



Planning and Development Acts 2000 to 2020

Planning Authority: Fingal County Council

Planning Register Reference Number: F20A/0171

APPEAL by Bruno Lupo care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 13th day of July, 2020 by Fingal County Council to refuse permission to the said Bruno Lupo.

Proposed Development: (i) Demolition of the existing one-storey, flat roof commercial building, (ii) construction of a five-storey over basement apartment building comprising 26 number apartments (six number one-bedroom, 14 number two-bedroom and six number three-bedroom apartments). Each apartment has private open space in the form of a ground floor terrace or a balcony and has access to a communal ground floor landscaped courtyard; the development is served by a basement level car park (accessed from Malahide Village) providing a total of 20 number car parking spaces, 34 number bicycle parking spaces, two number motorcycle parking spaces for residents, and six number visitor bicycle parking spaces at ground floor level; and (iii) landscaping, boundary treatments, SuDs drainage and all ancillary works necessary to facilitate the development; all at The Westbury Club, The Westbury, The Green, 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

Having regard to the shortfall of critical information and inadequate proposals in relation to:-

- (a) the management of the strip of ground between the site and Marina Road,
- (b) proposals for adequate provision for communal amenity space,
- (c) flood protection measures and the absence of a Flood Risk Assessment,
- (d) consent for connection to the public foul sewer;
- (e) proposals for the provision of adequate on-site bicycle storage,
- (f) design of the basement access and the parking layout, in compliance with standards,
- (g) proposals for addressing the site conditions in the design and construction of the basement, and
- (h) proposals for the management and disposal of surface water/groundwater during construction,

the Board cannot be satisfied that the proposed development would be in accordance with appropriate standards, would not impact on the environment or would not seriously injure the amenities of future occupants. Furthermore, the Board considered that the proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Hyde

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

Dated this day of 2020.