



An
Bord
Pleanála

Board Direction
BD-017326-24
ABP-318604-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/08/2024.

The Board decided, in a 2:1 majority decision, to refuse permission for the following reasons and considerations.

Reasons and Considerations

Having regard to the policies and objectives relating to Surface Water Management in the Fingal Development Plan 2023-2029 including Objective DMSO202 (SuDs) and Objective DMS0203 (FCC SuDs Guidance Document), which seek to ensure the design of SuDs must contribute in a significant and positive way to the design and quality of open space, and to the totality of documentation submitted by the applicant, it is considered that the proposed design of surface water management involving significant trenching to the southern and eastern boundaries would not be an appropriate design response on this specific site, and would not in accordance with relevant policies and objectives in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board, in deciding not to accept the Inspector's recommendation to grant permission, was not satisfied that the design of sustainable drainage systems for the development, involving significant trenching on the southern and eastern boundaries was an appropriate design response to this specific site, and considered that it may present difficulties for long-term maintenance given access requirements to the rear

of residential dwellings within the site and that access may be required across third party lands, notwithstanding the third party consent documentation provided by the applicants. The Board agreed with the planning authority that it would be more appropriate for SuDs measures to be incorporated into the proposed open space, with side slopes greatly reduced to remove the requirement for fencing.

Note:

The Board agreed with the Inspector that the proposed development's overall density and design, subject to amendments to deal with the SuDs measures as set out in the reason for refusal, and including the revisions made on appeal, would accord with relevant policies and objectives in the Fingal Development Plan 2023-2029, given the site's residential zoning, location within the Dublin Airport Outer Public Safety Zone and the prevailing character of residential dwellings in the area. The Board also agreed that the proposed development would not seriously injure the character, setting and associated landscape of Hollywoodrath House, a protected structure (RPS No. 665), given the significant separation distance to it, the intervening tree canopy cover and low-rise form of the proposed development.

Board Member



Martina Hennessy

Date: 28/08/2024