

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0444

APPEAL by Pathway Homes Limited care of MKO, Tuam Road, Galway against the decision made on the 30th day of January, 2023 by South Dublin County Council to refuse permission.

Proposed Development: The provision of four number five bedroom 2.5 storey semi-detached houses and associated car parking, private open space, site landscaping, connection to existing services as well as the provision of vehicular access from Knocklyon Road and all associated site development works at Knocklyon Road, Knocklyon, Dublin.

Decision

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



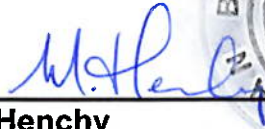
Reasons and Considerations

The Board concurred with the Inspector and the planning authority on the substantive reason for refusal that being the planning history on this site and the existing use of this area as open space. The Board considered the existing use accorded with the RES zoning objective.

The Board noted that the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities have issued since the Inspector's report was prepared but considered, having regard to the substantive reasons for refusal, that this did not affect the decision.

1. The site on which the development is proposed is located on lands which are subject to a 'Deed of Dedication' which is a commitment with the council that it remains for the purposes of public open space. In addition, the council have been maintaining this area as public open space for a considerable period. Having regard to the above, it is considered that the proposed development, if permitted, would result in the loss of existing amenity space which would have a negative impact on the residential amenities of the area, would have a negative impact on biodiversity and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would materially contravene a condition attached to the permission for the existing Knocklyon Housing Estate which provided for five number Play Spaces, the proposed development site being one of these spaces. Condition number 6 of the then permitted development stated that these spaces be reserved for public open space. It is considered that the proposed development would contravene this condition and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *14th* day of *February* 2024

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