



An
Bord
Pleanála

Board Order
ABP-320528-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cavan County Council

Planning Register Reference Number: 23271

APPEAL by Declan Gargan of 126 Aughneskerry Drive, Cavan and by Others against the decision made on the 17th day of July, 2024 by Cavan County Council to grant subject to conditions a permission to Bernard Farrell care of Wynne Gormley Gilsenan of 21 Church View, Cavan, County Cavan.

Proposed Development: Construction of a three-storey over-basement apartment block consisting of 28 number (16 number two-bed and 12 number one-bed) fully serviced apartments, form site entrance, parking to existing basement and connect to existing public mains water, sewerage and surface water drainage and all ancillary site works, all at Kinnypottle, Cavan, County Cavan. This site is partially developed, the basement is existing and constructed under previously approved planning register reference number 02991625. The proposed development was revised by further public notices received by the planning authority on the 20th day of June, 2024.

Decision

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

Reasons and Considerations

1. Having regard to the Cavan County Development Plan incorporating a Local Area Plan for Cavan Town 2022-2028 and to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023), it is considered that the overprovision of two-bed, three-person units would not provide an appropriate unit mix for this location. Furthermore, It is considered that given the lack of public open space, the number of single aspect apartments, the density of the proposed development being above the upper density range of 100 dwellings per hectare, and the quality of the private open space which would be compromised by the screening on the balconies, the overall design quality of the scheme would not compensate for the proposed unit mix. The proposed development, by itself and by reason of the undesirable precedent it would set for similar development in the area, would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site in an area zoned 'Existing Residential' with the objective to 'protect and enhance the amenity of developed residential communities' in the Cavan County Development Plan it is considered that the position, size and design of the windows serving the bedrooms of units 9 and 12 at first and second floor levels of the proposed development would result in undue overlooking and loss of privacy of the rear garden of the dwelling to the east and that such overlooking and loss of privacy would adversely impact the residential amenity of the occupants of this dwelling which would require a fundamental redesign of the scheme to overcome. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Marie O'Connor

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 15 day of April 2025.