

**James Mitchell**  
15, Carrs Mill  
Portrane Road  
Donabate  
Co. Dublin  
K36K129

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

<b>Decision Order No.</b>	<b>1384</b>	<b>Date of Decision</b>	02-Nov-2022
<b>Register Reference</b>	SD22A/0354	<b>Date</b>	08-Sep-2022

**Applicant:**

Danielle O'Kelly

**Development:**

Demolition of a bedroom extension to the existing house, previously granted under Ref. SD05B/0144; Construction of a new two storey house, on family lands, beside Beechlawn; The proposed contemporary house follows the existing contours of the slope; External works include the removal of sections of existing hedging, the existing septic tank (which currently serves Beechlawn), the planting of new native species mix hedges and low fencing; The installation of two new sewerage treatment plants and associated percolation areas to serve the existing and proposed houses, provision of a soak away for surface water; A new well to supply water to the proposed house, parking for two cars, an electric car charging point and landscaped stepped terraces and associated external works; The proposed house is to be accessed via a right of way from the existing lane and through the grounds of Beechlawn.

**Location:**

Beechlawn, Kilakee Road, Rathfarnham, Dublin 16

**Time extension(s) up to and including:**

**Additional Information Requested/Received:**

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**Clarification of Additional Information Requested/Received:**

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**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 RU in the South Dublin County Development Plan 2022 -2028; which states that 'it is the policy of the Council that within areas designated with Zoning Objective 'RU' ('to protect and improve Rural Amenity and to provide for the development of Agriculture') new or replacement dwellings will only be permitted in exceptional circumstances. On the basis of the information submitted, the applicant has not provided acceptable justification for a dwelling and provided adequate evidence of 'exceptional circumstances' that require them to live in this area, external to a built-up settlement. Therefore, the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2022 -2028. Consequently, it 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. Housing Policy H16 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2022-2028, states: 'Management of Single Dwellings in Rural Areas Restrict the spread of urban-generated dwellings in the Rural 'RU', Dublin Mountain 'HA-DM', Liffey Valley' HA-LV' and Dodder Valley' HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy'. The applicants have not provided sufficient justification for the setting aside this policy in this instance. Taken in conjunction with existing residential development in the area, the proposed dwelling would contribute to excessive development in a rural area lacking certain public services and community facilities, served by a substandard road network to accommodate increased development. As such, the proposed development would materially contravene the objectives of the County Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.
3. Regarding Policy H23 of the South Dublin County Development Plan 2022-2028, the Planning Authority considers the proposed dwelling an overdevelopment, and the proposal does not minimise the impact on the landscape at a varying height that totals 8m and over three large obtrusive blocks impacting views and prospects of natural beauty. In addition, such cut-and-fill measures would significantly impact the area's rural landscape character and the local and wider region's biodiversity and Green Infrastructure network.
4. Insufficient information has been submitted for the management of surface water for each dwelling and site to the satisfaction of SDCC's Environmental Services Department. Additionally, a soakaway cannot be shared between two properties. The proposed development is therefore contrary to Policy IE3 of the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.
5. The proposed development would contribute further to a pattern of ribbon development, which would further erode the area's rural character and set a precedent for future similar developments

of a similar nature and would therefore be contrary to the proper planning and sustainable development of the rural 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: SD22A/0354**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

*Pamela Hughes* 03-Nov-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