



An  
Bord  
Pleanála

**Board Direction**  
**BD-001200-18**  
**ABP-301796-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 26<sup>th</sup> 2018.

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

### **Reasons and Considerations**

1. The proposed development, by reason of the design, massing and fenestration of the proposed dwellings, and by reason of the unacceptable loss of a significant number of mature trees as a direct consequence of the proposed vehicular access at this location along Grove Avenue, which trees are an essential component of the setting of the Protected Structure, would fail to respect and complement the setting of the Protected Structure, contrary to Section 8.2.11.2 (iii) of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. The proposed development would, therefore, materially affect the Protected Structure, and would be contrary to the proper planning and sustainable development of the area.
2. As a result of its scale, design, and height and its proximity to adjoining residential properties, it is considered that the proposed development would seriously injure the visual and residential amenities of the existing properties to the west and north of the site through overshadowing and overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would fail to provide an adequate quantity and quality of public/communal open space, resulting in a poor level of amenity for future residents. The proposed development would, therefore, conflict with the provisions of Section 8.2.8.2 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, and would 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 generally concurred with the analysis of the planning authority in relation to the proposed development, and was not satisfied that the issues could be adequately resolved by condition, nor that the appropriate balance had been struck between the general desirability of allowing infill development and the need to protect the essential character and setting of the Protected Structure. The Board did not agree that the proposed development would not have a detrimental impact on the setting of the Protected Structure, and noted the significant impacts on the residential amenities of adjoining properties through overlooking and overshadowing, which it did not consider could be overcome by means of the imposition of conditions, as suggested by the Inspector. The Board also considered that the loss of mature trees on this site, especially to the west of the site as a result of the proposed vehicular access, was unjustified and was of the view that an alternative location for access to the rear of the lands, where a more suitable infill development could be provided, was possible through other lands in the ownership of the applicant. Finally, the Board did not agree with the view of the Inspector that the small amount of open space provided in the design of the proposed scheme was outweighed by the provision of rear gardens, and considered that the small area of open space, as proposed by the applicant as part of the appeal, was unsuitable in both quantitative and qualitative terms.

**Board Member**

**Date:** 26<sup>th</sup> September 2018

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Philip Jones