



An
Bord
Pleanála

Board Direction
BD-004595-19
ABP-304504-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/11/2019.

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

Reasons and Considerations

1. The proposed development, by reason of its layout and the footprint of the residential buildings and of the associated roads and services, including surface water attenuation proposals, fails to achieve the necessary balance between securing a high quality residential development on the site consistent with the zoning objective and maintaining and enhancing the biodiversity value of the site which is required by reference to the site's inclusion within a nature development area, as designated in the Fingal County Development Plan 2017-2023. The proposed development would be inconsistent with the relevant provisions of the Fingal County Development Plan 2017-2023, including, PM33 (promote excellent urban design responses to achieve high quality sustainable urban and natural environments) and NH20 (maintain and/or enhance the biodiversity of nature development areas), would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application and appeal, the Board is not satisfied of the need for the removal of the quantum of trees as proposed, with particular regard to the identified tree number 44 which is of amenity value. In addition, the proposed development is not adequately detailed in relation to the retention and protection of existing trees and the provision of additional tree planting, to satisfy the Board that the measures proposed are likely to be successful. Accordingly, it is considered that the proposed development would be contrary to objective DMS77 (protect, preserve and ensure the effective management of trees and groups of trees) as set out in the Fingal County Development Plan 2017-2023, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: the Board noted the proposals for a modified apartment block (incorporating an increase in the building volume and in the number of residential units), submitted by the applicant, as part of the first party appeal submission. The Board considered that this modification was not materially related to the reasons for refusal set out in the decision of the planning authority, made no material contribution to addressing those reasons for refusal and that its inclusion as part of this specific appeal, was not an appropriate approach to assessing any such proposal.

Board Member

Date: 26/11/2019

Chris McGarry