

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

Byrne & McCabe Design Ltd.
Upper Main Street
Graiguenamanagh
Co. Kilkenny

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

Decision Order No.	0140	Date of Decision	04-Feb-2022
Register Reference	SD21A/0330	Date	03-Dec-2021

Applicant: John Kavanagh
Development: Change of use of existing office to one bedroom apartment; all associated site works.
Location: Rear of 30 Barton Drive, Rathfarnham, Dublin 14
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 proposed development would not comply with Policies H13, H14 or H15 of the Development Plan, providing a substandard level of accommodation that would not have adequate levels of privacy and security, or offer much scope for future adaptability. Specific concerns relating to the accommodation provided include:
 - The private open space would have no aspect and would be accessed directly from a bedroom,

with a distance of 1.28m to a flank wall of a neighbouring property. This is considered unacceptable in terms of residential amenity.

- Windows serving the bedroom and living area on the south elevation would be located only 36 cm from the site boundary, which is currently comprised of mature trees and vegetation. This would impact daylight to the internal accommodation. In addition to this, these windows currently overlook the private rear garden of a neighbouring property. This would impact the privacy and amenity of the proposed apartment and the neighbouring property. In the event that the neighbouring property erected a boundary wall to protect privacy, the daylight to these rooms would be further negatively impacted.

- It is unclear that permanent access to the property can be guaranteed. It is unclear how much land in the vicinity of the subject site is under the control of the applicant and no evidence of rights of way or wayleaves has been submitted. There is concern that future development at neighbouring sites could compromise access to the proposed apartment unit.

For the reasons stated, the proposed development does not comply with the policies of the South Dublin County Development Plan 2016 - 2022 and would represent inadequate residential accommodation. Thus, the proposed development would contravene the proper planning and sustainable development of the area.

2. The Apartment Guidelines (2020) define an apartment as 'a self-contained residential unit in a multi-unit building with grouped or common access'. It is considered that the proposed development does not meet this definition, and it has been determined that the development should be assessed against the minimum standards for houses contained in Table 11.20 of the Development Plan 2016 - 2022. Based on this, the proposal does not meet the requirements for private open space. 48 sq.m of private open space is required for a one-bedroom house. The proposed development provides 5.5sq.m, significantly below the required standard. The development is therefore contrary to the Development Plan, providing an inadequate level of private amenity space. In this regard the development is not considered to be in the interests of the proper planning and sustainable development of the area.
3. The proposed development does not meet the minimum space standards for houses contained in Table 11.20 of the Development Plan in relation to target gross floor area or private open space. In addition, the floor area of the proposed development does not provide the recommended minimum size of 13sq.m, as specified in Section 11.3.1(iv) 'Dwelling Standards'. It is therefore considered that the proposed accommodation would be substandard, contrary to the land use zoning and not 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/0330

Signed on behalf of the South Dublin County Council.

Yours faithfully,

 07-Feb-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. 200 I 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