



An  
Bord  
Pleanála

**Board Direction**  
**BD-004516-19**  
**ABP-305178-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/11/2019.

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

### **Reasons and Considerations**

1. Having regard to the orientation and proximity of the proposed house to properties in the area, particularly to properties to the west, the Board considered that the fenestration of the proposed two storey building would seriously injure the residential amenities of properties in the area by reason of loss of privacy and overlooking. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the laneway network from which the proposed house development would gain access is currently substandard and that the proposed development, pending improvement in access, would endanger public safety by reason of traffic hazard.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the recent planning history for the site, in particular the Board's reasons for refusal on Board Planning Reference No. PL29N.248552, and did not consider that the amendments to the proposed development, comprising a reduction in the height of the dwelling to eaves level, a reduction in the overall building footprint and

a reduction in the number of ground floor windows, adequately addressed or overcame the Board's previous reason for refusal in terms of the impact on the adjacent residential properties in the area. Furthermore, notwithstanding the recent improvements that had taken place to the laneway network in the area arising from recently implemented developments, the Board was satisfied that the laneway network which provided immediate access to the proposed development remained restricted and constrained. The Board considered that the proposed development would therefore, be contrary to the proper planning and sustainable development of the area

**Note:** Notwithstanding the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended), the Board could not be satisfied on the basis of the information on the file that the applicant had demonstrated that they had a right of way over the access laneway to the proposed development which appeared to have gates restricting access.

Copy of Board Direction to issue with the Order.

**Board Member**

**Date:** 13/11/2019

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Maria FitzGerald