

An  
Bord  
Pleanála

**Board Direction**  
**BD-012012-23**  
**ABP-312369-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/04/2023.

In line with the inspector's report, the Board decided to make a split decision to:

- 1) GRANT permission (subject to conditions) for alterations and amendments to the existing dwelling house in so far as is constructed which differs from that previously approved on foot of planning registry file reference 3316/19 (Site B) and including "as built" minor dimensional adjustments & an altered roof pitch & profile resulting in an increase in ridge height of 471mm
- 2) REFUSE permission for the construction/retention of the retaining wall consisting of gabion cages, and associated works.

#### **Reasons and Considerations:**

In relation to the 'as built' amendments to the dwelling house, having regard to the design, nature, scale, and extent of the dimensional adjustments and altered roof pitch and profile, to the Z1 zoning objective pertaining to the site, and subject to compliance with conditions, the development to be retained would be satisfactory in the context of the visual amenities of the area and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposal would also be acceptable in the context of surrounding ecology and would, therefore, be satisfactory in the context of the proper planning and sustainable development of the area.

In relation to the wall consisting of gabion cages and associated works, the Board considered that the completion of these works has significantly impacted on the special character of the riparian strip adjoining the banks of the River Dodder due to the clearance and cutting back of existing trees, and the destruction of the understorey plants without the required arborist or ecological report and as such the works are considered to be contrary to the Z9 zoning objective of the site which is 'to preserve, provide and improve recreational amenity and open space and green networks' and thus seriously impact on the amenity of the lands setting an unacceptable precedent for works of a similar nature. The board considered the totality of submissions on the file and in particular from the Department of Housing, Local Government and Heritage highlighting concerns regarding the destruction of habitat that could potentially impact on protected species. As such, these works are contrary to the proper planning and sustainable development of the area.

**Conditions:**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity

2. The terms and conditions of the permission for the original development which was issued under ABP 306149-19 / Reg. Ref. 3316/19 shall be fully complied with, except, where modified by this permission. In particular, the boundary treatment of No.122 Rathfarnham Road shall be completed in line with drawing 1804\_P200, received by the Planning Authority on 21 June 2019

**Reason:** In the interests of clarity and of the amenity of the area.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

**Reason:** In the interest of the amenities of the area.

4. The gabion walls filled with stone shall be removed within 3 months from the date of the final grant, in accordance with a methodology to be agreed in writing with the planning authority. And the area shall be replanted with suitable understorey plants, also to be agreed in writing with the planning authority, within a timeline to be agreed with the planning authority.

**Reason:** In the interest of visual amenity and proper planning and sustainable development.

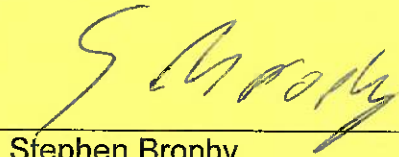
5. The methodology for removal of the gabions from Zone 9 within the development site shall be agreed in writing between the developer and the planning authority. An independent arborist shall be employed to inspect the trees present in zone 9 so as to allow an assessment of their current condition and the manner in which the gabions can be removed from around and against them with the least damage to the trees' trunks and root systems.

**Reason:** In the interest of residential and visual amenity.

6. Within 2 months from the date of the final grant being issued, the developer shall pay the sum of (460.50 euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member:**

  
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Stephen Brophy

**Date:** 17/04/2023