



An
Bord
Pleanála

Board Order

ABP-317899-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0385

Appeal by Nicholas Jones care of Dixon McDonnell Partnership of 2-4 Merville Road, Stillorgan, County Dublin against the decision made on the 3rd day of August, 2023 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Alteration of an existing single-storey car maintenance facility (186 square metres) to include additional ground floor area (283 square metres), first floor (431 square metres), second floor (431 square metres) and third floor (253 square metres) and change of use from a car maintenance facility to a domestic and small business storage facility all at 55b Patrick Street, Dun Laoghaire, 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 subject site is zoned 'A' in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities.' The proposed development comprising a domestic and small business storage facility, is not listed within the 'Permitted in Principle' or 'Open to Consideration' uses in the 'A' zoning objective outlined in the development plan. Furthermore, while Section 13.1.5 of the aforementioned plan provides for the consideration of uses which are not specifically mentioned on a case-by-case basis in relation to the general policies in the plan and on the zoning objectives for the area in question, it is considered that the use proposed would not be compatible with the general policies in the plan, the zoning objective pertaining or the prevailing uses within the area. Therefore, it is considered that the proposed development would be contrary to the zoning objective of the site, would contravene the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and would, therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its scale, massing and design of the front elevation in particular, would seriously injure the visual amenities of the area and would be contrary to Objective PHP42 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 which seeks to encourage high quality design of all new development. Furthermore, having regard to the proximity of the proposed development to adjoining properties and in the absence of evidence to outline the likely impact of the proposed development on the residential amenity of adjoining properties, it is considered that the proposed development would have a detrimental impact by way of overshadowing and overbearing impacts and would, therefore, conflict with Policy Objective PHP20 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 which seeks to ensure the residential amenity of existing homes in the built up area on sites abutting low density residential development (less than 35 units per hectare) and where the proposed development is four storeys or more, an obvious buffer must exist from the rear garden boundary lines of existing private dwellings. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *16th* day of *May* 2024