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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22A/0275**

**Appeal** by Paul Sheridan care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 13<sup>th</sup> day of June, 2022 by Dún Laoghaire-Rathdown County Council to refuse for the proposed development.

**Proposed Development:** Construction of a single storey dwelling with a detached garage and separate, detached playroom/home office; new sewage treatment system; sub-division of the site boundary treatments; together with all necessary ancillary works to facilitate this development. Access via existing entrance on Falls Road to new laneway granted on D21A/0728, all at Shangarry, Falls Road, Rathmichael, County Dublin.

**Decision**

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

## Reasons and Considerations

1. The proposed development would materially contravene the 'A1' Development Plan zoning objective for this site which seeks to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans. The appeal site lies within the Rathmichael Local Area Plan (LAP) boundary for which lands, Table 2.16 of the Plan indicates that a new Local Area Plan is to be prepared. The proposed development would pre-empt any proposals which the planning authority may wish to implement in relation to density of development and/or provision of sustainable neighbourhood infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would set an undesirable precedent for other similar types of development in the area pending the adoption of the Rathmichael Local Area Plan.
3. In the absence of detailed knowledge in relation to the density of private septic tanks/effluent treatment units in the immediate area, the proposal to serve the development with a proprietary effluent treatment plant would be prejudicial to public health being located within the Rathmichael Area Ground and Surface Water Protection Zone.

4. (a) In the absence of a public footpath network on Falls Road, the proposed development would endanger public safety by reason of traffic hazard.
- (b) The proposed development would endanger public safety by reason of traffic hazard, resulting from additional vehicular traffic movements, at an egress point where sight distance in a north-westerly direction is currently impacted by a roadside public lighting column.



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**Liam Bergin**

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

Dated this *19<sup>th</sup>* day of *October* 2023.