



Planning and Development Acts 2000 to 2018

Planning Authority: Monaghan County Council

Planning Register Reference Number: 18/223

APPEAL by Brendan and Eileen Tavey care of Joseph O'Doherty of The Strand Field, Bellurgan, Dundalk, County Louth against the decision made on the 5th day of November, 2018 by Monaghan County Council to grant subject to conditions a permission to John and Martin O'Brien care of Denis Williams Design Services Limited of Block 2, Quayside Business Park, Mill Street, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 26 number two/three bed detached, semi-detached and terraced dwellings at two storey and new vehicular entrance off Railway Road inclusive of all associated site development works including alterations to ground levels, internal road(s), car parking, footpaths, open space, public lighting, landscaping and boundary treatments at Railway Road, Connabury, Castleblayney, County Monaghan. (As amended by the further public notice received by the planning authority on the 9th day of October, 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, by reason of layout and design, including, the extent of roadway within the overall site, the poor relationship between the public open space and the majority of the proposed dwellings, the prominent positioning of side garden walls to unit numbers 08,10,11 and 13, at the centre of the site, the extent of level difference between the site and the adjoining lands to the west and the consequent visual impact and potential safety impact arising, the proximity of unit 14 to the proposed retaining wall of some 6.55 metres in height along the western boundary, would result in a residential development of substandard quality, which would seriously injure the residential amenities of future occupants and which would fail to comply with the design requirements of the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009. The proposed development would, accordingly, represent an unacceptable design

response to the subject site, would be contrary to these Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided within the planning application, the Board is not satisfied that the proposed development as submitted provides a sufficient design solution for the purposes of surface water management and attenuation and in the absence of such detail, the proposed development would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the Inspector's assessment was based on a revised proposal submitted to the Board by the first party as a response to the third party appeal, and not on the proposed development that was the subject of the planning authority's decision. The Board considered that the revised proposal represented a material change to the development that was the subject of the planning authority's decision, and was not accompanied by sufficient detail to describe the full nature and extent of the revisions, including the relationship of repositioned dwellings to the varying level differences with separate adjoining lands along the western boundary, and to any consequent change requirements for services, in particular a suggested increase in the size of the surface water attenuation infrastructure. The Board, was therefore, of the view that it was inappropriate to consider such a revised proposal at appeal stage, particularly in the light of the fact that interested parties, who had not appealed the planning authority's decision, would not be on notice of these material changes. In any event, the Board did not consider that the proposed revisions as submitted by the first party, including the lack of detail submitted, were sufficient to justify a grant of permission in this instance, even if the revised scheme were to be the subject of further public notices.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.