



An
Bord
Pleanála

Board Direction
PL27.248528

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 30th 2017.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the restricted nature of the subject site, the layout of the proposed development and the planning history of the site, it is considered that the proposed development would constitute overdevelopment of the site which, if permitted, would significantly alter the existing character of the area, and would be in conflict with the zoning objective for the area, as set out in the current Wicklow County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to
 - (a) the design and location of the proposed retaining walls, which would result in foundations being constructed on adjoining property, and
 - (b) the extensive excavation works proposed in order to carry out the proposed development,

it is considered that the proposed development works would impact on the adjoining property to the east, over which the applicant has no ownership or control, would seriously injure the residential amenities of that property, and 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 Inspector's analysis and recommendation was based on the revised proposal for a single storey development submitted with the appeal, rather than the development that was the subject matter of the application to the planning authority and the planning authority's decision. The Board based its decision on the development that was submitted to the planning authority, and not the revised proposal submitted as part of the appeal documents, since the latter was materially different from the development that was the subject of the application to the planning authority and because the documentation submitted at appeal stage did not provide adequate details so that the Board could be satisfied that retaining walls would not be necessary, having regard to the fact that excavation works were indicated. In these circumstances, the Board did not consider it appropriate to consider the revised scheme, and was satisfied, for the reasons outlined in its reasons and considerations, that the original proposed development was unacceptable.

Board Member

Date: 1st December 2017

Philip Jones