

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

**Edward Fitzgerald Selby Architect**  
**32, Butterfield Grove**  
**Rathfarnham**  
**Dublin 14**

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

<b>Decision Order No.</b>	<b>0170</b>	<b>Date of Decision</b>	09-Feb-2022
<b>Register Reference</b>	SD21B/0612	<b>Date</b>	07-Dec-2021

**Applicant:** Van Tai Luong

**Development:** Two storey 44sq.m extension to the rear accommodating a ground floor kitchen extension and new first floor bedroom with roof to be pitched; wall and roof finishes to match existing dwelling.

**Location:** 21, Belgard Green, Tallaght, 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. Due to its siting, height and orientation, the structure would lead to loss of daylight to ground floor units on properties on either side, a reduction in aspect. The combination of depth and height of the structure would result in an overbearing visual impact on adjoining properties, as by its

massing and siting the structure would have a dominant presence and alter the character and context of adjoining private gardens. The proposed development would furthermore be contrary to guidance in the South Dublin County Council House Extension Design Guide (2010) relating to separation distances, loss of daylight and overbearing visual impact. The proposed development would be seriously injurious to the adjoining properties and therefore the residential character and amenities of the area, and would thus be contrary to the 'RES' land-use zoning objective 'to protect and/or improve residential amenity', and Policy H18 Objective 1, and section 11.3.3 (iii), of the South Dublin County Development Plan 2016 - 2022, and would be contrary to the proper planning and sustainable development of the area.

2. The total private amenity space remaining available for the house would be approx. 18 sq.m. provided in a space that is 2.7m in depth between the proposed extension and the existing rear garden structure. A passage of 1.5m width would be created between the proposed extension and the eastern party boundary, which has not been taken into account in calculating this figure. Both the 1.5m passage and the 2.7m deep central space would fail to provide quality amenity space, and the quantity of amenity space provided is considered to be seriously inadequate for the extended house. The proposed development would also therefore be contrary to advice in the South Dublin County Council House Extension Design Guide (2010) relating to rear garden space, and would not provide adequate residential amenity for the current or prospective occupants. The proposed development would therefore be contrary to the 'RES' land-use zoning objective, and Policy H18 Objective 1, and section 11.3.1 (iv), of the South Dublin County Development Plan 2016 - 2022, and would be contrary to the proper planning and sustainable development of the area.
3. The scale of the proposed rear extension development would represent, both by itself and in combination with other structures on the site, overdevelopment of the site in contravention of the 'RES' land-use zoning objective and 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: SD21B/0612**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

  
for **Senior Planner**

10-Feb-2022

## 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