

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

Essential Services Ltd.
1, Carrigmore Gardens
Citywest
Saggart
Dublin 24

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

Decision Order No.	0532	Date of Decision	25-Apr-2022
Register Reference	SD22B/0098	Date	03-Mar-2022

Applicant: Joseph and Jean Justice

Development: Permission for the construction of a single storey extension to the south side of the house, internal alteration, waste water treatment unit and all ancillary works. Retention permission is sought for a ground floor extension to the west side of the house, 1.5 storey extension to the south side of the house, attic rooms over the original house and approved extension to the north and roof windows to the front and rear.

Location: Glenaraneen, Brittas, Co. Dublin

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 & REFUSE RETENTION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. The site is located on lands zoned Objective HA - DM in the South Dublin County Council Development Plan 2016 – 2022. It is the policy of the Council that within areas designated with Zoning Objective HA - DM (to protect and enhance the outstanding natural character of the Dublin Mountain Area) proposals for dwellings and extensions should be assessed under Policy H27 -Rural House and Extension Design. It is Council policy only to allow housing in the Dublin Mountain Area where:
 - Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and
 - Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and
 - Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
 - Retains and reinstates traditional roadside and field boundaries; and
 - Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and
 - Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and
 - Would not create or exacerbate ribbon or haphazard forms of development.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H27 Objective 1 and is contrary to the proper planning and sustainable development of the area.

2. In accordance with Policy H19, the requirements of paragraph 11.3.3 (ii) should be met. These are:
 - (1) The applicant shall be required to demonstrate that there is a genuine need for the family flat.
 - (2) The overall area of a family flat should not exceed 50% of the floor area of the main dwelling house.
 - (3) The family flat should be directly accessible from the main dwelling via an internal access door; and
 - (4) The design criteria for dwelling extensions will be applied.

On the basis of the information submitted, the proposed development does not comply with all of the above criteria for housing in this area outlined under Policy H19 / Paragraph 11.3.3 (ii) and would therefore be contrary to the objectives set out in the South Dublin County Council Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 - 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to

low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity'. The proposal has also not demonstrated the impact upon the important non-designated features, such as hedges, trees and woodlands, in accordance with Policy HCL15 and would be contrary to the proper planning and sustainable development of the area.

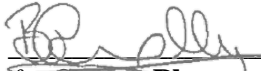
4. With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development and development to be retained would seriously injure the amenities of property in the vicinity, would contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.
5. The applicant has submitted insufficient information regarding surface water drainage, wastewater treatment, landscaping and existing trees to enable the planning authority to adequately assess the impact of the proposed development on the High Amenity – Dublin Mountain area. The proposed development would therefore be contrary to the proper planning and development of the area. Furthermore, if granted the development would be deficient in clarity and prejudicial to public health.

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: SD22B/0098

Signed on behalf of the South Dublin County Council.

Yours faithfully,

 25-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