



An
Bord
Pleanála

Board Direction
BD-004716-19
ABP-304404-19

The submissions on this file, including those received in response to the Board's Section 137 notice, and the Inspector's report were considered at a Board meeting held on December 10th, 2019.

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

Reasons and Considerations

Having regard to the limited width, length and alignment of the proposed laneway access to the subject site, and to the lack of segregated pedestrian facilities along this laneway due to its limited width, coupled with the treatment of boundaries and the lack of availability of alternative pedestrian permeability from the subject site other than along this laneway, it is considered that the proposed development would be substandard with regard to providing a safe and comfortable environment for future users, and would endanger public safety by reason of traffic hazard to vulnerable road users, that is, pedestrians. Furthermore, the proposed access arrangements would fail to suitably advocate for the quality of the pedestrian environment and create permeability and legibility for all users, and would accordingly be at variance with Objective Castleknock 4 of the Fingal Development Plan 2017 – 2023, which seeks to improve facilities for pedestrians and cyclists. The proposed development 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 considered that the issue of pedestrian permeability to adjoining lands, as suggested by the Inspector in her report, and by her recommended condition number 12, (and also referred to in the planning authority's response to the appeal), had been fully explored in the Section 137 Notice, and it is now clear from the applicant's reply that no such permeability can be achieved. Furthermore, the Board considered that the omission of the proposed office element of the development and its replacement by apartments, as recommended by the Inspector in her condition number 2, while it would have the effect of reducing the level of traffic using the proposed access (and particularly conflicting vehicular movements at peak times along the access), would represent a significant and material alteration to the proposal as submitted, and therefore was not appropriate for imposition in a condition, but would have to be the subject of a separate application. In overall terms, the Board considered that the basis for the refusal by the Planning Authority was to be preferred over the Inspector's recommendation in this case.

Board Member

Date: 11th December 2019

Philip Jones