

## COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference P.C. 13142	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 PLANNING REGISTER		REGISTER REFERENCE M. 1238
1. LOCATION	Ballinascorney Upper.		
2. PROPOSAL	3 bungalow type houses		
3. TYPE & DATE OF APPLICATION	TYPE O.P.	Date Received 18th May, 1977	Date Further Particulars
			(a) Requested 1. _____ 2. _____
4. SUBMITTED BY	Name	J. M. Moran, Architect,	
	Address	C/o 39, Wellington Place, Dublin, 4.	
5. APPLICANT	Name	Mr. A. Fitzsimons,	
	Address	C/o 39, Wellington Place, Dublin, 4.	
6. DECISION	O.C.M. No.	P/2425/77	Notified 14th July, 1977
	Date	14/7/77	Effect Outline Permission Refused
7. GRANT	O.C.M. No.		Notified
	Date		Effect
8. APPEAL	Notified	12/8/77	Decision 17th February, 1978
	Type	1st Party	Effect Outline Permission Refused by An Bord Pleanála
9. APPLICATION SECTION 26 (3)	Date of application		Decision
			Effect
10. COMPENSATION	Ref. in Compensation Register		
11. ENFORCEMENT	Ref. in Enforcement Register		
12. PURCHASE NOTICE			
13. REVOCATION or AMENDMENT			
14.			
15.			
16.			

Prepared by .....

Checked by .....

Grid Ref.

O.S. Sheet

Copy issued by ..... Registrar.

Date .....

Co. Accts. Receipt No. ....

**DUBLIN COUNTY COUNCIL**

TELEPHONE: 42951 (EXT. 131)

Planning Department,  
46-49 Dame Street,  
Dublin 2.

**NOTIFICATION OF A DECISION TO REFUSE:**  
**OUTLINE PERMISSION: ~~PERMISSION~~ ~~APPROVAL~~**  
**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.**

To: ..... Register Reference No: **M. 1238.**  
..... **J. M. Moran.** ..... **13142.**  
..... **39, Wellington Place,** ..... Planning Control No: **13142.**  
..... **Dublin, 4.** ..... Application received **18/5/77**

APPLICANT **Mr. A. Fitzsimons.**

In pursuance of its functions under the above mentioned Act the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order **P/2425/77** dated **14th July, 1977.** decide to refuse:

OUTLINE PERMISSION: ~~PERMISSION~~ ~~APPROVAL~~

for **Proposed 3-bungalow type houses at Ballinacorney Upper, for Mr. A.**

**Fitzsimons.**

for the following reasons:

1. The site is located in an area zoned to preserve an area of high amenity in the Development Plan. The residential development proposed in the nature of an urban type sprawl into an rural area where public piped water and/or sewerage services are not available and where the existing road network design to serve rural needs is inadequate to cater for progressive housing development of an essentially suburban character, would contravene materially the above objective would not be in accordance with the proper planning and development of the area and would seriously injure the amenities of the area.
2. The proposed development would contravene materially a condition attached to an existing permission, i.e., Condition No. 1, of decision to grant permission by Order No: P/2554/75, dated 22/8/75, and would thus not be in accordance with the proper planning and development of the area.
3. Public piped water supply or sewerage services are not available to serve the proposal.
4. The proposed development would be premature by reason of the said existing deficiency in the provision of sewerage facilities and the period within which such deficiency may reasonably be expected to be made good.
5. The proposed residential development of an essentially suburban character served by an extremely sub-standard and hazardous road network would endanger public safety by reason of traffic hazard because of the generation of additional traffic turning movements on this **imadeg-Contd...**

Signed on behalf of the Dublin County Council: .....

Date: **18th July, 1977.**

NOTE: An appeal against the decision may be made to the Minister by the applicant within one month from the date of receipt by the applicant of this notification or by any other person within twenty-one days of the date of the decision. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of the appeal and should be addressed to the Secretary, ( Planning Appeals Section), Department of Local Government, Custom House, Dublin 1. When an appeal has been duly made and has not been withdrawn the Minister for Local Government will determine the application for permission as if it had been made to him in the first instance.

5. inadequate road network.

6. The development could prove hazardous to the public water supply reservoir.

  
For Senior Administrative Officer.  
15th July, 1977.

PL 6/5/39705

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976

County Dublin

Planning Register Reference Number: M.1238

PC 13142  
GRH

APPEAL by A. Fitzsimons care of 39, Wellington Place, Dublin against the decision made on the 14th day of July, 1977, by the Council of the County of Dublin deciding to refuse to grant an outline permission for the erection of three houses on a site at Ballinascorney Upper, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, outline permission is hereby refused for the erection of the said three houses for the reasons set out in the Schedule hereto.

SCHEDULE

1. The site is in a wooded area of the Dublin Mountain zone in an area of high scenic value which it is an objective of planning authority, as expressed in the development plan, to conserve. This objective is considered reasonable and the proposed development would be in conflict with it and seriously injurious to the visual amenities of the area.
2. The road network serving the area is inadequate and was not designed to service development of the type proposed and the additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard.
3. The site is located within the catchment area of Bohernabreena reservoir and there are no public piped water or sewerage services available to serve the proposed development. Drainage by means of septic tanks or package treatment works as proposed could lead to contamination of the reservoir and is unacceptable on public health grounds.

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

Dated this 17th day of February 1978