



An  
Bord  
Pleanála

**Board Order**  
**PL 06S.248701**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD16A/0404**

**Appeal** by Marian Baruch and others of 1 Fairbrook Terrace, Rathfarnham, Dublin against the decision made on the 31<sup>st</sup> day of May, 2017 by South Dublin County Council to grant subject to conditions a permission to Martin McGrath care of Enda Fanning of Dúnáras, Whitehall Road, Churchtown, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of an existing single storey residential unit with established use and the construction of a new two-storey detached two bedroomed dwelling with off-street car parking for two number cars, new boundary walls and dished pathway at front entrance at 37A Fairbrook Lawn, 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 location of the site on residentially zoned lands as set out in the South Dublin County Council Development Plan 2016-2022, to the pattern of development in the area, and to the acceptable scale and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2<sup>nd</sup> day of March, 2017 and on the 5<sup>th</sup> day of May, 2017, 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. The proposed development shall be amended as follows:
  - (a) The proposed development shall be set back 0.5 metres from the western boundary line of the site adjacent to the footpath on Glenbrook Park.
  - (b) No off-street parking space within the site shall be provided.

Revised drawings showing compliance with these requirements, including treatment of the boundary, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity and pedestrian and traffic safety.

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 order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the new dwelling.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. 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.

6. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. 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, protection of the existing trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste.

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

