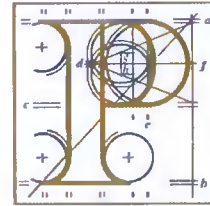


Our Case Number: ABP-313794-22

Planning Authority Reference Number: SD22A/0085



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 14 June 2022

Re: Construction of house and associated site works
1, Marley Rise, Rathfarnham, Dublin 16.

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
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

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-313794-22) 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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Láithreán Gréasáin www.pleanala.ie
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64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902



1078/D2/ABP Appeal Letter 001 13.06.2022.pages

13.06.2022

FAO:
The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Ireland

AN BORD PLEANÁLA	
LDG-	<u>054493-22</u>
ABP-	
13 JUN 2022 o.k.	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time:	<u>17-10</u> By: <u>hand</u>

First Party Appeal to An Bord Pleanala Appeal on behalf of Martina Murphy against the decision of South Dublin County Council to refuse planning permission for the following development under Reg. Reference: SD22A/0085

Application for planning permission for the Erection of 1 No two storey 3 bedroom dwelling house circa 110 m2 nett internal area (circa 120 m2 gross external area) to include new vehicle access, car parking, new service & drainage connections & other associated site works including demolition of existing internal garden wall, partial lowering of height of boundary wall, on overall site comprising 0.0233 hectares (circa 233 m2) at 1 Marley Rise, Rathfarnham, Dublin 16, D16 N9X4, by Martina Murphy.

Dear Sir/Madam,

On behalf of our client Martina Murphy we submit the following supporting documentation for the above:

1. Planning Appeal Form completed - 1078.D3.ABP Planning-Appeal-Form-EN-type-in-answers
2. Fee - First party appeals A1 Fee Cheque No 500116 (933236 08067025 09) €220.00
3. First Party Appeal Report - 1078/D3/ABP First Party Appeal Report 001 13.06.2022.pages.pdf
4. Transportation Appeal Report - 1078/C2/Stephen Reid Traffic Consulting 20220613_New House at side of 1 Marley Rise, Rathfarnham_access and safety review for First Party Appeal.pdf
5. Drainage Appeal Report - 1078/C1/Tanner Structural Designs Ltd 220613-L-An Bord Pleanala-HT-447.pdf

We trust the information is in order, if required please contact us with any queries.

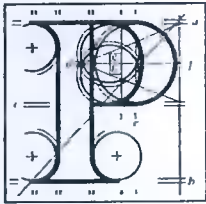
Yours sincerely

Edward Martin Registered Architect
EMAD Limited myhousearchitect



Directors: Edward Martin, Deirdre McDonnell
Company Reg No 373792 VAT No IE6393792M

Encls



An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Martina Murphy

(b) Address

1 Marley Rise, Rathfarnham, Dublin 16, D16 N9X4
Ireland

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Edward Martin Registered Architect EMAD Ltd

(b) Agent's address

65 Greenville Place, Dublin 8 D08 F2Y4 Ireland

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

South Dublin County Council

(b) Planning authority register reference number

(for example: 18/0123)

SD22A/0085

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

1 Marley Rise, Rathfarnham, Dublin 16, D16 N9X4 Ireland

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Refer to attached Reports:

1078/D3/MHA ABP First Party Appeal Report 001 13.06.2022

1078/C2/Stephen Reid Traffic Consulting 20220613_New House at side of
1 Marley Rise, Rathfarnham_access and safety review for First Party
Appeal.pdf

1078/C1/Tanner Structural Designs Ltd 220613-L-An Bord Pleanala-HT-
447.pdf

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





my house
architect

The Studio, 65 Greenville Place Dublin 8 D08 F2Y4

Web: www.myhousearchitect.ie
Email: info@myhousearchitect.ie
Tel: +353 (0)1 531 3956

13.06.2022

**1081/D2/Planning Application An Bord Pleanala Appeal - New House 1 Marley Rise Rathfarnham Dublin D16 N9X4
Ireland**

Martina Murphy

First Party Appeal Report



Contents

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2.	Grounds of Appeal	4
3.	Conclusion	5

1. Introduction

This first party appeal has been prepared by EMAD Ltd myhousearchitect on behalf of Martina Murphy against the decision of South Dublin County Council to refuse planning permission for the following development under Reg. Reference: SD22A/0085.

This report addresses via specialist reports the reasons for refusal.

This report is accompanied by a Transportation Report prepared by Stephen Reid Consulting Traffic and Transportation Ltd which will address the second refusal reason in relation to vehicular access.

Proposal: 1078/C2/Stephen Reid Traffic Consulting 20220613_New House at side of 1 Marley Rise, Rathfarnham_access and safety review for First Party Appeal.pdf

This report is accompanied by a Drainage Report prepared by Tanner Structural Designs Ltd which will address the second refusal reason in relation to drainage.

Proposal: 1078/C1/Tanner Structural Designs Ltd 220613-L-An Bord Pleanala-HT-447.pdf

Decision of South Dublin County Council

Permission was refused for two reasons as follows:

1. The proposed development, by reason of the introduction of a new vehicular access that would be situated on a bend in the road, would result in an increase in traffic movements and associated traffic hazard at this location. Furthermore, due to the proximity of the development to the neighbouring National School, it is considered that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians. Accordingly, it is considered that the proposal would contravene TM7 Objective 3 of the South Dublin County Council Development Plan 2016 – 2022: 'To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape' and would be contrary to the proper planning and sustainable development of the area.
2. Due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health.

2. Grounds of Appeal

This section of the report will provide further discussion on the grounds of appeal, via the specialist consultants reports, and for the benefit of An Bord Pleanála, will comprise a response to the 2. No. reasons of refusal.

The reasons for refusal read as follows:

1. *The proposed development, by reason of the introduction of a new vehicular access that would be situated on a bend in the road, would result in an increase in traffic movements and associated traffic hazard at this location. Furthermore, due to the proximity of the development to the neighbouring National School, it is considered that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians. Accordingly, it is considered that the proposal would contravene TM7 Objective of the South Dublin County Council Development Plan 2016 – 2022: 'To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape' and would be contrary to the proper planning and sustainable development of the area.*
2. *Due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health.*

Response to Refusal Reason No. 1

Refer to the accompanying Transportation Report prepared by Stephen Reid Consulting Traffic and Transportation Ltd which will address the first refusal reason in relation to vehicular access.

Proposal: 1078/C2/Stephen Reid Consulting

Response to Refusal Reason No. 2

Refer to the accompanying Drainage Report prepared by Tanner Structural Designs Ltd which will address the second refusal reason in relation to drainage.

Proposal: 1081/C1/Tanner Structural Designs Ltd

3. Conclusion

In conclusion, it is considered that the development as proposed is acceptable, as the proposed development is acceptable from a traffic perspective as documented in the attached Transportation Report, and from a drainage perspective as documented in the attached Drainage Report.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Edward Martin Registered Architect
EMAD Ltd myhousearchitect

END



Stephen Reid Consulting

Traffic and Transportation

Estuary House, New Street, Malahide, Co Dublin, K36 KH32

tel: 0879793479 e-mail: stephenreid@stephenreidconsulting.com web: www.stephenreidconsulting.com

13 June 2022

Ed Martin
MyHouse Architect
The Studio, 65 Greenville Place,
Dublin 8
D08 F2Y4,

Ref: Projects/1 Marley Rise, Rathfarnham

Dear Ed

Proposed New House at side of 1 Marley Rise, Rathfarnham (SD22A/0085)

Stephen Reid Consulting Traffic & Transportation (SRC) has been retained by the First Party Martina Murphy to undertake a review of the subject site and access considerations and prepare a submission in support of a First Party Appeal to An Bord Pleanála (ABP) against a Notification to Refuse Planning Permission for the above development by South Dublin County Council (SDCC).

The proposed dwelling is to be accessed from a new access on Marley Rise with amendments to the existing boundary wall which abuts the back of the public footpath and forms the northern boundary of the First Party's existing dwelling (No.1 Marley Rise). The proposed vehicle access and proposed dwelling would be constructed in what is currently a large side garden to No.1 Marley Rise. The existing dwelling has vehicle access to the front of the property which is located on the bend in the road on the north west corner of the property.

The SDCC refusal reason No.1 relates to traffic and parking is as follows:

"1. The proposed development, by reason of the introduction of a new vehicular access that would be situated on a bend in the road, would result in an increase in traffic movements and associated traffic hazard at this location. Furthermore, due to the proximity of the development to the neighboring National School, it is considered that the proposed development would result in the creation of an unacceptable traffic hazard to cyclists and pedestrians. Accordingly, it is considered that the proposal would contravene TM7 Objective 3 of the South Dublin County Council Development Plan 2016 – 2022: 'To ensure that car parking does not detract from the comfort and safety of pedestrians and cyclists or the attractiveness of the landscape' and would be contrary to the proper planning and sustainable development of the area.

The drawings submitted with the planning application include a topographical survey of the site and frontage arrangements on Marley Rise including information on the existing and proposed boundary wall of the development site and the retained section of No.1 Marley Rise. The width of footpath in front of the proposed access is 1.6m and the width of the verge to the kerbline is 2.1m.

SRC visited the site during school run periods and outside of school run periods. It is noted that there are brief periods of approximately 20-30 minutes twice per day during term time when there are pedestrian demands due to Divine Word NS along the southern footpath on Marley Rise passing the point of the

*Stephen Reid Consulting Traffic and Transportation Limited
Registered Address: 13B Mullaghboy Industrial Estate, Navan, Co Meath
Company Registration Number: 546700 VAT Number: IE3276597MH*



Stephen Reid Consulting

Traffic and Transportation

Estuary House, New Street, Malahide, Co Dublin, K36 KH32

tel: 0879793479 e-mail: stephenreid@stephenreidconsulting.com web: www.stephenreidconsulting.com

proposed access, and outside of these times there is almost no pedestrian activity and low volumes of traffic activity on Marley Rise related to the fact that it is a cul-de-sac of 19 dwellings and across the daytime period there are typically very limited demands for access to the Divine Word Church which has a car park to the south of the bend in the road.

As there is a direct footpath connection along the northern side of Marley Rise to the school gate, pedestrians using the southern footpath passing the site frontage and proposed access are limited to those who have arrived from the southern arm of Marley Avenue, as those arriving from the northern arm of Marley Avenue do not cross the road on Marley Rise to access the school.

Furthermore, there is a pedestrian access from Divine Word Church car park into the school playground so parents dropping off/picking up younger children from the east side will tend to use that car park instead of dropping off on Marley Rise or Marley Avenue, while parents dropping off/picking up from the north will use Grange Manor estate to access the school from the Nutgrove Way roundabout and parents dropping off/picking up from the west and south will use the Hermitage estate to access from Grange Road/Taylor's Lane.

The current speed limit of Marley Rise is 30kph (taken from the SLOW ZONE signage just west of the junction where traffic turns in from Marley Avenue).

SRC note from the site visit that the driven speed on Marley Rise is commensurate with a slow zone environment and therefore the street is self-regulating, and this has been confirmed by the driven speed observations, with speeds lower than that at the bend in the road (in the area of the keep clear markings).

Notwithstanding this, SRC submit the ambient speed or design speed is likely to be in the order of 20kph, as all traffic turning coming out of the cul-de-sac will have reduced speed around the bend eastbound, while traffic turning in from Marley Avenue will not be accelerating passing the site as they are approaching the bend westbound.

SRC note that the existing dwelling is owned by the First Party who has lived in the existing house for a number of years, and she intends moving into the proposed dwelling after completion and would therefore be fully aware of the local conditions including periods of school run traffic, cycling and walking activity when there would be an increased level of vulnerable road users passing the frontage of the proposed dwelling and proposed vehicle access.

Furthermore, SRC note that SDCC had historically installed a footpath link connecting from the school access footpath to the edge of the road on the outside of the bend with no formal landing point (dropped kerbs and tactile are not provided), and despite it being installed opposite the existing dwelling opening and on a bend, the First Party has managed to avoid conflict with vulnerable road users when entering and exiting her existing dwelling at the location of the existing hazard that was created by SDCC themselves.

In this regard she has advised that it is likely there would only be one car using the proposed access in the future on a day-to-day basis, with occasional use of the second space by visitors. Therefore, the likely increase in traffic movements on Marley Rise (i.e., only 2-4 vehicle movements across the footpath per day) are of such an insignificant level and regarding the proposed measures to aid intervisibility it contended that they are not a material concern in the context of the existing receiving environment and with regard to the peak periods of activity relating to the school.



Stephen Reid Consulting

Traffic and Transportation

Estuary House, New Street, Malahide, Co Dublin, K36 KH32

tel: 0879793479 e-mail: stephenreid@stephenreidconsulting.com web: www.stephenreidconsulting.com

SRC note the reference to TM7 Objective 3 in the reason for refusal and the assertion of SDCC that the proposal would contravene this. SRC would respectfully suggest to the Board that SDCC have taken this wholly out of context and the purpose of this objective is to ensure that there are not overbearing car parking layouts in streets with reference to national guidance as provided in the Design Manual for Urban Roads and Streets (DMURS) as updated in 2019.

Furthermore, it is noted that there is a relatively high level of permeability from Marley Rise to the key bus routes on Grange Road and Stonemasons Way, and to St Enda's Park and Marlay Park, reducing the need to travel by car for commuting and leisure purposes.

The proposed access includes for a removal of the existing 2.0m boundary wall, and replacement with a boundary wall of no higher than 0.9m across the proposed front garden/parking area to ensure there is intervisibility between the vehicle driver and pedestrians on the footpath. It is noted that there is a public street light with LED lamp located just west of the proposed access and therefore the footpath area will be well lit during hours of darkness.

As a final point SRC note that if the Board considers it appropriate, the proposed 0.9m front boundary wall could be revised (i.e. with a lower base wall footing and bow topped railing to each side of the vehicle access width) to further enhance intervisibility of pedestrians approaching on the footpath from each direction.

I trust this is all clear and confirms my professional opinion as an experienced traffic engineer and road safety auditor that the proposed dwelling, utilising the proposed access on the north east corner of the site is suitable with reference to the local road conditions and will not give rise to a traffic hazard.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Stephen Reid CMILT
Managing Director
Stephen Reid Consulting Traffic and Transportation Limited



Unit 2 | Connolly House | Connolly St | Fermoy | Co. Cork | P61 X009 | T: (025) 51000 | E: info@tsd.ie | W: www.tsd.ie

An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Ref: 20063/1.0/22-447

Date: 13 June 2022

RE: NEW HOUSE AT 1 MARLEY RISE, RATHFARNHAM, DUBLIN 16
Planning Ref: SD22A/0085

Dear Sirs,

We are the consulting engineers retained to prepare a drainage report for submission with the above-referenced planning application.

One of the reasons given by South Dublin County Council for refusal of this planning application was as follows:

'Due to insufficient information submitted regarding requirements for Surface Water Drainage the Planning Authority is not satisfied that the proposed development would not be prejudicial to public health'.

Furthermore, the internal Water Services Planning Report prepared by SDCC states that no percolation test results, calculations or dimensions of the proposed soakaway were provided.

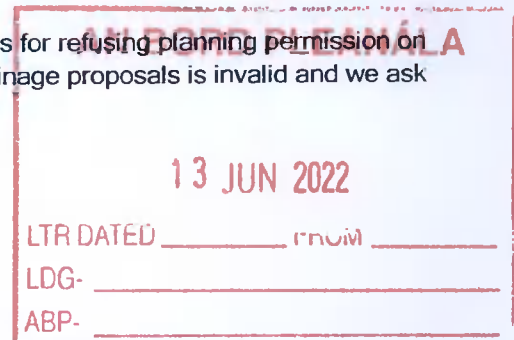
The above statements are completely untrue, as we submitted a drainage plan and a drainage report with the planning application that included percolation test results from a percolation test carried out on the site. These documents were uploaded and are available to view on the Planning Authority website. We are also enclosing a copy of these documents with this appeal.

The percolation test results included in our report were used to calculate the size of soakaway required to deal with the stormwater runoff from the site. The drainage plan shows the proposed location and size of the soakaway, as well as all the stormwater drainage on the site discharging to the said soakaway. We are satisfied that these proposals meet the requirements of SuDS.

In consideration of the above items, we feel that the basis for refusing planning permission on the grounds of insufficient information on stormwater drainage proposals is invalid and we ask that An Bord Pleanála overturn this decision.

Yours sincerely,

HILLIARD TANNER
Chartered Engineer



<https://tannerstructural.sharepoint.com/sites/TannerStructuralDesignsLtd/Shared Documents/20 Projects/20063 - 1 Marley Rise, Rathfarnham/1 0 Correspondance/Outgoing/220613-L-An Bord Pleanala-HT-447.docx>

Tanner Structural Designs Ltd. is registered in Ireland No. 427136. VAT No. IE9575008F
Directors: Hilliard Tanner BE CEng MIEI MStructE, Stephanie Tanner