



Planning and Development Acts 2000 to 2018

Planning Authority: Meath County Council

Planning Register Reference Number: AA/181312

APPEAL by Quarrycross Limited of Leura Lodge, Adamstown, Garristown, County Dublin against the decision made on the 3rd day of January, 2019 by Meath County Council to refuse permission for the proposed development.

Proposed Development: (A) Planning permission for the removal in part of condition number 3 of planning registry reference number 94/1258 (An Bord Pleanála appeal reference number PL 17.096766) insofar as it relates to the application site and (B) the construction of a housing development of six number two storey, four bedroom, semi-detached houses, open space provision, extension of the estate road, all associated services, service connections, landscape, boundary treatment and site development works at Tudor Grove, Ashbourne, County Meath.

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 contravene materially condition number three attached to the permission for development granted under planning register reference number 94/1258, (An Bord Pleanála reference number PL17.096766), which required that, prior to the occupation of the first dwelling house, the subject site (and adjoining lands) was to be provided as open space and finished to the satisfaction of the planning authority. The granting of planning permission for the proposed six houses would result in a permanent loss of lands for 'open space' and a consequential permanent loss of recreational amenity for the wider Tudor Grove and Tudor Heights development which the open space was intended to serve. It is considered that permitting the development would reduce the recreational amenities for the area to an unacceptable level and would also set an undesirable precedent in terms of non-compliance with key planning conditions. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development comprising six houses on a site which was indicated for use as 'open space' in planning permission register reference number 94/1258 (An Bord Pleanála reference number PL17.096766) would be contrary to the provisions of the Meath County Development Plan 2013-2019, as set out in Policy SOC POL 39, which seeks 'to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location' and in Policy SOC POL 42 which seeks 'to maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area'. These policies are considered to be reasonable. The proposed development would result in the loss of this area of open space, and would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the planning history of the adjoining lands comprising residential development at Tudor Grove and Tudor Heights, which, in the absence of the subject lands being used as public open space, as required by condition number three attached to the permission for development granted under planning register reference number 94/1258, (An Bord Pleanála reference number PL17.096766), would result in an unacceptable diminution of open space amenity for this area and would seriously injure the residential amenities of these properties, it is considered that the modification of condition number three by its removal in part, would be inappropriate and would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

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

Dated this day of 2019.