

An
Bord
Pleanála

Board Order ABP-318604-23

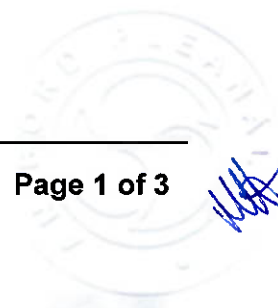
Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FW23A/0036

Appeal by MCPS Investment Homes Limited care of Downey of 29 Merrion Square, Dublin against the decision made on the 6th day of November, 2023 by Fingal County Council to refuse permission.

Proposed Development: Construction of 96 number dwellings (nine number two-bedroom two-storey terraced dwellings, 60 number three-bedroom two- and two-and-a-half-storey terraced and semi-detached dwellings, 27 number four-bedroom two-storey semi-detached and detached dwellings) with 192 number car parking spaces and 62 number bicycle parking spaces. The proposed development will provide public open space, landscaping, trees, and boundary treatments, public lighting, bin and cycle storage, ESB substation, foul drainage works along Ratoath Road, together with all associated site infrastructure and engineering works necessary to facilitate the development. Vehicular and pedestrian access is proposed via Gallanstown Road together with pedestrian access, including two number new pedestrian crossings at Ratoath Road, all on lands at Ratoath Road and Gallanstown Road, Hollystown, Dublin within the curtilage of Hollywoodrath House (a protected structure), as revised by the further public notices received by the planning authority on the 12th day of October, 2023.

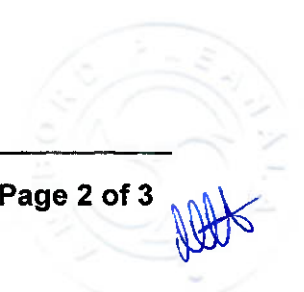


Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the policies and objectives relating to Surface Water Management in the Fingal Development Plan 2023-2029, including Objective DMSO202 (SuDS) and Objective DMSO203 (FCC SuDs Guidance Document), which seek to ensure that the design of SuDs must contribute in a significant and positive way to the design and quality of open space, and to the totality of documentation submitted by the applicant, it is considered that the proposed design of surface water management, involving significant trenching to the southern and eastern boundaries, would not be an appropriate design response on this specific site, and would not be in accordance with relevant policies and objectives in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



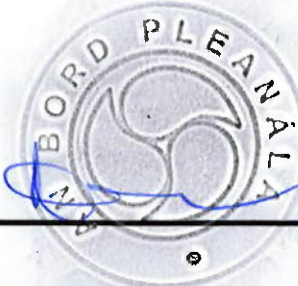
The Board, in deciding not to accept the Inspector's recommendation to grant permission, was not satisfied that the design of sustainable drainage systems for the proposed development, involving significant trenching on the southern and eastern boundaries, was an appropriate design response to this specific site, and considered that it may present difficulties for long-term maintenance given access requirements to the rear of residential dwellings within the site, and that access may be required across third-party lands, notwithstanding the third-party consent documentation provided by the applicant. The Board agreed with the planning authority that it would be more appropriate for SuDs measures to be incorporated into the proposed open space, with side slopes greatly reduced to remove the requirement for fencing.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this 2nd day of September 2024.