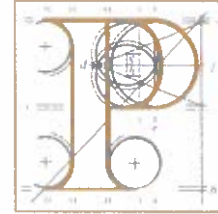


Our Case Number: ABP-317724-23

Planning Authority Reference Number: SD22A/0401



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Land Use Planning & Transportation

23 OCT 2024

South Dublin County Council

Date: 22 OCT 2024

Re: Demolition of 4 sheds within the curtilage of a protected structure; retention and conversion of Scholarstown House (protected structure) into two residential units comprised of 1 two bed and 1 three bed unit; 74 apartment units; all ancillary site development works; 40 car parking spaces and 183 cycle parking spaces. Protected Structure: Scholarstown House (RPS Ref: 322). Scholarstown House, Scholarstown Road, Dublin 16.

Dear Sir / Madam,

Board Direction Attached

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

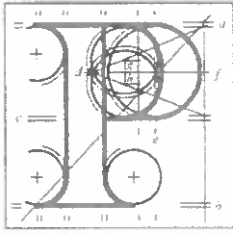
Yours faithfully,

Rory Kelledey
Executive Officer

BP100N

Teil	Tel	(01) 858 8100
Glaio 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



An
Bord
Pleanála

Board Order
ABP-317724-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0401

APPEAL by Paul Daniel of 41 Woodfield, Scholarstown Road, Rathfarnham, Dublin and by Orlagh Grove Residents Association care of Ann Nelson of 3 Orlagh Lawn, Scholarstown Road, Dublin against the decision made on the 11th day of July, 2023 by South Dublin County Council to grant, subject to conditions, a permission to Emmaville Limited care of CBRE of Connaught House, Number One Burlington Road, Dublin.

Proposed Development: Demolition of the four existing shed structures on site within the curtilage of a protected structure; retention and conversion of Scholarstown House (protected structure) into two residential units comprised of one two-bed and one-three bed units served by private open space in the form of ground floor terrace; the proposed works to Scholarstown House include but are not limited to internal re-configuration; re-location of the staircase to its original location within the house; removal of non-original features including the closing up of non-original openings; creation of a new door opening within the existing alcove and the blocking up of a window opening both located on the northern elevation; construction of an apartment block ranging in height from three to five storeys containing 74 apartment units comprised of 32 one bed apartments, 33 two bed apartments, and 9

three bed apartments, all served by private open space in the form of balconies and/or ground floor terraces; the proposed development also includes 100 square metres of residential amenities and facilities consisting of but not limited to a reception, communal amenity room and parcel room; the development will be served by a total of 40 car parking spaces and 183 cycle parking spaces accessed via a new pedestrian and vehicular access off Orlagh Grove with the existing entrances on Scholarstown Road and Orlagh Grove being re-configured to provide for pedestrian and cycle access; all ancillary development works required to facilitate the development including but not limited to, plant rooms, a substation, bin stores, landscaping, boundary treatments and lighting; the proposed development comprises the carrying out of works to a protected structure: Scholarstown House (Recorded Protected Structure reference: 322), Scholarstown House, Scholarstown Road, Dublin 16.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

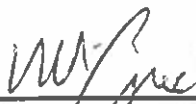
1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state at Table 3.1 that it is a policy and objective of the Guidelines that residential densities in the range 40 to 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin and that densities of between 80 and 150 dwellings per hectare (net) shall only be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8 of the Guidelines). Table 3.8 of those Guidelines defines an "Accessible Location" as lands

within 500 metres (that is, up to five to six minute walk) of existing or planned high frequency (that is, 10 minute peak hour frequency) urban bus services. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed development of 74 apartments on a 0.79 hectare site, which includes a protected structure and a significant number of trees which are to be retained, would constitute an overdevelopment of the subject site, would be contrary to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed provision of 44 car parking spaces to serve 74 apartment units would be insufficient and as such would be likely to result in a degree of off-site, on-street, car parking in the vicinity which would be likely to result in obstruction of road users, cyclists and pedestrians, and resultant traffic hazards, which would be contrary to the proper planning and sustainable development of the area.
3. SPPR (Specific Planning Policy Requirement) 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state that, *inter alia*, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained, to maintain a minimum level of residential amenity for the

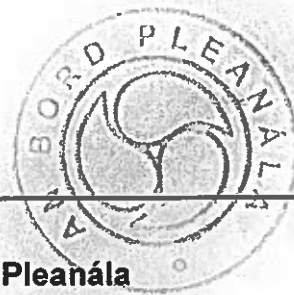


occupants of those dwelling units. Having regard to the plans and particulars submitted in support of the subject application, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. Therefore, it is considered that the proposed development would be contrary to the minimum requirements of SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in relation to ensuring appropriate levels of residential amenity for the future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.

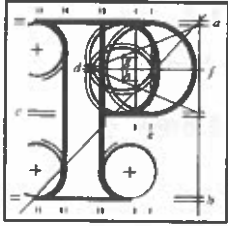


Liam McGree

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 21 day of OCTOBER 2024.



An
Bord
Pleanála

Board Direction
BD-017861-24
ABP-317724-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2024.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state at Table 3.1 that it is a policy and objective of the Guidelines that residential densities in the range 40 to 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin and that densities of between 80 and 150 dwellings per hectare (net) shall only be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8 of the Guidelines). Table 3.8 of these Guidelines defines an "Accessible Location" as lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed development of 74 apartments on a 0.79 hectare site, which includes a protected structure and a significant number of trees which are to be retained, would constitute an overdevelopment of the subject site, would be contrary to the

provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed provision of 44 car parking spaces to serve 74 apartment units would be insufficient and as such would be likely to result in a degree of off-site, on-street, car parking in the vicinity which would be likely to result in obstruction of road users, cyclists and pedestrians, and resultant traffic hazards, which would be contrary to the proper planning and sustainable development of the area.

3. SPPR (Specific Planning Policy Requirement) 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state that, *inter alia*, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained, to maintain a minimum level of residential amenity for the occupants of those dwelling units. Having regard to the plans and particulars submitted in support of the subject application, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. Therefore, it is considered that the proposed development would be contrary to the minimum requirements of SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in relation to ensuring appropriate levels of residential amenity for the future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.


NOTE:

In deciding not to accept the Inspector's recommendation to grant permission, the Board shared the inspectors view that this corner site has the potential to accommodate a higher density of development than that of some of the more established sub-urban residential developments in the immediate vicinity, but concluded that the absence of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services limited this potential to a range of between 40 and 80 dwellings per hectare (net), as recommended by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The Board accepted the Inspector's view that there are a number of bus stops near the site and noted that, when the Bus Connects project is fully delivered in the area, bus services will have a 15-minute peak hour frequency. However, the Board concluded that a 15-minute peak hour frequency does not meet the criteria to be defined as an 'accessible location' in the absence of other public transportation modes in the immediate vicinity.

Also, having regard to the absence of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services, the Board concluded that the proposed level of on-site car parking would be less than would generally be required to serve a development of this nature and scale and would be likely to result in potential traffic and parking conflicts in the vicinity.

The Board also shared the Inspector's concerns regarding the residential amenities of residents of the proposed development, but concluded that the screening of balconies did not offer sufficient protection from overlooking by directly opposing windows and would be likely to result in a significantly reduced level of residential amenity for the occupants of the units with such screened balconies.

Board Member



Liam McGree

Date: 16/10/2024

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