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

Decision Order No.	0793	Date of Decision	22-Jun-2022
Register Reference	SD21B/0585	Date	27-May-2022

Applicant:

Remy Farrell

Development:

Demolition of existing single storey structures; porch to front, bay window and store to rear; construction of single storey flat roof extension to front, part single storey flat roof extension and part two storey extension with pitch roof to match existing dwelling to rear and internal modifications with associated siteworks.

Location:

Lissadell, Whitechurch Road, Rathfarnham, Dublin 16.

Time extension(s) up to and including:

Additional Information Requested/Received:

24-Jan-2022/30-May-2022

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. The proposed development is in an area which is at risk of flooding. The proposed extension to the south of the existing dwelling is located in an area that is at risk of 1 in 100 year flood event. The proposed mitigation measures outlined in the submitted Flood Risk Assessment are not considered appropriate and/or have not been appropriately incorporated into the proposed development. It is not acceptable to remove the existing weir on Whitechurch Stream because of

the additional risk of flooding to properties downstream of site. The proposed development is therefore contrary to Policy IE3 Objective 3 of the SDCC County Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2. The proposed development results in an insufficient buffer zone, in reference to Policy IE2 Objective 9 and Policy G3 Objective 2 of the SDCC County Development Plan 2016-2022, between the proposed extension and the watercourse. The proposed extension would involve ground preparation and associated construction works. Works would also involve new guarding/barrier along the stream. Due to the location of works there is the potential for the release of sediments and pollutants into the stream, thereby adversely impacting on its ecological integrity and associated watercourses downstream. The proposed development would therefore be injurious to the ecological and flood management capacity of the Whitechurch Stream and contrary to the Development Plan and the proper planning and sustainable development of the area.
3. The proposed development does not include sustainable drainage systems for the management of surface water run-off to the satisfaction of the SDCC Environmental Services Department. An above ground SuDS system is more desirable than underground, where this is practical, such as grasscrete or other such above ground SuDS. The proposed development is therefore contrary to Policy IE2 Objective 5 of the SDCC 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 (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/0585

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 22-Jun-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, 2001 should be consulted.

(A) 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).
1. 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:
 2. 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