Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 17164

APPEAL by Derek Williams care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth and by Paul McCullins of Brewery Business Park, Ardee Road, Cambrickville, Dundalk, County Louth against the decision made on the 15th day of February, 2018 by Louth County Council to grant subject to conditions permission to Ardmore Enterprises Limited care of David Maxwell Architects of 12 Ballyblaugh Road, Newry, County Down.

Proposed Development: Provision of one number building (with two and three-storey portions with a maximum ridge height of 12.085 metres) consisting of two number ground floor commercial units and eight number two bed apartments and three number one bed apartments with associated circulation spaces, private balconies, associated car parking, new vehicular entrance and all associated site development works. The proposed development is within the curtilage of a Protected Structure all at Brookville, Ardee Road, Dundalk, County Louth. As revised by the further public notices received by the planning authority on the 22nd day of January, 2018.

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

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both directions. Furthermore, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has demonstrated sufficient legal interest to ensure that the required sightlines can be provided and maintained.

2. Having regard to the sensitive location of the appeal site, which is partially within the curtilage of a Protected Structure (Reference D014) and which features protected trees (Reference TP18), and noting the failure to provide a coherent development proposal for the entirety of the site, including the disused car park, it is considered that the applicant has not provided sufficient justification for the extent of tree felling proposed, and that the proposed development would represent piecemeal development which would materially and adversely affect the character and setting of the Protected Structure and would seriously injure the visual amenities of the area. The proposed development would be contrary to Policies CH5 and CH9 of the Dundalk and Environs Development Plan 2009-2015 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Policy HC 22 of the Dundalk and Environs Development Plan 2009-2015 requires that all proposed residential developments, including apartments, comply with the internal space provisions as set out in Appendix 4 of the Development Plan. The storage areas and balconies within the proposed development do not comply with these provisions or with those set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government, March 2018. The proposed development would be contrary to Policy HC22 of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this   day of   2018.