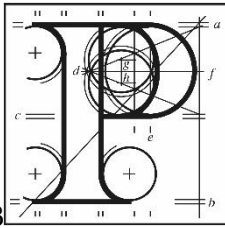


305363



An
Bord
Pleanála

Board Direction
BD-004814-19
ABP-305363-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/12/2019.

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

Reasons and Considerations

Having regard to the application as submitted and subsequently augmented and revised under further information, it is considered that the applicant has failed to submit sufficient information to enable the Board to fully assess and determine the proposal. Specifically, the following gaps in the application have been identified:

- No site survey of ground conditions,
- No quantification of and commentary upon the lowering and raising of levels on the site and insufficient details of associated retaining measures,
- No contextual visual depiction of the proposal from the north of the site, and
- No information on how surface water would be handled during the construction phase and insufficient information on how it would be handled during the operational phase, including details of the drain to which the proposed network would discharge to.

In these circumstances, it would be premature to grant permission and thus contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the first reason for refusal and on the basis of the information submitted, it is considered that the proposal would, due to its siting, size, and

design, be unduly dominant and visually obtrusive with respect to surrounding properties, some of which are holiday cottages. Furthermore, the said dominance would lead to a loss of daylight to the properties denoted as houses 1 and 2, and the proposed house type C, while not dominating house 1, would lead to overlooking and a consequent loss of privacy at the same. The proposal would thus seriously injure the amenities of properties in the vicinity of the site and so it would be contrary to the proper planning and sustainable development of the area.

3. Notwithstanding the first reason for refusal, it is considered that the net increase in traffic movements generated by the proposal would warrant improvement to (a) the north eastern sightline across the western boundary of the site with the adjoining local road, (b) pedestrian facilities along the northern and western boundaries of the site, and (c) public lighting within the vicinity of the site. Furthermore, the proposed ramps to each of the house plots from the public road should be designed to have a gradient of no more than 10% in the interests of their ready usability. In the absence of these improvements, it would be premature to grant permission and at variance with good road safety measures. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: Furthermore, the Board noted that the applicant has not undertaken a screening exercise for the purpose of Appropriate Assessment and on the basis of the information provided with the application and appeal, particularly with respect to surface water run-off from the proposed development site, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Castlemaine Harbour Special Area of Conservation (Site Code: 000343) and the Castlemaine Harbour Special Protection Area (Site Code: 004029) which are located in proximity to the proposed development site, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.

The Board noted that this was a new issue and in light of the substantive reasons for refusal set out above, decided not to pursue this matter.

Board Member

Date: 19/12/2019

Maria FitzGerald