

Board Order PL 06F.249204

## Planning and Development Acts 2000 to 2017 Planning Authority: Fingal County Council Planning Register Reference Number: F17A/0214

**Appeal** by Damian Quilligan and Sarah Flinter and others of 17 The Rise, Malahide, County Dublin against the decision made on the 17<sup>th</sup> day of August, 2017 by Fingal County Council to grant subject to conditions a permission to Eithne Catherine Hannon care of Darragh Lynch Architects of Estuary House, New Street, Malahide, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development**: Construction of a new two storey mews dwelling to the rear and west of existing dwelling in Architectural Conservation Area and all associated site works including access, parking spaces and site drainage works at 15 The Rise, Malahide, County Dublin.

## Decision

REFUSE permission for the above proposed development in accordance with 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**

The proposed development, by itself and by the precedent it would set, would give rise to an unacceptable intensification of traffic movements on a gated lane in a busy urban area where visibility is restricted arising from a 90-degree bend at the gated point and where it has not been demonstrated that vehicles, including emergency and refuse vehicles, can safely turn into and exit the lane or safely turn and leave in the forward direction from the southern end of the lane and from the proposed house at this point. Furthermore, in the absence of satisfactory evidence that the stated widening and alterations to the lane can be delivered such as would comply with the guidance set out in the Design Manual for Urban Roads and Streets 2013, it is considered that the development, if permitted, would lead to unacceptable movement conflicts between motorised vehicles and other road users which would fail to protect vulnerable road users in particular. Accordingly, the proposed development would endanger public safety by reason of a traffic hazard and 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 2018