

Argo Development Studio
23, South Great Georges Street
Dublin 2.

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

Decision Order No.	1406	Date of Decision	08-Nov-2022
Register Reference	SD22A/0358	Date	14-Sep-2022

Applicant:

Siobhan & Dominic Mullee

Development:

3 storeys, 3 bedrooms flat roofed dwelling with self-coloured render and vertical timber cladding finish, on a site at the rear of a Protected structure - SDCC RPS No.095 I MAP No. 095); The development involves the splitting of the existing site in two while retaining the existing 3 storeys over basement dwelling as-is; The proposed site to the rear will have an area of 159.5sq.m and the dwelling will have a total floor area of 153.4sq.m; The application includes an accessible screened roof garden, front facing screened balcony, an internal courtyard, proposed services, all associated site works and a new vehicular entry with a sliding gate off the R835.

Location:

1A, The Crescent, Cooldrinagh, Lucan, Co. Dublin

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. The subject site, by reason of the following, would have an unacceptable impact on roads:

- The applicant has failed to demonstrate that there is adequate visibility at the proposed entrance. A continuation of development will lead to increased traffic movement on this roadway which would endanger public safety by reason of a traffic hazard.
- The proximity of the neighbouring retaining walls restricts the ability to provide the minimum sightlines and therefore it is not possible to create a safe vehicular egress from the property.
- A vehicle accessing the proposed driveway would need to stop, reverse in the wrong direction on the one-way road requiring an unsafe road movement, and therefore create a traffic hazard.
- The proposal would result in the generation of additional traffic on a laneway that is substandard in width and alignment and lacks adequate facilities for pedestrians and vulnerable road users. It would therefore endanger public safety by reason of a traffic hazard.
- The applicant has failed to demonstrate compliance with DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

The Planning Authority is not satisfied that the proposed development would not give rise to a traffic safety hazard. As such, the proposed development is contrary to the provisions of the South Dublin County Development Plan 2022-2028 and 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: SD22A/0358

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 09-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