



An
Bord
Pleanála

Board Direction
BD-007393-21
ABP-308714-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/01/2021.

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

Reasons and Considerations

1. On the basis of the information provided with the application and having regard to the documents submitted with the appeal submission, the sites location in an area at floor risk, the Board cannot be satisfied that the development sought under this application either individually, or in combination with other plans or projects would not be likely to have a significant effect on the designated Rogerstown Estuary SPA (Site Code: 004015) and Rogerstown Estuary SAC (Site Code: 000208) Special Protection Areas: Dundalk Bay SPA (Site Code: 004026) or any other European site, in view of their Conservation Objectives. In these circumstances the Board is precluded from giving further consideration to a grant of retention permission. The development sought under this application would therefore be contrary to the proper planning and sustainable development of the area.

2. Objective DMS43 of the Fingal Development Plan, 2017 to 2023, requires that 'granny flats'/'family flats' be linked directly to the existing dwelling via an internal access door and do not have a separate front door. The family flat as put forward in this application is a detached structure, it is not internally linked to the main dwelling and it has its own separate front door. In addition, the separation distance between the existing dwelling and this structure is such that it is not probable that it would ever be connected to the habitable floor area of the existing dwelling when the need for it has ended by the family member. The development sought under this application, if permitted, would therefore contravene Objective DMS43 of the Fingal Development Plan, 2017 to 2023, and would be contrary to the proper planning and sustainable development of the area.

3. The development sought under this application is in an area which is at risk of flooding. The Board is not satisfied, on the basis of the information lodged with the planning application and in response to the appeal, that this development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands.

Further, the Board is also not satisfied that the information submitted demonstrates compliance with 'The Planning System and Flood Risk Management Guidelines for Planning Authorities', November, 2009. The development sought under this application would, therefore, be prejudicial to public health, it would conflict with the said Ministerial Guidelines and it would be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 22/01/2021

Paul Hyde