



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0812

APPEAL by Percy Nominees Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 19th day of December, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Landscaping works are proposed on lands to the east of the site (circa 0.441 Hectare) at the junction of Nutgrove Avenue and Meadow Park Avenue providing a new public park. Infrastructural works are also proposed comprising a new watermain connection to the existing six inch watermain (circa 0.001 Hectare) and a new connection to the surface water sewer (circa 0.001 Hectare), both on Nutgrove Avenue. The development site area (circa 0.602 Hectare), park and drainage works areas will provide a total application site area of circa 1.045 hectares. The proposed development will consist of: the construction of a mixed-use building comprising 91 number apartments (27 number one-bedroom units, 44 number two-bedroom units and 20 number three-bedroom units); ancillary residents amenity space (circa 181 square metres); and a café (circa 59 square metres) provided in a part two to part eight number storey block (circa 11,211 square metres Gross Floor Area). The development also proposes a vehicular access from the Nutgrove Shopping Centre car park, pedestrian/cycle accesses; the removal and

realignment of existing retail car parking spaces providing an overall reduction of 87 number retail spaces; the provision of 63 number residential car parking spaces at ground (three number) and first floor (60 number) levels; bicycle parking spaces; motorcycle parking spaces; public and communal open space; private balconies; hard and soft landscaping; boundary treatments; lighting; bin storage; substation; plant; telecommunications infrastructure at roof level including shrouds, antennas and microwave link dishes (six number antennas, all enclosed in three number shrouds and six number transmission dishes together with all associated equipment); green roof; PV panels; and all associated site works above and below ground, all on circa 1.045 Hectare site towards the north-eastern corner of the car park, Nutgrove Shopping Centre, Rathfarnham, Dublin.

Decision

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

Reasons and Considerations

1. The provision of an eight-storey building comprising a car park at ground floor and first floor levels would represent a poor interface with surrounding lands and public realm and does not accord with the principles established in the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018 for the provision of taller buildings and the criteria set out in the Building Height Strategy of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposal would, therefore, be contrary to the proper planning and orderly sustainable development of the area.

2. The proportion of dual aspect units does not meet the quality requirements set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the proposed development would, therefore, result in unsatisfactory residential amenity for future occupiers.



Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *8th* day of *April*, 2024.