



Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0401

APPEAL by Paul Daniel of 41 Woodfield, Scholarstown Road, Rathfarnham, Dublin and by Orlagh Grove Residents Association care of Ann Nelson of 3 Orlagh Lawn, Scholarstown Road, Dublin against the decision made on the 11th day of July, 2023 by South Dublin County Council to grant, subject to conditions, a permission to Emmaville Limited care of CBRE of Connaught House, Number One Burlington Road, Dublin.

Proposed Development: Demolition of the four existing shed structures on site within the curtilage of a protected structure; retention and conversion of Scholarstown House (protected structure) into two residential units comprised of one two-bed and one-three bed units served by private open space in the form of ground floor terrace; the proposed works to Scholarstown House include but are not limited to internal re-configuration; re-location of the staircase to its original location within the house; removal of non-original features including the closing up of non-original openings; creation of a new door opening within the existing alcove and the blocking up of a window opening both located on the northern elevation; construction of an apartment block ranging in height from three to five storeys containing 74 apartment units comprised of 32 one bed apartments, 33 two bed apartments, and 9

three bed apartments, all served by private open space in the form of balconies and/or ground floor terraces; the proposed development also includes 100 square metres of residential amenities and facilities consisting of but not limited to a reception, communal amenity room and parcel room; the development will be served by a total of 40 car parking spaces and 183 cycle parking spaces accessed via a new pedestrian and vehicular access off Orlagh Grove with the existing entrances on Scholarstown Road and Orlagh Grove being re-configured to provide for pedestrian and cycle access; all ancillary development works required to facilitate the development including but not limited to, plant rooms, a substation, bin stores, landscaping, boundary treatments and lighting; the proposed development comprises the carrying out of works to a protected structure: Scholarstown House (Recorded Protected Structure reference: 322), Scholarstown House, Scholarstown Road, Dublin 16.

Decision

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

Reasons and Considerations

1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state at Table 3.1 that it is a policy and objective of the Guidelines that residential densities in the range 40 to 80 dwellings per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin and that densities of between 80 and 150 dwellings per hectare (net) shall only be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8 of the Guidelines). Table 3.8 of those Guidelines defines an "Accessible Location" as lands



within 500 metres (that is, up to five to six minute walk) of existing or planned high frequency (that is, 10 minute peak hour frequency) urban bus services. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed development of 74 apartments on a 0.79 hectare site, which includes a protected structure and a significant number of trees which are to be retained, would constitute an overdevelopment of the subject site, would be contrary to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the suburban location of the subject site and the lack of existing or planned high frequency urban bus services in the vicinity, as defined by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Board considered that the proposed provision of 44 car parking spaces to serve 74 apartment units would be insufficient and as such would be likely to result in a degree of off-site, on-street, car parking in the vicinity which would be likely to result in obstruction of road users, cyclists and pedestrians, and resultant traffic hazards, which would be contrary to the proper planning and sustainable development of the area.
3. SPPR (Specific Planning Policy Requirement) 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), which constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), state that, *inter alia*, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained, to maintain a minimum level of residential amenity for the



occupants of those dwelling units. Having regard to the plans and particulars submitted in support of the subject application, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. Therefore, it is considered that the proposed development would be contrary to the minimum requirements of SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) in relation to ensuring appropriate levels of residential amenity for the future occupants of the proposed development and would be contrary to the proper planning and sustainable development of the area.



Liam McGree

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

Dated this 21 day of October 2024.