

Armstrong Fenton Associates
Unit 13, The Seapoint Building
44/45, Clontarf Road
Dublin 3

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

Decision Order No.	0948	Date of Decision	25-Jul-2022
Register Reference	SD22A/0157	Date	30-May-2022

Applicant:

Capami Ltd

Development:

On site which forms part of an overall permitted residential development under Ref. SD17A/0468 & has the approved name of 'Ballycullen Gate'; The proposed development consists of a change of dwelling type and increase in number from 17 permitted houses to 26 proposed houses; The proposed dwellings are comprised of 12 three bed semi-detached 2 storey houses, 6 two bed semi-detached dormer houses, 6 two & three bed detached & semi-detached bungalows, 1 three bed detached 2 storey house and 1 four bed split level detached house; The proposed development also includes for all associated site development works, car parking, open spaces and landscaping, on a site area of 0.82ha; The effect of the proposed development will be a modification to an extant permission under Ref. SD17A/0468.

Location:

Site South of Oldcourt Road, Firhouse, Dublin 24

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

REASON(S)

1. Density and Local Area Plan

The proposed development would increase the density to 32 DpH, in excess of the 23 DpH that can reasonably be regarded as the maximum density on the subject lands under the Ballycullen – Oldcourt LAP, or the 28 DpH maximum density that would apply to Mid Slopes lands only. This would contravene Objectives LUD6 and LUD7 of the Ballycullen-Oldcourt Local Area Plan 2014. In addition, the following aspects of the proposal would not comply with the relevant policies and objectives of the Local Area Plan or the County Development Plan with respect of residential development at this location, or would for reasons of process be contrary to the interests of proper planning and sustainable development:

- The interface and link between this site and the main link street to the north-west has not been addressed in the application. A grant of permission to this development would provide for a disconnected urban layout with leftover and superfluous junction spur on the main link street, and a poor connection into the subject site for pedestrians and cyclists.
- Proposed units 7, 8, 9 and 10 would breach the recommended height of 1 storey on the upper slopes lands as per Objective LUD7 of the Local Area Plan, and would subsequently disrupt the landscape character of the area which has been carefully considered and addressed in the Local Area Plan.
- The applicant has not provided any information in relation to sustainable drainage systems.

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/0157

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 28-Jul-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