

John Loney
Brooklands
Barrettstown Road
Newbridge
Co. Kildare

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

Decision Order No.	1182	Date of Decision	19-Sep-2022
Register Reference	SD22B/0175	Date	23-Aug-2022

Applicant: Joe Costello

Development: Extend over existing linear cottage to create a two storey house; extend to the front (east) with a two storey residential wing; re-model existing stables and erect small hay and fodder storage shed within an enclosed courtyard; up-grade existing septic tank to a proprietary waste water treatment system and all ancillary site works.

Location: Ballymaice House, Ballymaice, Bohernabreena, D24 TV70

Time extension(s) up to and including:

Additional Information Requested/Received: 20-Jun-2022/23-Aug-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 site is located in an area zoned Objective HA-DM in the South Dublin County Development Plan 2022 -2028 which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountain Area'. It is considered that the site of the proposed development is situated in an area under strong urban influence and therefore, constitute the proliferation of urban generated housing in a rural area and hinder the achievement of the policies and objective

of the National Planning Framework to consolidate existing urban settlements and contribute to compact growth within the Dublin Region. It is therefore considered that the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2022 -2028 including Policy H19 Objective 2 and would contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. The proposed development requires the removal of indigenous hedgerows and existing mature trees which is in contravention of Policy NCBH11 Objective 5 of the South Dublin County Development Plan 2022-2028 which seeks To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted, and that important heritage features and potential wildlife corridors are protected, and, therefore would not be in accordance with 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: SD22B/0175

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 21-Sep-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