

An
Bord
Pleanála

Board Direction
BD-017303-24
ABP-312935-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/08/2024.

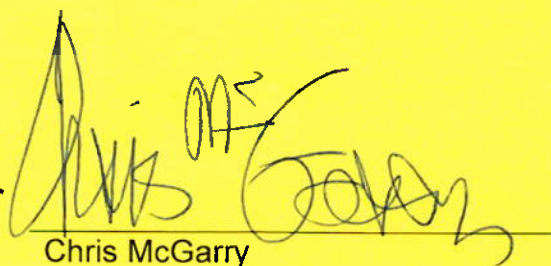
The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

The proposed development entails the provision of 111 no. apartment units with a unit mix split between 3 no. studio apartments, 51 no. one bed apartments and 57 no. two bed apartments units. Policy Objective PHP27 of the County development Plan states that "it is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA". Table 12.1 of the Dun Laoghaire Rathdown County Development Plan specifies that in areas classified as 'Existing Built Up areas' as identified on the Core Strategy Map (Figure 2.9) within which the application site is located in, for developments of 50+ units (apartments) a minimum requirement is the provision of a minimum of 20% of 3+ bedroom units (apartments). The proposed unit mix does not comply with the requirement explicitly set out under Development Plan policy and the proposed development would constitute a material contravention of Development plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the clear statement from the planning authority that the unit mix does not comply with the relevant development plan provisions. While the planning authority suggested that, if the Board is minded to grant permission, a condition requiring a revised unit mix should be applied, the Board did not share this view and considered that any such condition would need to be precise as to the form and number of units overall. Furthermore, the Board noted and shared the view of the inspector at paragraph 10.5.4 of his report that, the lack of provision of three-bedroom units is contrary to development plan policy, the development plan as adopted has regard to relevant national policy and is based on a Housing Need and Demand Assessment, there is not sufficient justification to set aside the relevant provisions of the development plan and that the suggestion of a condition is not considered an appropriate method of dealing with this issue. The Inspector also considered that the proposed development constituted a material contravention of the development plan. The Board shared this view, with particular noting of the fact that the proposed development provides no three-bedroom units, whereas the development plan requirement for such a scheme would be 20%. Finally, the Board noted that as no three-bedroom units were proposed at all in the scheme, (and therefore no template for the positioning or configuration of such units within the proposed building fabric exists), it would not be appropriate to attempt via a condition, to reconfigure floorspace within the buildings to seek a revised unit mix compatible with the development plan provisions. Instead, it was determined that such a material change including the introduction of a new unit type (three-bedroom) not previously proposed, would require a full design revision and should properly be subject to a separate consent exercise.

Board Member



Chris McGarry

Date: 23/08/2024