

**Cathal & O'Neill & Co. Architects**  
33, Pembroke Road  
Dublin 4

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

<b>Decision Order No.</b>	<b>1526</b>	<b>Date of Decision</b>	30-Nov-2022
<b>Register Reference</b>	SD22A/0382	<b>Date</b>	06-Oct-2022

**Applicant:**

Jogor Point Ltd

**Development:**

Construction of a) a metal clad single-storey warehouse, of 3072 sq.m, 13.58m high to parapet at front and part of the sides, and 10.4m high to eaves and 12.9m high to the ridge at part of sides and rear; b) a single storey 2.9m high ESB substation of 14sqm ; c) the widening of the existing vehicular/cycle entrance to The Fox hunter Public House , and the forming of a new vehicular/cycle exit to the north west corner of the site; d) the formation of pedestrian/cycle gate to Hermitage Gardens and pedestrian gate to Lucan Road, e) internal roads and pathways and all associated hard and soft landscaping, f) foul and surface drainage, including attenuation tanks; g) 18 carparking spaces and 16 bicycle spaces.

**Location:**

Lands South Side of Lucan Road, Ballydowd & abutting Hermitage Gardens, Ballydowd, 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.

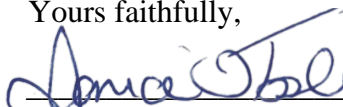
**REASON(S)**

1. Insufficient information has been provided to allow a full assessment. Based on the information provided the proposed development, by reason of its excessive scale and bulk, its inappropriate form and finish, as well as its inadequate response to its context, including neighbouring two-storey residential dwellings would result in a poor quality and visually overbearing form of development that would adversely impact on the visual amenity of the application site, would seriously injure the residential and visual amenities of property in the vicinity of the site and the character of the wider area, and would set an undesirable precedent for similar types of development in the area, accordingly the development fails to comply with Policy QDP9: High Quality Design - Building Height and Density, as well as QDP12 Objective 4, QDP8 Objective 1, Policy QDP3, Policy QDP11 and appendix 10. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the submission on file from Transportation Infrastructure Ireland it is considered that the proposal, if approved, would create an unacceptable adverse impact the use of the adjoining national road and associated junction and would, be at variance with national policy national policy relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions.
3. Corridor 6, Lucan to City Centre, of the NTA's Core Bus Corridor (CBC) Project, as provided for in the Transport Strategy, runs along the N4 at this location. The proposal fails to demonstrate that the design on the northern boundary reflects the current preferred design for the Lucan CBC at this location. As such, it is contrary to Policy SM3 Objective 2 of the CDP 2022-2028.
4. The proposed development, which has failed to incorporate the recommendations from the Road Safety Audit within the proposed design, would endanger public safety by reason of traffic hazard and/or obstruction of road users which would be contrary to Policy SM5 Street and Road Design, which seeks to promote road safety, and would be contrary to the sustainable planning and 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/0382**

Signed on behalf of the South Dublin County Council.

Yours faithfully,  
  
for **Senior Planner** 02-Dec-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