



An  
Bord  
Pleanála

**Board Direction**  
**BD-004203-19**  
**ABP-303768-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on October 7<sup>th</sup>, 2019.

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

### **Reasons and Considerations**

1. Having regard to the deficiencies in the existing foul sewerage system serving the site and serving the area, it is considered that the proposed development would be premature pending adequate overall resolution of the existing deficiencies in the system and would, therefore, be prejudicial to public health.
2. Having regard to its layout, design and height and its close proximity to the northern site boundary, it is considered that the proposed 5 storey apartment block would be visually obtrusive, would give rise to overbearing impacts on, and would result in material overlooking of, the property to the immediate north of the site. The proposed development would be contrary to the current development plan policies for the area to preserve and improve residential amenities, and would seriously injure the amenities of property in the vicinity and would,

therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed removal of almost all of the trees on the subject site, including a large number of significant trees at the entrance to the site and within the Foxrock Architectural Conservation Area, it is considered that the proposed development would be seriously injurious to the sylvan character of this section of the Foxrock Architectural Conservation Area, contrary to policy AR12, as set out in the Dun Laoghaire Rathdown Development Plan 2016 – 2022, which seeks the retention of features that contribute to the character of an Architectural Conservation Areas and would be contrary to policy OSR7 of the Plan, which requires the preservation of groups of trees or woodlands which form a significant feature in the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** In making its decision, the Board took into account the modifications proposed as part of the appeal. However, it considered that the applicant's proposals to deal with the foul sewerage issue remained unacceptable, and did not consider that the proposed changes to the apartment block were sufficient to deal with the issues of its overbearing nature, its limited separation from the boundary with the adjoining property to the north and the issue of overlooking of that property. Furthermore, the Board considered that the overall format of the proposed development, which required the almost complete removal of the existing trees within the entire site, was problematic, and considered that a different form of development, involving mainly apartment blocks, might have allowed the retention of the majority of the trees on site. Furthermore, noting the extent of lands in the ownership of the applicant, it considered that alternative access arrangements from the site to Brighton Road, which would allow for the retention of the larger trees that form a significant part of the sylvan character of Brighton Road, should be examined in the context of any future application. Accordingly, the Board concurred with the view of the Council's

Parks Department in relation to the subject development and decided to include refusal reason number 2, as imposed by the planning authority in its decision, in addition to the two refusal reasons recommended by the Inspector.

*[Please issue a copy of this Direction with the Board Order to the parties and observer.]*

**Board Member**

**Date:** 7<sup>th</sup> October 2019

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Philip Jones