



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0147

Appeal by Chris Spring and Others care of 3 Ashfield Avenue, Kingswood Heights, Tallaght, Dublin against the decision made on the 25th day of June, 2018 by South Dublin County Council to grant subject to conditions a permission to Patrick J. Courtney care of PC Drafting Services of 6 Onward Close, Portmarnock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a two-storey, three-bedroom dwelling with a new vehicular entrance and new pedestrian entrance, boundary walls and all associated site works in the side garden at 1, Ashfield Close, Ballymount Lane, Kingswood, 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 design of the proposed house, the pattern of development in the vicinity, and the provisions made for access and on-site parking, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and 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 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 accordance with the agreed particulars.

Reason: In the interest of clarity.

2. A shared vehicular entrance shall be provided for the existing and proposed houses on this site. It shall not exceed four metres in width and shall be measured from the existing south-easternmost vehicular entrance pillar of number 1 Ashfield Close. At least one on-site parking space shall be provided for each of the two houses on this site.

Reason: In the interest of traffic safety and orderly development.

3. The external finishes of the proposed house (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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 Part 1 of Schedule 2 of those Regulations, shall be carried out 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 occupants of the proposed house, in the interest of residential amenity.

5. All service cables associated with the proposed development shall be located underground.

Reason: In the interests of visual and residential amenity.

6. 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge to the public sewers, onto the public road or to adjoining properties. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, details of proposed soakaway arrangements.

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

7. The number of the proposed house shall be 1A Ashfield Close.

Reason: In the interest of orderly development.

8. The site and building works shall be carried out only between the hours of 0800 to 1800 Monday 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.

9. 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.