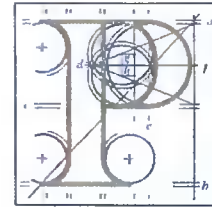


Our Case Number: ABP-313463-22

Planning Authority Reference Number: SD22B/0050



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 03 May 2022

Re: New pitch roofed two storey extension to side and all associated site works, and retention of single storey extension to the rear.
34, Griffeen Glen Boulevard, Lucan, Co. Dublin K78E271

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313463-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 01-8737280

BP07

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First Party Appeal

South Dublin County Council Register Reference:
SD22B/0050

Planning permission for a new pitch roofed two storey extension to side and all associated site works, and retention of single storey extension to the rear.

Undertaken by:

O'Connor Whelan Limited

On behalf of:

Janusz Stepniewski, 34, Griffeen Glen Boulevard,
Lucan, Co. Dublin K78E271

AN BORD PLEANÁLA	
LDG-	<u>051816-22</u>
ABP-	_____
29 APR 2022	
Fee: €	<u>660</u> Type: <u>cheque</u>
Time:	<u>12:50pm</u> By: <u>hand</u>

29th May 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

29th May 2022

Dear Sir

Re: First Party Appeal

South Dublin County Council Register Reference: SD22B/0050

Planning permission for a new pitch roofed two storey extension to side and all associated site works, and retention of single storey extension to the rear.

1.0 Introduction

O'Connor Whelan wishes to lodge a first party appeal to the aforementioned planning application, which was granted retention permission and refused planning permission by South Dublin County Council by order dated 6th April 2022. The appeal is being lodged on behalf of Janusz Stepniewski, 34, Griffeen Glen Boulevard, Lucan, Co. Dublin K78E271.

Janusz Stepniewski is the owner of 34, Griffeen Glen Boulevard and wishes to extend the living accommodation of this existing home.

Note that the appellant welcomes the permission granted for the retention of the single storey extension to the rear.

In this regard, we request An Bord Pleanála to accept that we wish only to appeal the refusal of two storey extension to the side. We request that consideration is only given to this aspect of the decision by South Dublin County Council.

We believe that An Bord Pleanála is entitled to consider the refusal aspect of the South Dublin County Council decision under section 139 of the Planning and Development Act, 2000, as amended.

Attached as Appendix 1 is a copy of the decision by South Dublin County Council.

Also enclosed is a cheque for €660 representing the appropriate appeal fee.

2.0 Reason for Refusal

Schedule 2 of the South Dublin County Council refused permission for a two storey, 19.5 sq m, extension, to the side of the subject property.

The single reason for refusal states:

“Having regard to the permanent removal of all on-site car parking provision, the proposed development of the side extension would result in the removal of all on site car parking and create pressure on existing shared car parking spaces, would contribute to haphazard parking, the endangerment of public safety by reason of a traffic hazard and adversely impact on the quality of the street environment. The proposed development would be contrary to terms and conditions of the parent permission. The development would set an undesirable pattern of development for the removal of existing on-site car parking spaces on similar sites. The proposed development would adversely impact on the residential amenity of the area and would be contrary to the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.”

3.0 Grounds of the Appeal

We wish to appeal the decision on the following grounds:

- There is no justification that there should be on-site car parking.
- The proposed development will not create traffic hazard.
- The proposed development will not have any impact on residential amenities in the area.
- The proposed development will not create a pattern for future development in the area.

3.1 On-Site Car Parking

It is difficult to believe that in 2022, a planning authority is refusing permission for a modest 19.5 sq m extension on the basis that there will be no off-street car parking spaces provided to serve the adjoining dwelling.

Under Register Reference S00A/0682 permission was granted for the original estate in December 2000 for a development comprising 100 dwellings consisting of 38 no. 3 bedroom 2 storey mid-terraced houses (Type A), 36 no. 3 bedroom two-storey end of terrace houses (Type B), 8 no. 3 bedroom two storey corner houses (Type C1), 8 no. 3 bedroom two storey detached houses (Type C), 8 no. 2 bedroom two storey terraced houses (Type D) and 2 no. 4 bedroom two storey semi-detached houses (Type E).

As illustrated in the layout below there is a mixture of off-street on-site car parking and communal car parking. The car parking provision was 2 spaces per dwelling i.e 200 spaces, of which 75 no. are communal spaces.

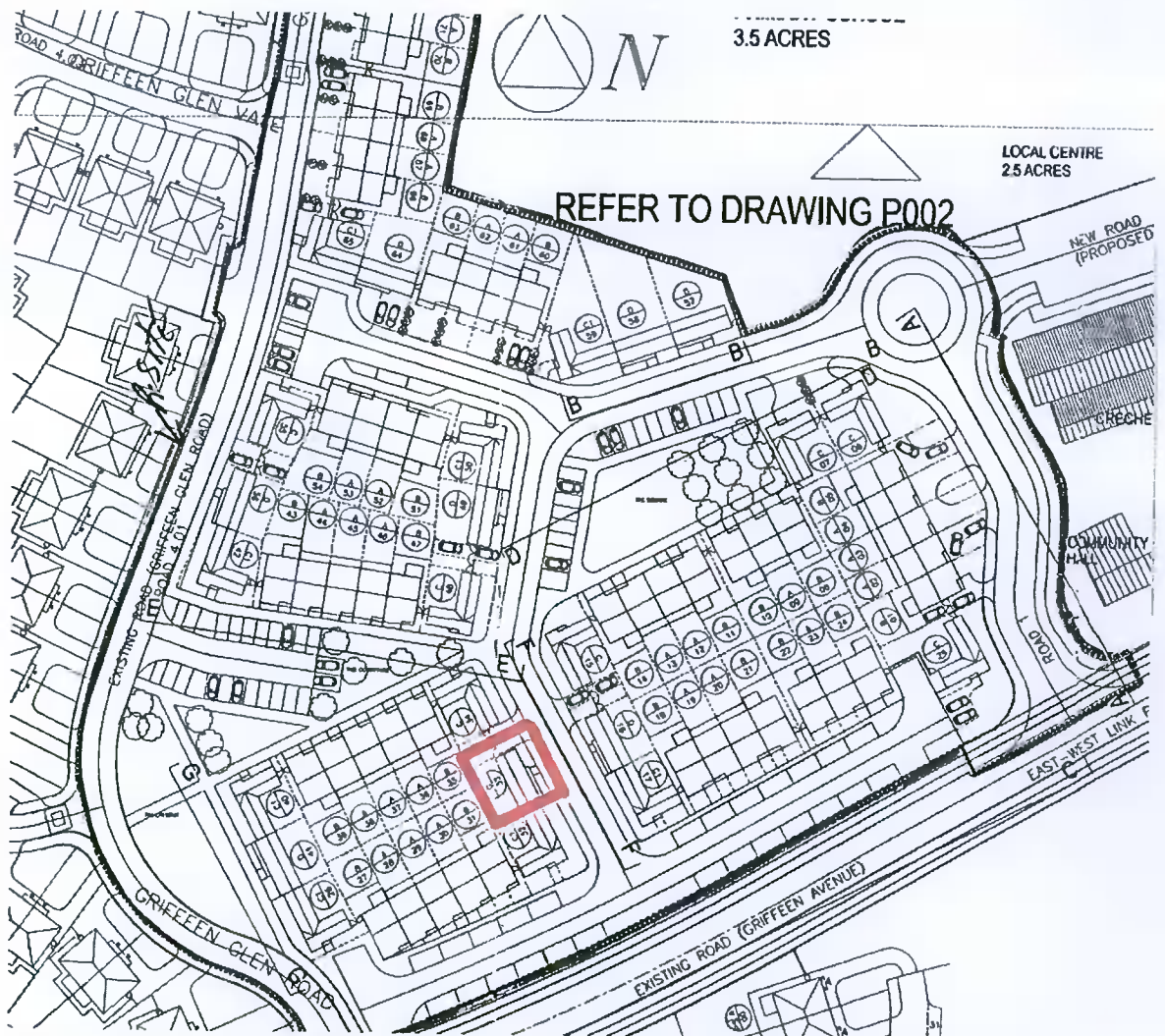


Figure 1: Original site layout for surrounding residential estate (subject site outlined in red).

The estate has 200 spaces for 100 houses. Town planning has changed since permission was granted 22 years ago. The emphasis is rightly on reducing the emphasis on the private car and focusing on public transport, walking and cycling.

This is evident in the soon to be adopted South Dublin County Development Plan 2022-2028. Maximum, as opposed to minimum, car parking standards are provided for various development types. The maximum car parking standard for a 2 bedroom house in Zone 2 is 1.25 spaces.

In this regard, it is disingenuous of the planning authority to suggest that the proposed development conflicts with the parent permission governed by a planning policy which is over 22 years old; and outdated with regard to contemporary planning policy.

Zone 2 (Residential) is defined as more restrictive rates for application within town and village centres, within 400 metres of a high quality public transport services (includes a train station, Luas station or bus stop with a high quality service).

The subject site is less than a five minute walk from bus stop number 4623 on Griffen Avenue. This stop is served by the following routes:

- C1: Adamstown Station to Sandymount (via the city centre): service once every 15 minutes during peak times.
- C2: Adamstown Station to Sandymount (via the city centre): service once every 6-10 minutes during peak times.
- L53: Adamstown Station to Liffey Valle shopping centre: service once every 30 minutes during peak times.

Given the access to high quality and frequent public transport services, combined with the high number of car parking in the estate (including communal parking), we believe it is unreasonable and poor planning to refuse permission for the proposed modest extension due to a lack of parking.

3.2 Traffic Hazard

We cannot see the logic in suggesting the proposed development will result in a traffic hazard. We note that the Roads Department made no determination on the planning application, and it appears that the planner alone determined that a traffic hazard would occur, in spite of his statement that "...it is noted the car parking provided for the dwelling is not currently utilisable for car parking...." In other words, car parking has not been occurred on the site, and there has been no issue with traffic hazard.

As discussed above, there is ample car parking on the estate including 75 no. communal car parking spaces. There are plenty of estates around Dublin where there is only communal car parking spaces and no on-curtilage car parking. This does not result in traffic hazard. Given the amount of communal car parking spaces within close proximity of the dwelling, there will be no need to park on the street or footpath.

3.3 Residential Amenity

The proposed development will not have any impact on residential amenities in the area. The entire basis for this argument is that the lack of on-curtilage car parking will somehow result in on-street car parking which will affect other residents, even without the input of the Roads Department in this regard. As demonstrated above, there is more than sufficient car parking both off-street and communal car parking to serve the entire residential estate – 2 spaces for each dwelling. The amount of car parking, particularly communal car parking, will not result in on-street car parking as a result of the proposed development.

Impact on residential amenity is usually measured in terms of impacts on visual amenity by reason of poor design, excessive height, overlooking, overshadowing, lack of open space etc. None of these impacts occur as a result of the proposed development. It is notable in the planner's report under the heading of "Proposed Extension" the development was considered acceptable and none of these impacts were considered as negative aspects.

3.4 Pattern for Future Development

The planners report states that proposed development would set an undesirable pattern for future development in the area, and quotes from the Roads Department on an entirely different development, which states "a grant of permission would set an undesirable precedent for similar development in the overall housing estate...."

It is not accepted that the creation of an undesirable precedent is in itself a valid reason for refusal in this instance or in general. A central tenet of the planning system is that every planning application should be determined on its own merits having regard to the individual circumstances of the application. The subject development is permissible under the zoning objective; is in accordance with the relevant development plan standards; and does not result in any loss of amenity to adjoining properties by reason of excessive overlooking, overshadowing, vehicle movements and consequent noise and disturbance.

4.0 Conclusions

This appeal has been submitted on behalf of Janusz Stepniewski, 34 Griffeen Glen Boulevard, Lucan, Co. Dublin K78E271

Janusz Stepniewski is the owner of 34, Griffeen Glen Boulevard and wishes to extend the living accommodation of this existing home.

The appellant welcomes the permission granted for the retention of the single storey extension to the rear.

In this regard, we request An Bord Pleanála to accept that we wish only to appeal the refusal of two storey extension to the side. We request that consideration is only given to this aspect of the decision by South Dublin County Council.

We wish to appeal the decision on the following grounds:

- There is no justification that there should be on-site car parking.

- The proposed development will not create traffic hazard.
- The proposed development will not have any impact on residential amenities in the area.
- The proposed development will not create a pattern for future development in the area.

The proposed extension has been refused solely on the grounds of the lack of on-curtilage car parking. Given the access to high quality and frequent public transport services, combined with the high number of car parking in the housing estate (including communal parking), we believe it is unreasonable and poor planning to refuse permission for the proposed modest extension due to a lack of parking.

We believe that the refusal is based on outdated with regard to contemporary planning policy. In this regard, it is disingenuous of the planning authority to suggest that the proposed development conflicts with the parent permission governed by a planning policy which is over 22 years old.

In light of the foregoing, we urge An Bord Pleanála to overturn the decision of Dublin City Council and refuse permission for the proposed development.

Yours faithfully



Alan Whelan
Director
O'Connor Whelan Limited

Appendix 1: Copy of the decision by South Dublin County Council

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

Piotr Alama,
Zoha Architects
Suite A, Solus Tower Estate
Corke Abbey
Bray
Co. Wicklow

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

Decision Order No: 0440	Date of Decision: 06-Apr-2022
Register Reference: SD22B/0050	Date:

Applicant: Janusz Stephmiewski

Development: New pitch roofed two storey extension to side and all associated site works, and retention of single storey extension to the rear.

Location: 34. Griffeen Glen Boulevard, Lucan, Co. Dublin K78E271

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County of South Dublin, did by Order dated as above make a **DECISION TO GRANT RETENTION & REFUSE PERMISSION** in respect of the above proposal, as detailed on the following pages.

A decision to **Grant Permission** for the retention of the rear extension subject to the Conditions and Reasons specified in Schedule 1.

SCHEDULE 1

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be retained fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Drainage - Irish Water.
 - (a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
3. Financial Contributions.
The developer shall pay to the Planning Authority a financial contribution of €501.55 (five hundred and one euro and fifty five cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.
REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.
NOTE RE: CONDITION
Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

A decision to **Refuse Permission** for the two-storey side extension for the Reason(s) specified in Schedule 2.

SCHEDULE 2

Reasons

1. Having regard to the permanent removal of all on-site car parking provision, the proposed development of the side extension would result in the removal of all on site car parking and create pressure on existing shared car parking spaces, would contribute to haphazard parking, the endangerment of public safety by reason of a traffic hazard and adversely impact on the quality of the street environment. The proposed development would be contrary to terms and conditions of the parent permission. The development would set an undesirable pattern of development for the removal of existing on-site car parking spaces on similar sites. The proposed development would adversely impact on the residential amenity of the area and would be contrary to the South Dublin County Development Plan 2016-2022 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 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council

Register Reference: **SD22B/0050**


for Senior Planner

11-Apr-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