

An
Coimisiún
Pleanála

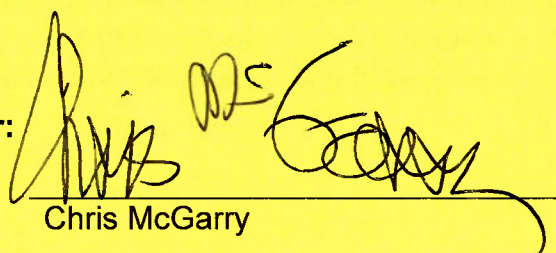
Direction
CD-020391-25
ABP-322393-25

The submissions on this file and the Inspector's report were considered at a meeting held on 31/07/2025.

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

Planning

Commissioner:


Chris McGarry

Date: 31/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the detail submitted with the application and appeal relating to surface water drainage and accounting for the associated legacy issues relating to surface water drainage from the adjoining established development, which are acknowledged by the applicant, the Commission cannot be satisfied that the drainage proposals represent a sustainable approach to servicing of the proposed development, or that the detail on file allows for a determination that the overall surface water drainage proposals are satisfactorily resolved. In this regard the Commission cannot be satisfied that the proposed development would not seriously injure the amenities of the area by reference to the management of surface water. It is considered that the proposed development

would, if permitted, be contrary to Section 6.3 of the Development Plan and Policy Objectives UTL 09 and H 18 relating to surface water drainage and SuDS and in the absence of a precise resolved engineering solution, would create an unacceptable precedent for other developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1:

The Commission considered that the proposed development (and acknowledged legacy issues on surface water drainage) might be capable of resolution. However, on the evidence within the file, the Commission is not able to reach such a determination. Furthermore the Commission considered that the nature and extent of detail required to provide a resolved solution, with potential associated design and works implications, such as for example consideration of lowering of open space areas for attenuation, are such that it would not be possible to address such concerns by condition and that it would be necessary to ensure any such resolved proposal is properly documented, assessed and determined via a separate consent exercise.

Note 2:

The Commission noted recommended reason number 1 of the inspector (relating to material contravention of the Core Strategy of the current development plan). While the Commission agreed that a grant of permission in this instance would constitute a material contravention of the development plan, in the manner referenced by the inspector, it did not share the view that a grant permission was not therefore warranted. In this regard, the Commission considered the specific facts of the case, including the planning history of the subject site, the fact that the overall site is zoned and contains elements of a previously consented, but not completed residential scheme and that there is no evident servicing capacity issue relevant to the site. The Commission also considered National Policy Objective 11 of the National Planning Framework, First Revision (April 2025) which states that, *'The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.'*

In this context the Commission considered, subject to resolution of design and servicing matters, such as surface water drainage and legacy road issues (both of which are acknowledged by the applicant in the current application and appeal), that a grant of permission for 25 homes at this location, while a material contravention of

the development plan, might nevertheless be deemed consistent with the proper planning and sustainable development of the area, having regard to the specific facts of the case, noting also the pattern of decisions within Ardmore since the adoption of the development plan and the relevant provisions of NPO 11 above.

Note 3:

The Commission noted recommended reason for refusal 3 of the inspector (relating to layout, design, visual impact). On the facts of the case and having examined the totality of the documents on file, the Commission did not share the recommendation of the inspector in this regard. Specifically, the Commission considered that, subject to condition, which might for example reconfigure a smaller element of open space adjoining house number 2, redesign boundary treatments, the proposed development in broad overview, would provide an appropriate form and layout for a residential development at this location; with dwelling mix, orientation of dwellings on site and visual prominence all within acceptable parameters and in accordance with the proper planning and sustainable development of the area. In this context, the Commission noted that while the planning authority had expressed some commentary on visual impact and elements of layout and sought Further Information in that regard, that the planning authority decision to refuse did not include these issues within the reasons for refusal.