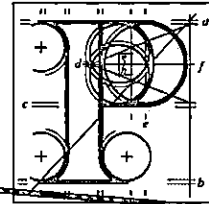


Our Case Number: ABP-315930-23

Planning Authority Reference Number: SD22A/0444



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

SCANNED

PLANNING COUNTER
- 7 MAR 2023
RECEIVED

Date: 06 March 2023

Re: 4 houses and associated car parking, private open space, landscaping, connection to existing services, vehicular access from Knocklyon Road and all associated site development works Knocklyon Road, Knocklyon, Dublin 16.

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

| | | |
|--------------------|---------|------------------|
| Tel | Tel | (01) 858 8100 |
| Glaao Áitiúil | LoCall | 1800 275 175 |
| Facs | Fax | (01) 872 2684 |
| Láithreán Gréasáin | Website | www.pleanala.ie |
| Ríomhphost | Email | bord@pleanala.ie |

| | |
|----------------------|-----------------------|
| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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| 64 Sráid Maoilbhríde | 64 Marlborough Street |
| Baile Átha Cliath 1 | Dublin 1 |
| D01 V902 | D01 V902 |



An Bord Pleanála,
64 Marlborough Street,
Dublin 1
DO1 V902

| | |
|---|-------------------------------|
| AN BORD PLEANÁLA | |
| LDG- | 061550-23 |
| ABP- | |
| 27 FEB 2023 | |
| Fee: € 1,500 | Type: BANK DEPOSIT |
| Time: 4:15pm | By: HAND |
| Our Ref: 210906-a Planning Authority Ref: SD22A/0444 | |

27 February 2023

Re: **First Party Planning Appeal Relating to Proposed Development (SD22A/0444) by South Dublin County Council.**
Site Address: Knocklyon Road, Knocklyon, Dublin 16.

Dear Sir/Madam,

On behalf of our client, Pathway Homes Ltd, Dublin Road, Ballisodare, Sligo, Co. Sligo, MKO wish to submit this Grounds of Appeal submission to the Board in respect of a decision by South Dublin County Council to refuse planning permission (SD22A/0444) for development at Knocklyon Road, Knocklyon Dublin 16. The decision by South Dublin County Council issued on 30th of January 2023.

The full development description of the proposed development reads as follows:

The provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.

The following documents are enclosed with this appeal for consideration by An Bord Pleanála:

- First Party Grounds of Appeal Submission prepared by MKO including appendices;
- Completed Appeal Form;
- Amended Engineering Drawings Prepared by Jenning O Donovan Consulting Engineers;
- Amended Architectural Drawings prepared by Vincent Hannon Architects; and
- Required fee of €1,500 enclosed, in the form of a cheque made payable to An Bord Pleanála.

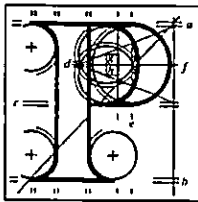
Should you require any further information please do not hesitate to contact this office.

Yours Faithfully,

Mary Kelleher

Planner
MKO





An
Bord
Pleanála

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Pathway Homes Ltd.

(b) Address

Dublin Road, Ballisodare, Co. Sligo

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Mary Kelleher

(b) Agent's address

MKO, Tuam Road, Galway

Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

South Dublin County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

SD22A/0444

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Knocklyon Road, Knocklyon, Dublin 16

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please find grounds of appeal and supporting documentation enclosed with this appeal.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee of €50**. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



**First Party Grounds of
Appeal – South Dublin
County Council (PI Ref.
SD22A/0444)**

Proposed Development on
lands at Knocklyon Road,
Dublin 16





APPENDIX 1

**SOUTH DUBLIN COUNTY
COUNCIL PLANNING DECISION**

Mary Kelleher
Mervue Business Park
Tuam Toad
Galway
H91 VW84

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

| | | | |
|--------------------|------------|------------------|-------------|
| Decision Order No. | 0108 | Date of Decision | 30-Jan-2023 |
| Register Reference | SD22A/0444 | Date | 24-Nov-2022 |

Applicant: Pathway Homes Ltd

Development: The provision of 4 no. 5 bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works.

Location: Knocklyon Road, Knocklyon, 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. Notwithstanding the zoning objective of the application site, 'RES' which seeks to protect and improve residential amenity, the application site is subject to a Deed of Dedication of public open space. The intention of the Deed of Dedication is to commit this area to the public for use as public space and for the Council to utilise and maintain the land in the interest of the public. The subject land has a longstanding history of use as public open space and it is considered that the proposed development if permitted, would result in a loss of an existing high quality amenity space which would have a negative impact on the function, amenity and connectivity of the wider residential area.

2. The proposed development would materially contravene a condition attached to the planning permission for the existing Knocklyon Woods housing estate which identifies 5 no. areas within the development to be utilised as 'play space', one of which pertains to the subject lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed residential accommodation is considered substandard in relation to private amenity space. The under-provision of usable and good quality private amenity space would suggest the proposal would be an overdevelopment of the site. In addition, insufficient information has been submitted in relation to the proposed vehicular accesses, to the satisfaction of SDCC's Roads Department. It is considered that proposed development would provide insufficient amenities to prospective occupants and is contrary to 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/0444

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 31-Jan-2023
for Senior Planner