



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0103

APPEAL by John and Sharon McCarthy and Others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 30th day of September, 2019 by South Dublin County Council to grant subject to conditions a permission to Rosemount Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin.

Proposed Development: Demolition of existing two-storey dwelling; construction of 21 three and four bedroom houses, comprising 16 number semi-detached two-storey houses with attic level accommodation and five number terraced two-storey houses; vehicular access from Stocking Lane; car parking, public open space, and all associated site works and services at Garretstown House, Stocking Lane, Rathfarnham, Dublin. The proposed development was revised by further public notices received by the planning authority on the 2nd day of September, 2019.

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. Having regard to the existing pattern of development in the vicinity and, in particular, the proximity of adjoining residential properties in Prospect View estate, which are at a lower level than the proposed development, and having regard to the proposed increases in ground levels, such that the finished floor levels of the proposed terraced housing along the eastern side of the site would be considerably higher than the finished floor levels of the adjacent residential properties, it is considered that the proposed development would be overbearing in relation to those properties and would, therefore, seriously injure the residential amenities of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed estate layout, incorporating open space to the south-east of the site which is lacking in significant passive surveillance, and which would be enclosed by the side boundary wall of proposed house number 7, and by the existing high screen walls bounding number 68 Prospect View and the high wall and fence along the M50, would represent a poor quality of design that would seriously injure the residential amenities of future residents. Furthermore, it is considered that the proposed estate design, which is overly dominated by roads, parking areas and turning areas, fails to create an appropriate sense of place, and is not in accordance with the principles set out in the Design Manual for Urban Roads and Streets, issued by the Department of Transport, Tourism and Sport and the Department of Housing, Planning and Local Government. The proposed development would, therefore, be contrary to these Ministerial Guidelines, would seriously injure the residential amenities of future residents, and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board agreed with the concerns raised by the Inspector, but considered that her concerns could not be adequately dealt with, as recommended, by the imposition of conditions that would require revisions to the road widths, garden lengths and substantial reductions in the proposed finished floor levels, among other amendments. Such revisions would, in overall terms, represent significant and material changes to the application as decided by the planning authority and could, therefore, have implications for third parties (who would not have any input into the approval by the planning authority of such alterations). Furthermore, having regard to the unacceptability of the layout, as submitted to the planning authority on the 2nd day of September, 2019 (which is considered to be inferior even to the layout as originally submitted with the application, particularly in relation to the open space to the south-east of the site), it is considered that the appropriate option is to refuse permission for the proposed development. Any future application on this site should have regard to the reasons for refusal, as outlined herein, and, in particular, should comply in full with the Design Manual for Urban Roads and Streets.

Philip Jones

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

Dated this day of 2020