning Register Reference Number: D22A/0312

Appeal by Michelle and Alan Colgan care of Smith and Kennedy Architects of 9 Clarinda Park North, Dún Laoghaire, County Dublin against the decision made on the 29th day of June, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Retention is being sought for (1) the conversion/change of use of the ground floor area of the vacant retail unit to residential including alterations to the front elevation fenestration at ground and first floor levels and including removal of chimney, (2) construction of 1.83-metre-high wall on north-east boundary to support electrical supply cabinet, (3) construction of timber clad bin store with roof over on the north-east boundary and, (4) retention of double car parking bay and associated site works, all at 7 Bray Road, Loughlinstown, Dublin.

Decision



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



Reasons and Considerations

The subject site is located within the catchment of the Shanganagh River and is located in Flood Zone A and B, as identified on the Flood Zone Maps of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028. The applicant has proposed retention permission for a change of use from less vulnerable (retail) to highly vulnerable (residential) use located within a Flood Zone area and as such would not be in accordance with the requirements of Appendix 15, Sections 5.2 and Section 6.2.510, of the current Development Plan for the area, which sets out the specific policy for the Shanganagh River. The development proposed for retention is located in an area which is at risk of flooding and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the development proposed for retention, in particular the provision of bedrooms on the ground floor, located in an area which is at risk of flooding, would be contrary to the proper planning and sustainable development of the area.

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

Dated this *17th* day of *November* 2023.