



An
Coimisiún
Pleanála

Direction
CD-021645-26
ACP-323488-25

The submissions on this file and the Inspector's report were considered at a meeting held on 06/01/2026.

The Commission decided by a majority of 2:1, to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:

Chris McGarry

Date: 06/01/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the nature, scale and form of the proposed development, specifically the disposition of proposed dwelling number 4, the absence within the application as lodged, of improvements to the public footpath to the front of the subject site which are considered important for the effective implementation of the overall development at this location, the consequence of such necessary footpath improvements in terms of the nature and form of private open space at dwelling number 4, which private open space would be considered to be substandard and to

the lack of clarity within the application and appeal documentation as to the form and nature of the boundary wall to the public road at this location, noting that the established boundary wall fabric is considered an important element within an established Architectural Conservation Area, and having regard to the proposed layout which would give rise to a substandard and qualitatively deficient private amenity space serving proposed terrace dwelling number 3, it is considered that the proposed development would constitute a substandard form of residential development at this location and would seriously injure the amenities of prospective occupants of dwelling numbers 3 and 4. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Commission noted the recommendation for refusal of the inspector which referenced unacceptable overbearance and visual intrusion on adjoining properties at Church Court. Having considered the facts of the case the Commission did not share this opinion. Specifically, the Commission considered that two storey dwellings on site as proposed, including dwelling number 3 would not be out of character with or lead to visual intrusion or overbearance on these adjoining properties. There are numerous examples of similar spatial relationships between dwellings in terms of siting and by reference to bulk/depth and disposition both within the immediate vicinity and wider environs generally. In this regard, the Commission noted and shared the opinion of the inspector that overlooking was not a material issue and also agreed with the planning authority that by reason of scale and form that daylight/sunlight was not deemed to be a material issue.

The Commission also noted the recommended reason for refusal of the inspector by reference to visual intrusion and encroachment on 'The Elms' and to effects on the established Architectural Conservation Area. Having considered that facts of the case and noting the amendments proffered by the applicant at appeal stage, the Commission determined that the relationship between the proposed dwellings and the established house 'The Elms' would not be inappropriate either in terms of scale, proximity or form and layout. In this regard the Commission noted and agreed with the inspector that the proposal to provide for an east-facing terrace of 3 no. houses which respect the front and rear building lines of 'The Elms' to be acceptable (para. 10.3.4. refers). The Commission considered this building line relationship between the proposed dwellings and 'The Elms' to be more important than the mere fact of proximity. The Commission did consider that some ambiguity existed with regard to the precise form of demarcation between the front curtilage of 'The Elms' and the overall entrance and layout into the proposed development (such as front curtilage boundary treatment/allocation of areas of ownership and considered that this relationship should ideally be better articulated in any future application for consent.

The Commission also agreed with the inspector regarding the broader issues of potential impact of the proposed development on the character of the area that *'the proposal reflects and harmonises with many of these architectural forms and details and as such does not give rise to visual incongruity'* (para. 10.3.9 refers). In this regard and noting the supportive comments of the inspector regarding the contemporary style of the proposed development, the Commission concluded that a scheme of this broad form, style and scale could be acceptable at this location in terms of the introduction of new development into the established Architectural Conservation Area and positioning proximate to the established dwelling 'The Elms'.

Finally, the Commission noted the reference in the decision of the planning authority to material contravention of the residential zoning objective of the site. The Commission determined conclusively that no material contravention of the zoning objective would arise. This objective (which is considered reasonable)

is general in wording and allows for an overall judgement to be made on the balance of presented evidence. While the Commission determined that a refusal of permission was warranted on the facts of the proposal as presented, this did not give rise of itself to a material contravention. The Commission considered that a revised scheme addressing the fundamental issue set out in the reason for refusal might be acceptable subject to a full assessment under a separate consent exercise (conditioning of the current proposal would not be considered appropriate having regard to the materiality of likely elements of change which would require to be undertaken and assessed).