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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FW19A/0034**

**APPEAL** by Montague Ventures Limited care of Stephen Little and Associates of 26/27 Pembroke Street, Dublin against the decision made on the 24<sup>th</sup> day of April, 2019 by Fingal County Council to refuse permission.

**Proposed Development:** Demolition of existing structure (circa 61.1 square metres) and the construction of 40 number residential units in total, accommodated in 26 number houses and 14 number duplex apartments. The housing component will comprise 17 number three-bedroom and nine number four-bedroom two-storey houses. The two-storey apartment building will accommodate four number one-bedroom, nine number two-bedroom and one number three-bedroom duplex apartment units and all associated and ancillary site development works, landscaping and boundary treatment works, including: use of one number existing site entrance to the Ratoath Road for pedestrian access, and one number new pedestrian entrance from the R121 Road; new vehicular site entrance from the R121 Road; 74 number surface car parking spaces (52 number on-curtilage parking for the houses and 22 number grouped parking spaces for the duplex apartments including one number visitor and one number disabled space); one number bicycle and bin shed; one number pumping station; and a surface water sewer connection to adjoining lands to the west. All on a site of circa 1.32 hectares within the

curtilage of Hollywood Rath House (protected structure) and otherwise generally bounded by the L3080 Ratoath Road to the south, the R121 road to the east, the gate lodge and avenue of Hollywood Rath House to the west and the lands surrounding Hollywood Rath House to the north and west, Hollystown, 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**

1. The proposed development, by reason of its layout and the footprint of the residential buildings and of the associated roads and services, including surface water attenuation proposals, fails to achieve the necessary balance between securing a high quality residential development on the site consistent with the zoning objective and maintaining and enhancing the biodiversity value of the site which is required by reference to the site's inclusion within a nature development area, as designated in the Fingal County Development Plan 2017-2023. The proposed development would be inconsistent with the relevant provisions of the Fingal County Development Plan 2017-2023, including, PM33 (promote excellent urban design responses to achieve high quality sustainable urban and natural environments) and NH20 (maintain and/or enhance the biodiversity of nature development areas), would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the planning application and the appeal, the Board is not satisfied of the need for the removal of the quantum of trees as proposed, with particular regard to the identified tree number 44 which is of amenity value. In addition, the proposed development is not adequately detailed in relation to the retention and protection of existing trees and the provision of additional tree planting, to satisfy the Board that the measures proposed are likely to be successful. Accordingly, it is considered that the proposed development would be contrary to objective DMS77 (protect, preserve and ensure the effective management of trees and groups of trees) as set out in the Fingal County Development Plan 2017-2023, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**