

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD15A/0331

An Bord Pleanála Reference Number: PL 06S.246067

APPEAL by Glendoher and District Residents Association care of 17 Glendoher Close, Rathfarnham, Dublin against the decision made on the 17th day of December, 2015 by South Dublin County Council to grant subject to conditions a permission to Ray Goggin and Tony Brew of Molony Millar of Riverbank House, Ballyboden Road, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of an existing single storey shed of 58.6 square metres and construction of two number detached, two storey three bedroomed houses and one number four bedroomed two storey house with individual gardens and communal parking for six number cars accessed from a single entrance on Ballyboden Road at builders yard beside "Somerton", Ballyboden Road, Rathfarnham, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site and to the designs submitted, the Board considered that the applicant had addressed the Board's reason for refusal under An Bord Pleanála appeal reference number PL 06S.244493 and that the proposal would not seriously injure the visual or residential amenity of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the Board's previous reason for refusal had been adequately met.

CONDITIONS

1. The development shall be 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 interest of clarity.

2. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. (a) Prior to occupation of the dwelling units hereby permitted, the existing tarmac footpath in the public domain fronting the subject site (as outlined in red and outlined in blue) shall be replaced with a concrete footpath and kerb, to be tied into the concrete path to the southern and northern end of the site, to the standards and specifications of the planning authority in consultation with the area engineer.

- (b) The existing service pole in the line of the proposed entrance to the car park shall be relocated/replaced with the agreement of the service provider and at the developer's expense.
- (c) The existing bus signage shall be taken down, stored safely during the works and reinstated to a point agreed with the area engineer at the developer's expense.
- (d) The gradient of the car park access shall not exceed 2.5% over the last six metres of approach to the public road.

Reason: In the interest of traffic safety and protecting the amenity of the area.

- 5. No gate shall be installed or erected shall be capable of opening across any public footpath, roadway or right of way.

Reason: In the interest of visual amenity and pedestrian safety.

- 6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

- 7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 8. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. No development shall take place until the developer has lodged a Landscape Plan which shall be submitted to, and agreed in writing with, the planning authority. The Landscape Plan shall include the following:
- (a) an Arboricultural Tree Protection Plan shall indicate a Tree Protective Fence line to protect the existing trees (numbered 7 to 13 on drawing number 06-01-P02 submitted to the planning authority on the 6th day of November, 2015) which are being retained and protected on the eastern bank of the Owendoher River and the same side as the application site. This shall be carried out by a qualified Arboriculturist and shall be submitted in colour at a legible size and scale,
 - (b) proposals for hard and soft landscape work on the site itself, indicating proposed surfacing, paving and planting including species in Latin, size of plants, densities of planting, including native species as appropriate to enhance the site,
 - (c) proposals for the visual softening of the mass poured concrete wall along the river bank using planting, and
 - (d) removal of *Fallopia japonica* (Japanese knotweed) on the site by trained personnel with great care so as not to spread this invasive and damaging species outside of this site.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

13. The developer shall pay to the planning authority a financial contribution 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, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

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

Dated this day of 2016.