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Dublin 16

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

<b>Decision Order No.</b>	<b>1465/22</b>	<b>Date of Decision</b>	21-Nov-2022
<b>Register Reference</b>	SD22A/0368	<b>Date</b>	26-Sep-2022

**Applicant:** Rosemount Properties Limited

**Development:** Detached two and a half storey four bedroom house with vehicular access from Stocking Lane and all associated site works.

**Location:** Stocking Lane, Rathfarnham, Dublin 16

**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. Given the topography of the site, the proximity of neighbouring residential properties and their private rear amenity space at a lower ground level to the east and the lack of information submitted in relation to site levels and the proposed dwelling, the planning authority is not satisfied on the basis of the information submitted that the proposal would not have an adverse impact on neighbouring residential amenity in terms of being overbearing. Thus, the proposed development would seriously injure the amenity of property in the vicinity and would be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and would therefore be contrary to the South Dublin County Council Development Plan 2022 – 2028 and the proper planning and sustainable development of the area.

2. Given the topography of the site and the lack of information submitted in relation to site levels, accessibility, usability and quantity of private amenity space proposed, the planning authority is not satisfied on the basis of the information submitted that the proposal would provide a sufficient quality and quantity of useable private amenity space. The proposal would therefore be contrary to the zoning objective for the area which seeks 'to protect/and or improve residential amenity' and the proper planning and sustainable development of the area.
3. Given the topography of the site, the proposed siting of the new dwelling in a visually prominent location adjacent to Stocking Lane and the lack of information submitted in relation to site levels, the planning authority is not satisfied on the basis of the information submitted that the proposal would have an acceptable visual impact on the site and surrounding area. The proposal is therefore considered to be contrary to policy Section 12.3.5 Landscape Character Assessment 'Sites with Varying or Steep Topography Proposals' and Section 12.6.8 Residential Consolidation Infill Sites Development on infill sites 'It should be ensured that residential amenity is not adversely impacted as a result of the proposed development'.
4. Having regard to the inappropriate location proposed, vehicular access on Stocking Lane, and the ability of refuse collection and generating a traffic hazard due to proliferation of multiple accesses at the proposed development.

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/0368**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

  
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for **Senior Planner**

21-Nov-2022

## 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