



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19B/0095

APPEAL by Tommy Moran care of McGill Planning Limited of 45 Herbert Lane, Dublin against the decision made on the 7th day of May, 2019 by South Dublin County Council to refuse permission.

Proposed Development: Reconfiguration of/alterations to the existing two-storey house and extension at ground and first floor level to provide the following: new utility room, living areas, playroom/study, master bedroom, bathroom, toilet, storage areas, circulation areas and the removal of existing porch at ground floor level. The existing kitchen/dining/living area to be retained at ground floor level; two number additional bedrooms, circulation areas and roof patio at first floor level; three number existing bedrooms and two number bathrooms to be retained at first floor level; associated alterations to/provision of windows and doors throughout and associated works at roof level; provision of decking and patio areas at ground floor level; a total of six number bedrooms are now provided. The total gross floor area of the house is circa 405.86 square metres; no change to the existing vehicular/pedestrian access; all associated site development works, services provision, landscaping/boundary treatment works at "The White House", (opposite Whitechurch Parish Church), Whitechurch Road, Rathfarnham, 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. The proposed development does not provide for adequate separation distance from the adjacent watercourse in accordance with Section 11.5.5 - Landscape of the South Dublin County Development Plan 2016-2022. The development is contrary to Policy IE2 Objective 9 of the development plan which seeks to protect water bodies and watercourses, including rivers and streams. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the proposed extension to Whitechurch Stream and the design of the proposed extension, which is substantially within the root protection area of tree number 29 (Sycamore – Category B1), tree number 30 (Horse Chestnut – Category B) and tree number 31 (Monterey Cypress), which form part of the mixed broadleaved woodland on site and provides habitat structure and affords resting, breeding and foraging habitat for a variety of species, the Board is not satisfied that

the development would not impact negatively on the existing local ecology and biodiversity corridor. Accordingly, the proposed development would be contrary to Green Infrastructure policy (Policy G2) of the South Dublin County Development Plan 2016-2022. It is considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. In the absence of an analysis of the wastewater treatment plant and associated percolation area demonstrating compliance with relevant standards, and notwithstanding the fact that the development will not increase the demand on the wastewater treatment system, the applicant has not demonstrated the loading capacity of the existing treatment system and that the development would comply with the relevant Environmental Protection Agency Code of Practice - Wastewater Treatment Systems. The Board is not satisfied that the development would not be prejudicial to public health and constitute an unacceptable risk of water pollution, having particular regard to the location adjacent to a watercourse.

Stephen Bohan

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

Dated this day of 2019