



An
Bord
Pleanála

Board Direction
PL26.248623

The submissions on this file, including the applicant's submission in reply to the Board's Section 132 notice, and the responses to this submission from the parties, were considered at a Board meeting held on February 19th 2018.

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

Reasons and Considerations

1. Having regard to the fact that it is proposed to connect the foul sewage from the proposed development into the nearby South Bay housing estate, and in the absence of any evidence that the applicant has any right to effect such connection, the Board cannot be satisfied that the proposed development would not be prejudicial to public health.
2. Having regard to the lack of certainty as to whether or not the surface water arising from the development of the site can be connected into the surface water sewers in the vicinity, and in the light of evidence of flooding in the area, thereby raising concerns about the efficacy of any alternative proposal to dispose of surface water through the use of soakaways on the site, it is considered that the proposed development might lead to a risk of exacerbating such flooding. The proposed development, in such circumstances, would seriously injure the residential amenities of adjoining properties, 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 applicant had not provided the information sought by the Board in its Section 132 notice, and noted that there was no certainty regarding the method, or feasibility, of providing foul sewerage services to the proposed development, and no certainty regarding the means of properly catering for surface water arising from the proposed development that would not pose a risk of exacerbating existing flooding in the area. As these are fundamental issues that relate to the acceptability, or otherwise, of the proposed development, the Board did not consider it appropriate that the matters could be dealt with by the imposition of conditions in a planning permission.

Note: The Board did not concur with the view expressed by the Inspector that the design and scale of the proposed garage, and its location, was satisfactory relative to adjoining properties, and considered that this factor would need to be taken into account in any future application for a dwelling on this site, once the fundamental servicing issues, the subject of this order, are resolved.

[Please issue a copy of this Direction with the Board Order.]

Board Member

Date: 22nd February 2018

Philip Jones