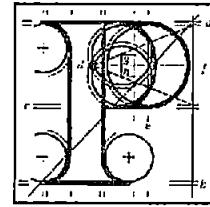


Our Case Number: ABP-314598-22

Planning Authority Reference Number: SD22B/0282



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

15 SEP 2022

South Dublin County Council

Date: 14 September 2022

Re: Widening of vehicular access from public road.
32, St. Enda's Park, Rathfarnham, Dublin 14

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,

Tel	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	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 under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your

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

11th September 2022

Colm Cosgrove
32 Saint Enda's Park
Dublin 14
D14 FV56
colmcosgrove60@gmail.com
087 2460906

The Secretary, An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902,

AN BORD PLEANÁLA	
LDG-	<u>057147-22</u>
ABP-	_____
12 SEP 2022 o.k	
Fee: €	<u>220</u> Type: <u>card</u>
Time: <u>1:20</u>	By: <u>hand</u>

Dear sir/madam,

PLANNING APPEAL

Planning Authority: SOUTH DUBLIN COUNTY COUNCIL

Re: Refusal to Grant Planning permission for widening of vehicular access from public road at 32 Saint Enda's Park, Dublin 14

Register Reference: SD22B/0282

I am writing to make an appeal against the refusal to grant permission by South Dublin County Council to for the development above. As we (my wife and I) are the applicants this is a first party appeal.

As a point of information, I asked for a pre-application meeting with SDCC by email on 26/03/22 and 01/04/22 but received no response. I decided to make the application in any case and therefore feel that I had not opportunity to be made aware of all the issues that would be relevant to an application for this type of development.

The reasons for refusal of the application were:

- 1. The proposed development, by virtue of the excessive width of the proposed shared vehicular entrance, would compromise street parking and adversely impact the existing street tree. Thus, the proposed development would have a negative impact on the visual amenities and residential amenities of the residential area. As such, the proposed development would not be in accordance with the residential zoning objective and Section 12.7.6 of the County Development Plan (2022-2028) and therefore not in keeping with the proper planning or sustainable development of the area.*
- 2. The proposed development would have a negative impact on a street tree and has failed to incorporate Green Infrastructure. It is therefore not in accordance with Policy Objectives G11 Objective 4, G12 Objective 4 and Sections 12.4.2 and 12.7.6 of the South Dublin County Development Plan 2022 - 2028. It is therefore not in keeping with the proper planning or sustainable development of the area.*

GROUNDS FOR APPEAL

In response to the reasons for refusal–

1.

- a. The vehicular entrance is, as stated, a shared access. Given this fact and the consequent increased usage, the maximum width prescribed in the SDCC Development plan may not apply. I would ask for a flexible approach in this matter. The driveway is shared between 2 households and, where the road access was split, the width of driveways would total around 7m.
- b. The on-street parking space is in fact causing obstruction to the driveways of our property and that of nos.34 & 36. On several occasions reversing cars have collided with either the concrete wall of the circular green space or cars parked on the onstreet sped. While it is the council policy to attempt to retain onstreet spaces, it is also policy to reduce car traffic generally to encourage sustainable transport in the council area. I include extracts from the current Written Statement of the Development Plan –

7.10 Car Parking

... if parking is scarce or expensive, people are more likely to choose public transport options or active mode.

.... It is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation.

12.5.4 Public Realm:

.... A layout which allows the use of sustainable forms of transport such as walking, cycling and public transport, with clearly defined footpaths and cycleways linking all buildings and public areas. Parking areas should not be a dominant feature;

The availability and cost of car parking has a major impact on the level of traffic that is generated by a development and attracted to an area. There is a need for a balanced approach to car parking management that takes the car parking needs of businesses and households into account, and the need to limit the impact of traffic congestion and promote more sustainable forms of transportation.....

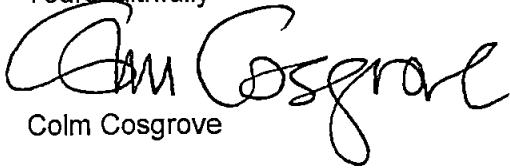
- c. Once I was aware of the issues raised in consideration of the application for no 36 Saint Enda's Park (SD22B/0221), I revised the proposal and forwarded to SDCC. (Again, I would point out that we were unable to meet with SDCC for a pre-application meeting and so could not anticipate what particular issues would be relevant). The revised proposal would have no effect on the grass verge or the existing cherry tree. However, the Development Plan states that mitigation is possible in such a case. In the decision for No. 36 (SD22B/0221) Public Realm advised that a tree bond can be lodged with the County Council for protection of the tree. Note that Public Realm advised that there was no issue with relocation of the gate pier.
I would ask that this approach is considered in the determination of our appeal.
2. With regard to the street tree see Note 1.c. above. If the revised proposal could be considered I believe that any risk to the street tree and grass margin is eliminated, and the Green Infrastructure policy requirements are complied with.

I attach the draft revised proposed plan that was included in our observation submitted to SDCC
– Dwg.no. 1582A-01A.

I also include the fee in the form of a cheque made out in the sum of €220.00.

If you require anything further, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Colm Cosgrove', written in a cursive style. The signature is positioned above the printed name 'Colm Cosgrove'.

Colm Cosgrove