

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Carlow County

Planning Register Reference Number: 16/195

An Bord Pleanála Reference Number: PL 01.247230

APPEAL by Nesselside Builders Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 11th day of August, 2016 by Carlow County Council to refuse permission.

PROPOSED DEVELOPMENT: Construction of three number two-storey detached dwellings and all associated site works with access from Kilkenny Road, all at Barrowville, Kilkenny Road, Carlow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The proposed residential development is located on an area previously permitted as public open space serving the existing dwellings and has been landscaped and completed as such. To permit the dwellings would result in a substandard form of development resulting in the removal of centrally located area of open space which is functional, accessible, overlooked and provides linkages both visually and physically to the larger area of open space along the River Barrow. The proposed development would be contrary to policies REC P23 and REC P25 of the Joint Spatial Plan for the Greater Carlow Graigcullen Urban Area 2012-2018, and would be contrary to the recommendations of the Urban Design Manual: A Best Practice Guide. The proposed development would result in the loss of open space areas and the provision of piecemeal, haphazard development. The proposed development would, therefore, seriously injure residential amenity at this location and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development entails the construction of residential development in an area identified as Flood Zone B. The nature of the development proposed is classified as highly vulnerable under The Planning System and Flood Risk Management: Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2009, with a requirement to apply the sequential approach including a justification test regarding this type of development. The applicant has failed to provide sufficient information in the form of a flood risk assessment to demonstrate that the proposal is not at risk from flood events or would not exacerbate the risk of flood events in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.