

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

CDP Architecture
4, The Mall
Main Street
Lucan
Co. Dublin

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	1439	Date of Decision	04-Nov-2021
Register Reference	SD21A/0179	Date	07-Oct-2021

Applicant:

Gerry Teague

Development:

Removal of selected hedging, the removal of the existing 52 car parking spaces and the construction of a 4-storey apartment building with setbacks at third floor level, total 14 apartments comprising of 1 one-bedroom, 11 two bedroom; 2 three bedroom apartments, all with associated private open spaces areas in the form of balconies; access to the development from existing vehicular and pedestrian entrance from Leixlip Road (R835) and from proposed new vehicular and pedestrian access from Ardeevin Drive; all with associated landscaped courtyard at ground floor level, sedum roof (main roof), bicycle storage, bin storage, signage, associated drainage and site development works (Protected Structure RPS No. 094).

Location:

Ball Alley House, Leixlip Road, Lucan, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received:

25-Aug-2021/07-Oct-2021

Clarification of Additional Information Requested/Received:

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. (i) Having regard to the overall height, scale and massing of the proposed development, in close proximity to existing low-rise residential properties and located within the curtilage of a Protected Structure (Ref 094- Ball-Alley House) the proposed 4-storey apartment block would result in a significantly overbearing impact and would significantly affect the residential amenity of the existing dwellings and the established residential character and visual setting of the area and would be contrary to Policy 17 Objective 7 of the County Development Plan, which seeks to protect 'existing residential amenities and the preservation of the established character (including historic character and visual setting) and would contravene the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.
(ii) Having regard to the close proximity of the proposed development to the Protected Structure Ref 094- Ball-Alley House, where the 4-storey structure would be highly visible, and having regard to the overall scale, height and mass of the development it is considered that the proposed structure would appear excessively dominant and would fail to be sympathetic to the scale or architectural interest of the two storey structure. The proposed development would therefore impact on the integrity of the Protected Structure and would therefore contravene Policies HCL3 Objective 2 and HCL5 Objective 4 of the South Dublin County Development Plan 2016 - 2022.
2. Having regard to the provisions of the South Dublin County Development Plan, with particular reference to car parking requirements, Green Infrastructure, Sustainable Urban Drainage, functional open space requirements, the proposed development lacks details on the GFA/parking requirements of the existing pub and EV spaces, sightlines, internal unconnected shared surface markings, lacks useable and functional public open space and relies on heavy-engineering solutions to manage surface water drainage, the proposed building located within curtilage of a Protected Structure would constitute an overdevelopment of the site, resulting in a substandard form of development which would seriously injure the residential amenities of future occupants of the proposed apartments, the existing residents in proximity to the site and would serious injure the amenity afforded by the Protected Structure.
3. The proposed development would result in on-site parking and a vehicular entrance off the R835 which would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development would contravene materially Policy 3 'Protected Structures' and Objectives HCL3-1 and HCL3-2 of the South Dublin County Development Plan 2016-2022 by:
 - Failing to facilitate sensitive development within the curtilage of Ball Alley House, a Protected

Structure. In particular the proposed development would adversely impact the setting of the Protected Structure by way of the cramped location and excessive height of 14 apartments and their associated car parking to the rear of the Protected Structure, the necessity of traffic movements associated in the grounds of the protected structure, the proposed development would not be sympathetic with its special character and integrity.

- Compromising the visual amenity of the area and unique setting of the Protected Structure, in particular the view of the Protected Structure from along Leixlip Road, and would be unsympathetic with the special character and integrity of the site. The proposed development would represent an overdevelopment of the unique site of a Protected Structure, and would be contrary to County Development Plan policies and objections, and would therefore be contrary to the proper planning and sustainable development of the area.

5. Having regard to the provisions of the South Dublin County Development Plan with particular reference to site access, urban design, and residential amenity, there is inadequate space for a rigid refuse lorry at Ardeevin Drive, and fire tender vehicle turning movements illustrated within the proposed development require multiple movements to turn such a vehicle in a hazardous manner which is totally dependent on a clear path being available in perpetuity where none has been proposed. The proposed arrangements for service and emergency vehicles would endanger public safety by reason of a traffic hazard and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
6. The proposed development would give rise to a substandard level of residential amenity for future occupants by reason of the configuration of the proposed open space and accessibility to active play areas, and removal of existing trees, (it appears that the development requires the removal of street trees in South Dublin County Council's ownership, where no agreement has been submitted), furthermore, a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan have not been provided by the applicant. The proposed development would seriously injure the residential amenities of future occupants and would be contrary to current County Development Plan policy on the provision of functional open space and green infrastructure and would therefore, be contrary to the proper planning and sustainable development of the area.
7. The proposed development has not explored the full potential for the inclusion of natural drainage/SUDS features within the design, this is specifically unsatisfactory given the proposed loss of trees and vegetation to provide for the development and the location of the site within the curtilage of a Protected Structure and the proposed development would be deficient in Blue/Green Infrastructural methods and therefore would contravene policies and objectives of the current county development plan and would be contrary with the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended).

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD21A/0179

Signed on behalf of the South Dublin County Council.

Yours faithfully,


for **Senior Planner**

08-Nov-2021

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100