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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: LRD23A/0214**

**APPEAL** by Westleton Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 16<sup>th</sup> day of August, 2023 by Dún Laoghaire-Rathdown County Council to refuse a permission.

**Proposed Development:** Application for a seven-year permission for a Largescale Residential Development The development will consist of the construction of an two-eight storey over basement with existing retail/commercial units to be retained at ground floor level 'build to rent' residential scheme of 165 number dwellings on a site 0.9678 hectares in size which includes the existing shopping centre.

The development contains seven number studio, 102 number one-bed, eight number two-bed three person and 48 number two-bed four person apartments. The breakdown of each block will contain the following apartments:

- Block A: comprises 113 number units (seven number studio, 74 number one-bed, 8 number two-bed three person, 24 number two-bed four person) in an eight storey block;

- Block B: comprises 16 number units (five number one-bed, 11 number two-bed four person) in an eight storey block;
- Block C: comprises 36 number units (23 number one-bed, 13 number two-bed four person) in a seven storey block; and
- Internal communal amenity space for residents is provided on the first floor (435 square metres).

The proposed development will also provide for communal amenity space of 1,643 square metres. Provision of private open space in the form of balconies or terraces is provided to all individual apartments. A community facility is also proposed 165 square metres in size.

The proposed development will provide 312 number bicycle parking spaces of which, 224 number are long term spaces provided in secure bicycle stores, 84 number are short term space for visitors - mainly distributed at surface level and four number spaces are provided for the community facility. A total of 104 number car parking spaces are provided 41 number car parking spaces are intended to serve the residential units and are located at basement level while 63 number car parking spaces are provided at surface level, 12 number surface car parking spaces will be for residential use and 51 spaces will serve existing retail located at surface level.



It is proposed to access the proposed development via the existing entrances on Cedar Road and Maples Road to the north and west of the site. The development will also provide for all associated ancillary site development infrastructure including site clearance / minor demolition works, removal of external stairs, excavation and resurfacing of car parking, removal of overhangs, the construction of foundations, public realm improvements, switch room, water tank rooms, storage room, meter room, sprinkler tank room, comms room, bin storage, bicycle stores, green roofs, hard and soft landscaping, attenuation area and all associated works and infrastructure to facilitate the development including connections to foul and water supply and surface run off, all at Balally Shopping Centre, Blackthorn Drive, Sandyford, Dublin.

## **Decision**

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

## **Reasons and Considerations**

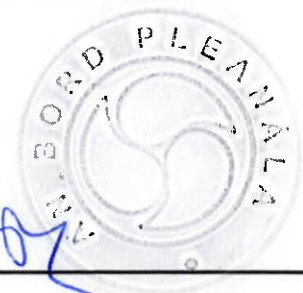
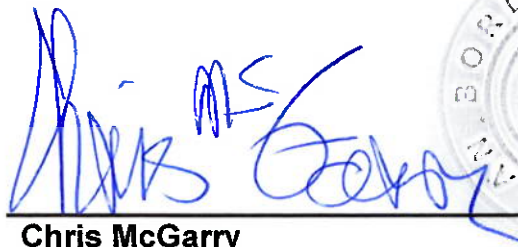
The Dún Laoghaire-Rathdown Development Plan 2022-2028 supports the development of Neighbourhood Centres as multifunctional focal points which provide a variety of uses (Policy Objectives MFC1 and RET7) and create a high-quality public realm and sense of place (Policy Objective MFC3). Policy Objective PHP42 also encourages high quality design in all new development.

Having regard to;

- (a) the domination of the site perimeter and edges with surface parking and vehicular access arrangements; the lack of active street frontage around the site perimeter and along the main pedestrian routes through the site;

- (b) the absence of any public open space on site and the proposed location of all communal open space at roof/podium level, where the main space would not be appropriately accessible to all residents and the smaller spaces would be significantly enclosed and/or overshadowed; and
- (c) the substandard level of amenity for some apartments by reason of inadequate sunlight levels and the substandard outlook/access arrangements for some apartments at the lower levels of Blocks B and C;

it is considered that the proposed development, would not positively contribute to the public realm or place-making at the scale of the neighbourhood/street, would not provide coordinated development that would support the viability and vitality of the neighbourhood centre, and would not provide a suitable level of amenity for the prospective residents and other users of the neighbourhood centre. The proposed development would be contrary to the aforementioned development plan policy objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 15<sup>th</sup> day of December 2023.