

Avril O'Connor
46, Limekiln Road
Dublin 12

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

Decision Order No.	0568	Date of Decision	25-May-2023
Register Reference	SD22A/0386	Date	28-Apr-2023

Applicant:	John McWeeney
Development:	The demolition of existing garage and the construction of 1 dormer style, 3 bedroom detached dwelling with new vehicular access from Limekiln Road including the diversion of the existing storm water pipe and all associated ancillary site works. Proposed works similar to previously approved planning permission ref SD07A/0710.
Location:	46, Limekiln Road, Dublin 12
Time extension(s) up to and including:	
Additional Information Requested/Received:	01-Dec-2022/03-Feb-2023,
Clarification of Additional Information Requested/Received:	01-Mar-2023/28-Apr-2023

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. The applicant proposes to develop south of the site outside their redline boundary. The implementation of works for a new concrete headwall is adjacent to the River Poddle that is outlined in the South Dublin County Council Development Plan 2022 – 2028, figure 4.4: Green Infrastructure Strategy Map as the River Poddle Link (Secondary GI Link under L13). Furthermore, the Planning Authority consider that the proposal in its present format contravenes GI3 Objective 1 and GI3 Objective 2 and would adversely impact the integrity of the riparian corridor to be maintained and enhanced having regard to flood risk management, biodiversity, and ecosystem service provision, water quality and hydro morphology and would not be in accordance with the proper planning and sustainable development of the area and would be prejudicial to public health and, therefore, should be refused.

2. The concerns of the Surface Water Department are still required to be addressed. The proposal in its current format would be prejudicial to public health and, therefore, should be refused for the following reasons:
- (i) no 3m setback distance from the side of a 300mm public surface water. There is an existing structure located within a wayleave.
 - (2) no 5m setback distance between the proposed building and a soakaway in the rear of the site.
 - (3) a 300mm surface water sewer passes through the site where the house is proposed. Water services do not recommend diverting the same to allow the proposed house to be developed. Additional bends are presented on a diverted surface water pipe, increasing the risk of blockages of surface water flow. This would also increase flood risk up stream of site.
 - (4) The proposed location where the pipe enters River Poddle is not in ownership of the applicant. Works proposed outside the boundary line of the proposed dwelling.
 - (5) River Poddle connects to a Special Area of Conservation through River Liffey. An appropriate Assessment Screening Report has not been provided to the new infrastructure proposed on River Poddle. This report would determine if further Environmental Impact Assessment Reports are required to assess the impact in a Special Area of Conversation.
 - (6) There is an additional manhole proposed (S7A), and this, together with moving the existing surface water sewer, poses a risk of having a new pipe built in accordance with building regulations.
 - (7) There will be traffic loads over the proposed diverted surface water sewer, which could damage the pipe, and there is not sufficient cover level to surface water sewer.
 - (8) Lowering the surface water sewer increases the risk of water from canal flowing back up the surface water sewer.

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/0386

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 26-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