

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

Peter Ging,
PM Ging Architect
Unit G, Tower Commercial Centre
Monastery Road
Clondalkin
Dublin 22

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

Decision Order No.	0049	Date of Decision	13-Jan-2022
Register Reference	SD21A/0304	Date	10-Nov-2021

Applicant: Timothy Hone
Development: Detached house and septic tank.
Location: Kilmatead, Green Isle Road, Clondalkin, Dublin 22
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. Having regard to the surrounding context of this sensitive site, which is prone to flooding, is in proximity to the Camac River, ponds and existing Protected Structures and comprises significant trees and shrubs, the proposed development of a dwelling house with a significant footprint and its associated septic tank and percolation area, which will necessitate removal and disturbance of

significant tree stands and vegetation, would be contrary to County Development Plan Policy, including Section 11.6.1 and Objectives IE1 (Water Supply & Wastewater), IE2 (Surface Water & Groundwater) and IE3 (Flood Risk Management), Objectives G2 (Green Infrastructure Network), G3 (Watercourse Network), G4 (Public Open Space and Landscape Setting), G5 (Sustainable Urban Drainage Systems) and G6 (New Development in Urban Areas)) and would be contrary to the zoning objective 'To preserve and provide for open space and recreational amenities' and would therefore be contrary to the proper planning and sustainable development of the area.

2. Insufficient, inconsistent and inaccurate information has been submitted with the application:
 - (i) The Applicant states on the Application Form that the Gross Floor Area of the proposed dwelling is 141 sq m (which differs from the 191sqm stated in the Cover Letter).
 - (ii) The Applicant has not provided an Architectural Impact Assessment assessing the overall impacts of the proposed development within the curtilage of the Protected Structure (Kilmatead House, RPS Ref. 198) and in particular assessing how the new house will sit sensitively within the context of the site. The Applicant has also not provided a full photographic survey of the site and surrounding context.
 - (iii) The Applicant has not provided a detailed Ecological survey and a Bat Survey.
 - (iv) The Applicant has not provided details of the access arrangement for the proposed dwelling and the location and number of parking spaces to be provided at the development.
 - (v) The Arboricultural Report provided does not include sufficient information to fully assess the impact the proposed development may have on the arboreal footprint of the subject site.
 - (vi) No drawing in plan and cross-sectional views showing proposed Sustainable Drainage Systems (SuDS) features for the development has been provided by the Applicant.
 - (vii) Despite the proposed development being located close to an area that is prone to flooding, no Site Specific Flood Risk Assessment for the proposed development has been provided.
 - (viii) A detailed Site Suitability Assessment has not been provided to enable the Planning Authority to determine whether the proposed septic tank system is appropriate for the current location.
 - (ix) The provision of an Appropriate Assessment Screening Report carried out by a suitably qualified Ecologist is vital, to facilitate a complete assessment of the proposed development.
 - (x) The letter of consent provided consists of an email signed 'CH and MJ'. A signed and dated Letter of Consent should be provided by the landowner.
 - (xi) The Applicant has not provided a Site Location Map at the correct scale (1:1000 for urban areas; 1:2500 for rural areas) in accordance with Article 22(2)(b) of the Planning and Development Regulations (2001).
 - (xii) The submitted Site Layout Plan is considered to be deficient and does not indicate or clearly provide details of development constructed present across the entire site outlined in red (at least 3 additional structures); how vehicular/pedestrian access to the proposed dwelling house will be provided; all existing trees and vegetation present on the site and Septic Tanks/Wastewater treatment systems for neighbouring properties (if any).
- In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development will not adversely

impact this sensitive location. The proposed development would therefore be contrary to the proper planning and 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/0304

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Brian Connolly 17-Jan-2022
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