

An
Bord
Pleanála

Board Direction
BD-018604-25
ABP-320827-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/01/2025.

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

Reasons and Considerations

The proposed apartment development by reason of its proximity to Clay Farm House and associated outbuildings, a designated protected structure in the Dun Loaghair Rathdown Development Plan (RPS No. 2119), would adversely impact on the context, setting and curtilage of the structure and would therefore have a negative visual impact on the character of the structure. The proposed development therefore would not be in accordance with the requirements of Policy objective HER 8 of the Development Plan which seeks to protect buildings including those on the Record of Protected Structures from any works that would negatively impact on their special character and appearance. The proposed development would therefore set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

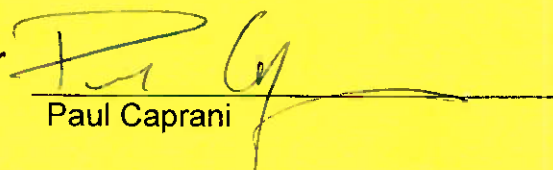
In deciding not to accept the Inspector's recommendation to grant permission for the alternative design submitted as part of the first party appeal, the Board did not share the inspectors view that the incorporation of increased separation distances into the revised design options submitted as part of the grounds of the first party appeal, were sufficient in order to protect the context and setting of the protected structure.

While the Board accepted that the reduction of the footprint of the proposed apartment block together with the increase in separation distances between the proposed apartment block and the protected structure reduced the overbearing impact of the development, it did not share the inspectors view that these changes were sufficient to safeguard the setting of the protected structure. Furthermore the Board disagreed with the inspector in concluding that the apartment block, being located outside the courtyard area of the protected structure, did not impinge on the context, setting and curtilage of Clay Farm House. The Board considered that the proposal, being located on the north western side of Clay Farm View impinged on the curtilage and setting of Clay Farm House and its associated buildings.

Furthermore the Board did not consider that the curtilage and setting of Clay Farm House had significantly been diminished as a result of the extant permissions associated with the Clay Farm housing development (Phases 1 & 2) to the south east as this development is separated from the subject site by Clay Farm View Carriageway. The proposal being located on the north western side of Clay Farm View represented a significant intrusion on the setting and character of Clay Farm House and its associated buildings.

The Board agreed with the inspector that the revised drawings as depicted in the alternative design response included in appendix 5 submitted as part of the first party appeal would be appropriate in terms of providing and acceptable level of amenity for future occupants and would not result in an unacceptable impact on surrounding residential amenity.

Board Member



Paul Caprani

Date: 09/01/2025