

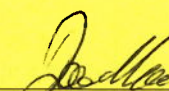
An
Coimisiún
Pleanála

Direction
CD-020118-25
ABP-321973-25

The submissions on this file and the Inspector's report were considered at a meeting held on 01/07/2025.

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

Planning Commissioner:


Declan Moore

Date: 03/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the proposed development site's classification under Table 3.1 of the Sustainable and Compact Settlement Guidelines for Planning Authorities (2024) (the *Guidelines*), as a City Suburban/Urban Extension where the permitted density range is between 40 – 80 dwellings per hectare, the Commission was not satisfied that the site could be classified as an 'Accessible Location' (Table 3.8 of the *Guidelines*) where densities of up to 150 dwellings per hectare are open for consideration. The proposed development at 94 dwellings per hectare 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 (with a number of conditions), the Commission was not satisfied that the proposed condition to cede land to the planning authority was lawful or that the proposed connection to Diswellstown Road had been fully considered in terms of the significant difference in ground levels between the site and the road, the impact on a gabion wall, the loss of trees and other flora, the potential impact on local fauna, its design, and costs.

While the applicant submitted a drawing (*numbered 0112 of Jan 25*) showing the feasibility of a connection and the planning authority conditioned same in their grant of permission, the applicant subsequently appealed to the Commission to have several conditions, including those related to site permeability, set aside. In the absence of permeability through the site to Diswellstown Road, the site cannot be considered an 'Accessible Location' i.e. lands within a 5–6-minute walk (500 metres) of existing or planned high frequency public transport, and the higher density be open for consideration.

The Commission formed the view that the applicant and planning authority should first agree the location, design, construction details and costs (to be appropriately apportioned between them), to provide a pedestrian/cycle pathway connection between the proposed development site and Diswellstown Road, in order to justify the site as an 'Accessible Location' and (in turn) the 94 dwellings per hectare being sought.