



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0073

Appeal by Karen Benson of 3 Mill Road, Saggart, County Dublin against the decision made on the 8th day of May, 2018 by South Dublin County Council to grant subject to conditions a permission to Energy Wise Construction care of Michael Fitzpatrick Architects of Main Street, Butlersbridge, County Cavan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of alterations to floor plans, elevations, site layout and all associated site works of previously approved dwelling (Planning Register Reference Number SD09A/0081) at 2A Mill Road, Saggart Village, County 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 previous grant of permission for a house on this site and the limited nature of the fenestration in the northwest elevation of the house, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and completion would not result in serious over-looking of adjoining property and would not seriously injure the residential amenities of the area. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with plans and particulars submitted with the planning application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission is for a period of one year from the date of this Order.

Reason: To ensure the timely completion of this dwelling in the interest of the visual amenities of the area, where permission was originally granted in 2009.

3. The portion of the wrap-around window in the master bedroom which faces northwest (addressing number 3 Mill Road) shall have permanent obscured glazing and shall not be capable of being opened in any way. The window lighting the staircase shall be in permanent obscured glazing and shall not be capable of being opened in any way.

Reason: To prevent any overlooking of the rear house and rear garden at number 3 Mill Road, in the interest of residential amenity.

4. The recently erected boundary wall with number 3 Mill Road shall be plastered/dashed on the site side and painted/coloured as appropriate.

Reason: In the interest of visual amenity.

5. The surface water soakway shall be installed and maintained to the satisfaction of the planning authority. No surface water shall be permitted to discharge off the site to either the public footpath, adjoining sites or to the public foul sewer.

Reason: In the interests of orderly development and public health.

6. Parking for at least two cars shall be provided within the front garden curtilage of the house.

Reason: In the interest of orderly development.

7. A landscaping plan shall be submitted to the planning authority, and written agreement obtained, prior to first occupation of the house.

Reason: In the interest of visual amenity.

8. All service cables associated with the development for retention and completion shall be located underground.

Reason: In the interest of visual amenity.

9. The external finishes of the house shall be as indicated on drawings, and external walls shall be painted in a neutral colour.

Reason: In the interest of visual amenity.

10. Proposals for a house numbering scheme shall be submitted to the planning authority, and written agreement obtained, prior to first occupation of the house.

Reason: In the interest of orderly development.

11. 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 within three months of the date of this order, 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.

12. Within three months of the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the road and footpath, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 restoration of the public footpath and road in the interest of residential amenity and traffic safety.

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

Dated this day of 2018.