

**Jong Kim,
AKM Design
Unit 6
Kingswood Business Park
Kingswood Road
Citywest
Dublin 24**

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

Decision Order No.	0513	Date of Decision	21-Apr-2022
Register Reference	SD22A/0069	Date	25-Feb-2022

Applicant:

Gerard O'Connor

Development:

Demolition of derelict house and construction of 4 two storey, semi-detached 3 bedroom dwellings; replacement of existing bridge; 1.2m flood defence walls; 8 car parking spaces; landscaping and associated site works.

Location:

'Capri', Whitechurch Road, Rathfarnham, Dublin 14.

Time extension(s) up to and including:

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. Ecology and Water Management.

(a) The proposed development would intrude upon the banks of a watercourse, inside the 10m riparian buffer strip provided for in council policy. Owing to the size of the site, it is unlikely that a development of the scale and form proposed could fit onto the site without compromising either the watercourse or the privacy of units to the rear and private amenity space of the proposed units. The proposed development is therefore in contravention of the Green Infrastructure policy and water management policy in the South Dublin County Development Plan 2016 - 2022, and would have a serious adverse impact on the bank of the watercourse in that it would remove that bank and replace with a retaining wall - such banks are protected under the County Development Plan as per Policies G3 and IE2, and further supported in policy G6 and section 11.6.1 (ii) of the Plan .

A setback is also required as per the Greater Dublin Regional Code of Practice for Drainage Works. The development would therefore be a material contravention of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

(b) The proposed development does not feature sustainable drainage systems and is therefore considered to divert surface water to the public sewer system, contrary to Policies IE 2, G5 and section 11.6.1 (iii) of the Plan.

2. Residential Amenity.

The applicant has failed to show that the development would not be seriously injurious to the residential character and amenity of the area, including the visual amenity of adjoining sites, and the potential residential amenities of the subject site, in relation to the following matters:

- Private Amenity Space may not meet the minimum standards provided for in the South Dublin County Development Plan 2016 - 2022;
- The raising of ground levels on the site risks overlooking adjoining sites and a consequent loss of privacy, not specified in previous permissions from 2009 and 2011;
- Proposed boundary treatment to the rear not shown to be adequate for protected privacy. No detail of the boundary treatment has been provided.
- The Landscape Plan lacks sufficient detail in relation to planting.


The proposed development would therefore seriously injure the amenities of property in the vicinity and contravene 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: SD22A/0069

Signed on behalf of the South Dublin County Council.

Yours faithfully,


_____ 22-Apr-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