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

<b>Decision Order No.</b>	<b>0486</b>	<b>Date of Decision</b>	10-May-2023
<b>Register Reference</b>	SD22A/0406	<b>Date</b>	13-Apr-2023

**Applicant:**

Alan & Monica Holmes

**Development:**

Demolition of an existing commercial two storey building and the construction of 2 commercial units with Plantroom on Ground floor level with 8 residential apartments comprising 2 one Bed apartments 3 two bed apartments and 3 three bed apartments all with private balconies over 4 floors; A communal roof garden is located on the fourth floor; Enclosed bin stores for the commercial and residential units is located at the rear of the building; 5 total car parking spaces including 1 disabled car space is provided; 8 bicycle spaces are provided at the front for commercial units and 10 no. bicycle spaces at the rear for residential units; Sustainable drainage (SuDs) roof and roof garden are provided for the development and all associated engineering and site works necessary to facilitate the development.

**Location:**

Paintworld, 1-2 Ballymount Road Lower, Dublin 12

**Time extension(s) up to and including:**

**Additional Information Requested/Received:**

15-Dec-2022/13-Apr-2023

**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. Concerns regarding the parking and access arrangements, and impacts on traffic in the vicinity of the development have not been addressed. The scheme would result in a dominance of car parking in the Public Realm, contrary to QDP6 Objective 1, QDP6 Objective 6, Section 12.5.4 ‘Public Realm: (At the Site Level)’ and Section 12.7.6 ‘Car Parking Design and Layout’ of the Development Plan 2022 – 2028. In addition, appropriate details for parking management to prevent non-residents utilising surface level car parking have not been provided, the raising of the kerb is not acceptable to the Planning Authority as this will not reduce illegal car parking to the front of the site. Furthermore, there are concerns regarding visibility from the site, given the existing parking arrangements of developments either side of the subject site, and the applicant has not provided appropriate sightlines or accurate plans demonstrating the provision of the required visibility splay. Swept path analysis for larger vehicles such as refuse, deliveries and fire trucks has also not been provided. Without this information it cannot be determined that the scheme would not result in a traffic hazard. In redeveloping the site, significant regard must be had to improving the public realm and traffic arrangements. Proposals that would result in a continuation of unsatisfactory traffic and parking arrangements are not acceptable. On the basis of a lack of information in relation to the aforementioned, it is considered that the scheme would likely result in a traffic hazard and inadequate public realm as a result of the dominance of surface car parking.
2. The applicant has not reduced the density of the scheme as requested and has not adequately justified the proposal for increased height and density at the site, per Section 12.5.3 ‘Density and Building Heights’, of the Development Plan. Higher density development is acceptable in instances where schemes are well designed and attractive and would provide significant enhancements in relation to public realm and the overall character of the area. It is not considered that the current scheme meets these benchmarks on a performance-basis. The scheme as currently designed would result in a discordant addition to the streetscape, with the building appearing overly tall and bulky. In addition, the relationship with buildings to the rear of the development site is not well-resolved. As currently proposed, the scheme does not comply with Policy QDP3, to ‘Support and facilitate proposals which contribute in a positive manner to the character and setting of an area’ or QDP7, to ‘promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture’, of the Development Plan 2022 – 2028. The proposal would interfere with the character of the urban landscape in the area and is therefore not considered to be within the interests of the proper planning and sustainable development of the area.
3. The communal open space provided would not be provided with adequate levels of daylight to provide adequate amenity value. In addition, the amenity value of private balconies is not acceptable due to the inclusion of 1.8m obscure balcony glazing, thereby not offsetting the deficiencies of the communal open space. This is contrary to Policy H9 ‘Private and Semi-Private Open Space’, H9 Objective 1, H9 Objective 2 and Section 12.6.7 ‘Residential Standards’. The absence of public open space and the provision of poor quality private and communal open space are contrary to the Development Plan 2022-2028, would provide poor levels of residential

amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.

4. The applicant has included underground attenuation as part of their proposals for Sustainable Urban Drainage Systems (SuDS) at the site. Proposals for underground attenuation are no longer acceptable to the Planning Authority, save for exceptional circumstances where other SuDS are not feasible (Section 12.11.1(iii) of the Development Plan 2022 – 2028). The applicant has not proposed sufficient natural SuDS and has not demonstrated that other measures are not feasible at the site and as such the SuDS proposals are not acceptable. In addition, the applicant has not demonstrated achievement of the required Green Space Factor (GSF) for the site. GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. SuDs interventions make a significant contribution to this scoring using this tool. Minimum scoring requirements are based on the land-use zoning of a site (GI5 Objective 4) and applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. The absence of SuDs and the failure to meet the required GSF for the site are contrary to the provisions of the Development Plan and therefore 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/0406**

Signed on behalf of the South Dublin County Council.

Yours faithfully,

*Pamela Hughes* 10-May-2023  
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