

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
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**NOTIFICATION OF DECISION TO REFUSE PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order No.</b>	<b>1598</b>	<b>Date of Decision</b>	13-Dec-2021
<b>Register Reference</b>	SD21A/0293	<b>Date</b>	27-Oct-2021

**Applicant:** David, James, Denise & Yvonne Souhan

**Development:** Construction of a detached, three bedroom dwelling at the vacant garden plot to include dishing of existing footpath and kerb finishes allowing for vehicular access across the site boundary to enable the provision of 1 off-street parking space and all associated site works.

**Location:** Vacant garden plot site adjacent to 36, Montpellier View, Dublin 24

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** /

**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. The private open space provided for the proposed house and the existing dwelling, No. 36, does not comply with the minimum private open space requirements as set out in Section 11.3.1 (iv) Dwelling Standards of the SDCC Development Plan 2016-2022 (Table 11.20: Minimum Space

Standards for Houses). To comply a three bedroom house should have a minimum of 60sq.m of adequate private open space. The proposed house would have 46sq.m and the existing dwelling would be left with 29sq.m. Thus, the proposed development constitutes overdevelopment of the site and would contravene the zoning objective 'to protect and or improve the residential amenity of the area' and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale and layout of the proposed development on a constrained site, the proximity and configuration of neighbouring properties within Montpellier View, the proposed development would represent an overdevelopment of the subject site, would have an overbearing impact, give rise to overshadowing and have an adverse impact on the visual and residential amenity of properties in the immediate vicinity. Furthermore, the proposed development, being some 10m from the rear of dwellings to the west would give rise to unacceptable levels of overlooking and fall significantly short of the 22m required. The proposed development would seriously injure the amenities of property in the vicinity and would contravene the 'RES' zoning objective which seeks 'to protect and/or improve residential amenity' and would therefore not be in accordance with the proper planning and sustainable development of the area.
3. The proposed dwelling does not conform with the minimum target space requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) or the South Dublin County Development Plan 2016 - 2022. The house would not provide adequate accommodation to serve the needs of future residents and would therefore not be in the interests of 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/0293**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

*Brian Connolly* 14-Dec-2021  
for **Senior Planner**

## 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