



An
Bord
Pleanála

Board Direction
BD-002699-19
ABP-303096-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2019.

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

Reasons and Considerations

1. It is considered that the proposed development, by reason of layout and design, including, the extent of roadway within the overall site, the poor relationship between the public open space and the majority of the proposed dwellings, the prominent positioning of side garden walls to unit nos. 08,10,11 and 13, at the centre of the site, the extent of level difference between the site and the adjoining lands to the west and the consequent visual impact and potential safety impact arising, the proximity of unit 14 to the proposed retaining wall of some 6.55 metres in height along the western boundary, would result in a residential development of substandard quality, which would seriously injure the residential amenities of future occupants and which would fail to comply with the design requirements of the 2009 Guidelines, 'Sustainable Residential Development In Urban Areas'. The proposed development would accordingly, represent an unacceptable design response to the subject site and would be contrary to these Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.'
2. On the basis of the information provided within the planning application, the Board is not satisfied that the proposed development as submitted provides a sufficient design solution for the purposes of surface water management and attenuation and in the absence of such detail the proposed development

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 noted that the Inspector's assessment was based on a revised proposal submitted to the Board by the first party as a response to the third party appeal, and not on the proposed development that was the subject of the planning authority's decision. The Board considered that the revised proposal represented a material change to the development that was the subject of the planning authority's decision, and was not accompanied by sufficient detail to describe the full nature and extent of the revisions, including the relationship of repositioned dwellings to the varying level differences with separate adjoining lands along the western boundary, and to any consequent change requirements for services, in particular a suggested increase in the size of the surface water attenuation infrastructure. The Board was therefore of the view that it was inappropriate to consider such a revised proposal at appeal stage, particularly in the light of the fact that interested parties, who had not appealed the planning authority's decision, would not be on notice of these material changes. In any event, the Board did not consider that the proposed revisions as submitted by the first party, including the lack of detail submitted, were sufficient to justify a grant of permission in this instance, even if the revised scheme were to be the subject of further public notices.

Board Member

Date: 28/03/2019

Chris McGarry