

An
Bord
Pleanála

Board Order ABP-318476-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0412

Appeal by Dublin Simon Community care of Downey Chartered Town Planners of 29 Merrion Square, Dublin against the decision made on the 23rd day of October, 2023 by South Dublin County Council to refuse permission.

Proposed Development: Social housing development consisting of 10 one-bed units in a two- to three-storey apartment building, associated car parking and bicycle parking, bin store, water pump house, new vehicular access onto Old Nangor Road, new pedestrian access onto Old Nangor Road, landscaping, boundary treatments, public lighting and all associated site and engineering works, all on lands at Old Nangor Road, Clondalkin, Dublin.

Decision

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

Reasons and Considerations



The proposal to build over an existing culvert and the absence of a set-back would contravene Policy IE3 Objective 2 of the South Dublin County Development Plan 2022-2028, would be prejudicial to public health, and would give rise to a risk of localised flooding as a result of blockage and inadequate maintenance access.

Furthermore, the replacement of the existing culvert with three concrete pipes would exacerbate the risk of blockage and localised flooding which would be contrary to the proper planning and sustainable development of the area and would contravene the South Dublin County Development Plan 2022-2028. The proposed development 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 noted that the planning authority's reason for refusal was primarily the risk of localised flooding because of blockage and inadequate maintenance access to the proposed culvert; this the planning authority concluded would be prejudicial to public health.

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The planning authority's reason for refusal references the South Dublin County Development Plan Policy IE3 Objective 2. This objective is "to maintain and enhance surface water drainage systems in the County", this objective goes on to reference Section 4.2.2 of the development plan which includes Policy GI3 (Sustainable Water Management). The Board noted the detail submitted at appeal stage but concluded that the applicant had not demonstrated that the issues raised by the planning authority had been addressed. The Board did not concur with the Inspector that, on balance, having regard to the constraints of the site and other policies in the development plan regarding regeneration, the proposed site layout is appropriate, specifically the proposed building over the culvert. The Board concluded that an alternative design and layout that is not prejudicial to public health and which maintains and enhances the surface water drainage system should be explored. The development, as proposed, does not accord with the proper planning and sustainable development of the area.



Mary Henchy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 8th day of May 2024.