



Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0335

APPEAL by Dragonglen Limited care of CDP Architects of 4 The Mall, Main Street, Saint Edmondsbury, Lucan, County Dublin against the decision made on the 11th day of February, 2022 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Construction of six two storey, three-bedroom terraced dwellings, all associated site development works, car parking, landscaping, open spaces, public lighting and connections to foulds and surface water drainage/attenuation systems and mains water supply. The proposed development represents an amendment to the existing partially completed development as it relates to the above-mentioned plots for which planning permission was granted under Register Reference SD19A/0040 granted on the 18th November 2019. The application provides for and planning permission is sought for an amendment to the scheme as set out in the compliance layout submitted on the 14th July 2020 and approved by South Dublin County Council on the 18th August 2021 on foot of condition numbers 2a, 2b and 2c of SD19A/0040 by making provision for a vehicular access and footpath to the boundary of the lands to the rear (northern boundary) of the existing development, all on a site area of circa 0.15 hectare known as Site numbers 10-15 Cornerpark Rise, Cornerpark Town land, Peamount Road, Newcastle, County Dublin.

Decision

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

Reasons and Considerations

Having regard to: -

- (a) the South Dublin County Development Plan 2022-2028,
- (b) Policy CS9 to “support the sustainable long-term growth of Newcastle by focusing development growth within the current settlement boundary and based on the ability of local services to cater for sustainable growth levels”, and
- (c) the site being within an area zoned “RES-N” which seeks “to provide for new residential communities in accordance with approved area plans” while the area to the north of the site is zoned “RU” with a stated objective “to protect and improve rural amenity and to provide for the development of agriculture”,

the Board considered that there are no objectives or policies within the South Dublin County Development Plan 2022-2028 to support the provision for a vehicular access and footpath to the northern boundary of the site, and the proposed development would contravene materially condition number 2 attached to an existing permission (SD19A/0040) where nothing has changed that would support a change to the extant permission. The proposed development would, therefore, 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 noted the existing access route to lands to the north and considered the development as proposed did not provide adequate justification for material contravention of an extant permission.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 30th day of June, 2023.