



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0026

APPEAL by Delaney Property Trading Partnership care of McCutcheon Halley Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 14th day of December, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Permission for the development of a residential development comprising 42 number apartments, in a building up to five-storeys in height. The development consists of: (i) The demolition of the existing single storey dwelling located in the south-western corner of the site; (ii) the construction of a residential building with a maximum height of five-storeys comprising: 14 by one-bedroom apartments; 25 by two-bedroom apartments; three by three-bedroom apartments; (iii) communal and public amenity space (1,189 square metres) located to the rear, eastern and western portions of the site; (iv) at grade car parking is proposed in the northern portion of the site which will provide 25 number residents' car parking spaces, including one number family parking space, one number accessible space, two number shared parking spaces and four number electric car charging spaces; (v) two number motorcycle parking spaces; (vi) all associated

landscaping and tree removal works; (vii) a total of 84 number surface level bicycle parking spaces comprising 76 number long stay spaces and eight number short stay spaces; (viii) A resident waste bin storage area and (ix) All ancillary site development works necessary to facilitate the development including installation of drainage and water supply infrastructure, lighting and associated substation and switch room facilities, all at Clonlea, Glencairn, Murphystown Way, Sandyford, Dublin. The total application area of the site is 0.345 hectares. The application area includes the site (0.335 hectares - under applicant ownership) and a portion of land (0.010 hectares) beyond the boundary of ownership of the applicant, located to the north-west of the site, where a connection to existing services is proposed to be accommodated. The existing entry from Murphystown Road is proposed to be retained to facilitate access to the site. The proposed development was revised by further public notices received by the planning authority on the 17th day of November 2022.

Decision

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

Reasons and Considerations

1. The proposed access arrangements, including the proposals for additional signalisation and amended road markings on Murphystown Way, represent a significant imposition on current and likely future movements by foot, cycle, vehicle, and rail. The amendments to routes, junctions, and priorities that would result on foot of the subject proposal would represent a threat to the efficiency, convenience, and safety of users of all such modes. In particular, the impact of the proposed access arrangements on the pedestrian and cycle movements to and from the adjacent development to the northeast, the impact on Luas movements by virtue of the potential for vehicles to block the lines, and the impact on vehicular movements on Murphystown Way by virtue of the resultant reduction in the efficiency of the new signalised junction to the north, are contrary to the proper planning and sustainable development of the area. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. It would also be contrary to Policy Objective T8 of the Dún Laoghaire-Rathdown Development Plan, 2022-2028 which seeks to facilitate and support the Luas Green Line Capacity Enhancement Project to cater for the demand for Luas trips in the County in the short and medium term and also Policy Objective T9, which seeks in part to facilitate the extension of the Luas network in a manner that accords with the National Transport Authority's 'Greater Dublin Area Transport Strategy 2016-2035'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development represents an excessive loss of trees on the site and fails to respond to the opportunities for quality development, and retention of natural heritage, offered by the current extent of vegetation on site. New developments in such site-specific circumstances are required under Section 12.8.11 of the Dún Laoghaire-Rathdown Development Plan, 2022-2028, to be designed to incorporate, as far as



practicable, the amenities offered by such natural features. Additionally, Section 12.7.3 of the Development Plan which deals with the matter of sensitive site features requires all new developments of any scale to ensure that existing site features such as specimen trees, stands of mature trees are retained and that high quality new planting or other landscaping appropriate to the character of the area to be provided. It also sets out that existing significant on-site natural features must influence the layout of new development schemes. It is also a requirement under Section 12.3.7.7 Policy Objective PHP19 of the development plan which deals with the matter of infill development that new development retain the physical character of the area including features such as trees. The proposed development would, therefore, be contrary to the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.



Stewart Logan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 12th day of September 2024.