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

Decision Order No.	1030	Date of Decision	10-Aug-2022
Register Reference	SD22A/0276	Date	16-Jun-2022

Applicant: David, James, Denise and Yvonne Souhan

Development: Detached 2 bedroom dwelling at the vacant garden plot site including dishing of existing footpath and kerb finishes allowing for vehicular access across the site boundary to enable the provision of 1 off street parking space and all associated site works.

Location: Vacant garden plot site adjacent to 36 Montpelier View, 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. Notwithstanding that the plans submitted enclose only the site of the new dwelling in a red line boundary, the entire property of No. 36 Montpelier View is outlined in blue line and is a subject of this development, as that property will be subdivided by this development. Notwithstanding that the applicant has made reference to a 25sqm qualifying limit that exists for classes of exempted development, the proposed development is not an exempted development, does not fall under one of these classes, and would result in the permanent subdivision of No. 36 and provide

for the sale of the proposed dwelling into separate ownership. For the existing dwelling, the proposed rear garden of 29sqm is a major shortfall when compared to the standard of 60sqm provided for in the South Dublin County Council Development Plan 2022 - 2028, and outside of the 10% allowance for flexibility also noted in the Plan. The proposed development constitutes overdevelopment and would result in substandard residential accommodation which would compromise and be seriously injurious to the residential amenity afforded to existing and potential occupants of No. 36, and would therefore be contrary to the 'RES' land-use zoning objective, and Policy H13 'Residential Consolidation' of the County Development Plan, and would be contrary to the proper planning and sustainable development of the area.

2. The applicant has not shown that the proposed dwelling would avoid overshadowing and loss of residential amenity at No. 37A by virtue of its close proximity of 7.5m (minimum) to the south of that property, and that the development would not therefore be contrary to Policy H11 of the South Dublin County Council Development Plan 2022 - 2028. Thus the proposed development would seriously injure the amenities of property in the vicinity.

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/0276

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 12-Aug-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