



An  
Bord  
Pleanála

**Board Direction**  
**BD-005323-20**  
**ABP-305806-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 6<sup>th</sup>, 2020.

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

### **Reasons and Considerations**

1. Having regard to the existing pattern of development in the vicinity and in particular the proximity of adjoining residential properties in Prospect View estate, which are at a lower level than the proposed development, and having regard to the proposed increases in ground levels, such that the finished floor levels of the proposed terraced housing along the eastern side of the site would be considerably higher than the finished floor levels of the adjacent residential properties, it is considered that the proposed development would be overbearing in relation to those properties and thereby seriously injure the residential amenities of such properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed estate layout, incorporating open space to the south-east of the site which is lacking in significant passive surveillance and which would be enclosed by the side boundary wall of proposed house number 7, and by the existing high screen walls bounding numbers 68 Prospect View and the high wall and fence along the M50, would represent a

poor quality of design that would be injurious to the residential amenities of future residents. Furthermore, it is considered that the proposed estate design, which is overly dominated by roads, parking areas and turning areas, fails to create an appropriate sense of place, and is not in accordance with the principles set out in the Design Manual for Urban Roads and Streets, issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government. The proposed development would, therefore, be contrary to these Ministerial Guidelines, would be injurious to the residential amenities of future residents and would 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 agreed with the concerns raised by the Inspector, but considered that her concerns could not be adequately dealt with, as recommended, by the imposition of conditions that would require revisions to the road widths, garden lengths and substantial reductions in the proposed finished floor levels, among other amendments. Such revisions would, in overall terms, represent significant and material changes to the application as decided by the planning authority and could, therefore, have implications for third parties (who would not have any input into the approval by the planning authority of such alterations). Furthermore, having regard to the unacceptability of the layout, as submitted to the planning authority on the 2<sup>nd</sup> day of September 2019 (which is considered to be inferior even to the layout as originally submitted with the application, particularly in relation to the open space to the south-east of the site), it is considered that the appropriate option is to refuse permission for the proposed development. Any future application on this site should have regard to the reasons for refusal, as outlined herein, and in particular should comply in full with the Design Manual for Urban Roads and Streets.

**Board Member**

**Date:** 6<sup>th</sup> March 2020

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Philip Jones