

The Secretary,
c/o - An Bord Pleanála,
64 Marlborough Street
Dublin 1.

Our Ref : SD22A/0444
Your Ref : ABP-315930-23

Date : 27th March 2023.

**APPEAL RE : Knocklyon Road, Knocklyon, Dublin 16.
(Pathway Homes Ltd)**

Dear Sir/Madam,

I refer to your letter dated 6th March 2023 regarding the above mentioned appeal and confirm herewith the Council's response to this appeal :

Having regard to the grounds of appeal, the Planning Authority position remains unchanged in relation to its decision to refuse planning permission for the provision of 4 no. 5 bedroom 2.5 storey semi-detached houses on Knocklyon Road, Dublin 16. The grounds for refusal and rationale are set out in the Planner's Report prepared in advance of the Planning Authority's decision. The issues raised in the first party appeal are largely addressed in detail in the Planner's Report.

For completeness and to assist the An Bord Pleanála in its decision-making, South Dublin County Council include the following information:

- Deed of Dedication relating to use of land (Appendix 1)
- Folio and associated map under Folio DN19898 (Appendix 2)
- Response in no.2 below to amended plans submitted at appeal stage

1- Deed of Dedication and Ownership:

In response to grounds of appeal which relates to provision of information, South Dublin County Council include, for the information of An Bord Pleanála, a copy of the Deed of Dedication (see Appendix 1).

As stated in the Planner's Report, under the Deed of Dedication, Thomas McInerney & Co. Limited created a public trust in respect of this land attached to the Deed of Dedication whereby it gave up the use of the land *'to the public for use as public open space or such other use or uses that the Council in its discretion considers more beneficial in the interest of the public'*. The Deed of Dedication and annexed drawing identify the application site as one of 5 no. 'Play Spaces' and South Dublin County council wishes to continue to use this land for public amenity, in the manner in which it was intended, under the Deed of Dedication.

The attention of An Bord Pleanála is also drawn to Appendix 2 which provides for a folio and associated map under Folio DN19898 which pertains to the subject site. It would appear that there may be a discrepancy between the applicant's name, who identifies as the landowner on the planning application form and the landownership details contained within the folio, where the stated landowner is Ellard Lipson.

Notwithstanding this and the issues or discrepancy around registered owners, the subject site is currently used and maintained as public open space under this Deed of Dedication. South Dublin County Council's Public Realm Department advises that *'The site is dedicated Public Open Space which has been maintained by South Dublin County Council and the Public Realm Section for many years and remains in the management and maintenance of Public Realm. SDCC has a Deed of Dedication for this land from the original Knocklyon Estate Developers, who were required to provide this site as public open space as part of the original development. Public Realm are of the opinion that this open space was then and remains still an important part of the public open space provided by the original development, we object strongly to its proposed change of use.'*

2 – Proposed Amendments:

The applicant states that the proposed development has been revised on appeal to provide for private amenity spaces of approx. 83sq.m to 85sq.m. Table 3.20 'Minimum Standards for Houses' contained within the South Dublin County Development Plan 2022-2028 sets out the minimum quantum of private open space required. This table states that a 5 no. bedroom houses should have a minimum quantum of 70sq.m.

It appears that in order to meet the minimum requirement for private open space, the calculations include the narrow strips of open space to the side of and in between the proposed dwellings. These spaces are not considered to appropriately contribute to the provision of usable private amenity space and would suggest the proposal would be an overdevelopment of the site.

Conclusion

Having regard to the Deed of Dedication pertaining to the site, conditions of the housing estate's planning permission(s) and provisions of the South Dublin County Development Plan 2022-2028 in terms of residential amenity and the grounds of appeal, South Dublin County Council's position in relation to these development proposals remain unchanged.

Yours faithfully,

M. Crowley
for Senior Planner