

An
Bord
Pleanála

Board Direction
BD-010008-22
ABP-311635-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/02/2022.

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

Reasons and Considerations

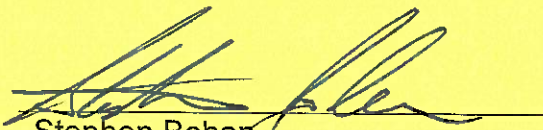
1. The development proposed to be retained to the rear of No. 2 Marine Parade is located on 'NC' zoned lands, which seeks 'to protect, provide for and / or improve mixed-se neighbourhood centre facilities, and is also in close proximity to lands zoned 'A'; "to protect and/or improve residential amenity', as set out under Dún Laoghaire-Rathdown County Development Plan 2016-2022. The development proposed to be retained is therefore located in a Transitional Zone, as set out under Section 8.3.2 of the current Development Plan. Having regard to the overall scale of the structure proposed to be retained, the subject fencing would represent an abrupt transition in scale, and would not be in accordance with Section 8.3.2 of the Dún Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the timber fencing boundary treatment proposed to be retained, by reason of its overall scale, detailing and its rudimentary appearance as viewed from the south (rear) elevation in particular, is out of character with the area and is visually injurious to the amenities of the area. The development proposed to retained is, therefore, contrary to the proper planning and sustainable development of the area.

Note:

- (i) On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has:
- a. Sufficient legal estate or interest in the land the subject of the application to enable the person to continue the existing use of, or carry out the proposed works on the land, or
 - b. The approval of the person who has such sufficient legal estate or interest.

It is considered, therefore that Section 34(13) applies.

Board Member


Stephen Bohan

Date: 11/02/2022