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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Carlow County Council**

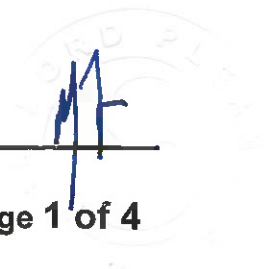
**Planning Register Reference Number: 20/152**

**APPEAL** by Smartisan Construction Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 11<sup>th</sup> day of January, 2021 by Carlow County Council to refuse permission.

**Proposed Development:** Demolition of two number incomplete houses as granted under planning register reference number 07/1136, and construction of 35 number houses which consist of eight number house type A (three bed end-of-terrace), 11 number house type B (two bed mid-terrace), seven number house type C (three bed semi-detached), one number house type C1 (three bed semi-detached unit with gable treatment) and eight number house type D (two bed semi-detached), accessed from the existing Park Gate estate vehicular and pedestrian entrance, and all associated site works, drainage and landscaping at Park Gate, Shillelagh Road, Tullow, County Carlow.

**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. Having regard to the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Slaney River Valley Special Area of Conservation (Site Code: 000781) or any other European site, in view of the site's Conservation Objectives, and having particular regard to the hydrological connection of the proposed drainage system serving the proposed development to the site. In such circumstances the Board is precluded from granting permission.
  
2. Having regard to -
  - the policies in the Carlow County Development Plan 2015-2021 and the Tullow Local Area Plan (LAP) 2017-2023,
  - the unfinished nature of the existing Park Gate development which includes vacant sites and boarded up houses,

- the status of the services within the existing Park Gate development, the standard of the existing road infrastructure and inadequate public lighting within the existing Park Gate development, none of which has been taken in charge by the planning authority, and
- the nature of the proposed development which is an extension of the existing Park Gate development,

the Board is not satisfied that the proposed development, would be adequately serviced in terms of water supply, surface water and foul drainage, nor would it be provided with a structurally safe and adequality lit road network. Furthermore, it is considered that, in the absence of satisfactory plans to complete the existing development in Park Gate, the proposed development would be premature and accordingly pose a risk to public health and safety, undermine the provision of a high-quality living environment, and would compound a pattern of piecemeal and disorderly development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the reliance on a road network that is incomplete and a layout that lacks connectivity and is overly car dominant and dependent, it is considered that the extension of the existing road network in its present form would pose a risk to the safety of road users. In the absence of adherence to the principles of DMURS, the Board is not satisfied that adequate measures have been incorporated into the overall design to address traffic calming and pedestrian/cyclist safety. The proposed development would, therefore, be prejudicial to public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the proposed demolition of a pair of dwellings, and in the absence of any justification for the demolition, it is considered that the proposed development would be contrary to policy HP 18 of the Tullow Local Area Plan 2017-2023 which seeks 'to discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied'. The proposed development 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 9<sup>th</sup> day of November 2021.