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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D18A/0872**

**APPEAL** by Glenveagh Homes Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 31<sup>st</sup> day of October, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Two new single storey two bedroom dwelling units (each circa 92.5 square metres in size) incorporating a pitched roof, located to the south-east of Herbert Hill House (A Protected Structure), two number new car parking spaces to serve these units, and all associated site development and landscape works, including: altered public lighting, open space, tree planting and fire tender access. This application involves development within the grounds of Herbert Hill House (A Protected Structure). This planning application seeks revisions to previously permitted development under An Bord Pleanála appeal reference number PL 06D.245456 (planning register reference number D15A/0405), as amended by An Bord Pleanála appeal reference number PL 06D.248343 (planning register reference number D17A/0071). This application site area measures circa 0.09 hectares and forms part of the wider permitted area at this site of circa 1.07 hectares. All at Herbert Hill, Sandyford Road, Dundrum, Dublin.

## **Decision**

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

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

1. It is considered that the proposed development, by reason of its design, siting and proximity to Herbert Hill House, would materially and adversely affect the character and setting of the protected structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the planning history of the site, in particular, the quantum of accommodation on the site and the use of this part of the site as open space serving the overall development as granted under An Bord Pleanála appeal reference number PL 06D.245456 (planning register reference number D15A/0405), as amended by An Bord Pleanála appeal reference number PL 06D.248343 (planning register reference number D17A/0071), it is considered that the proposed development would seriously injure the residential amenity of the future occupants of the permitted development by reason of loss of open space. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The proposed development would, by reason of the loss of communal open space, and due to its adverse impact on the setting of a Protected Structure, materially contravene a condition attached to an existing permission for development namely, condition number 2 attached to the permission granted by An Bord Pleanála on the 25<sup>th</sup> day of January, 2016 under appeal reference number PL 06D.245456.

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**Michelle Fagan**

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

**Dated this            day of            2019.**