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**Planning and Development Acts 2000 to 2018**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD18A/0359**

**Appeal** by Glendoher and District Residents Association care of Angela O'Donoghue of 17 Glendoher Close, Rathfarnham, Dublin against the decision made on the 28<sup>th</sup> day of November, 2018 by South Dublin County Council to grant subject to conditions a permission to Jong Kim care of AKM Design of Unit 4 Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Refurbishment of existing two-storey semi-detached dwelling and construction of two number semi-detached, three-storey dwellings with new shared vehicular entrance to Taylors Lane, two car spaces per dwelling in front gardens, boundary walls, landscaping of site and associated works at Saint Roch, Taylors Lane, Rathfarnham, Dublin (Protected Structure).

## **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 nature, location and context of the site and surrounding area, the policies of the current South Dublin County Development Plan and relevant national policies and guidelines, and taking account of the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the pattern of existing development in the vicinity and would not significantly affect the character and setting of the Saint Roch Protected Structure, would not seriously injure the residential or visual amenities of the area 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 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. The front (north) boundary wall shall be retained in full, save for the provision of a 4.5 metre entrance to the site to serve the two proposed houses. The stone to be removed to accommodate the new entrance shall be used in the creation of new piers and wing walls, which shall be constructed to the same height as the existing wall. Revised drawings showing compliance with these requirements 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 in the interest of architectural conservation.

3. No development shall commence on site prior to the submission of a detailed Schedule of Works and Method Statement for works to Saint Roch which shall be submitted to, and agreed in writing with, Conservation Officer of South Dublin County Council. The document shall submit clear details of the specialist contractors, including evidence of suitable qualifications, to be engaged to carry out the conservation works to Saint Roch and the boundary wall. The Schedule of Works shall also provide clear and explicit details of proposals to upgrade services, including heating and electrical, as well as the energy efficiency of the protected structure.

**Reason:** In the interest of architectural conservation.

4. The proposed new dwellings shall not be occupied prior to the completion of the refurbishment works to Saint Roch to the satisfaction of the planning authority's Conservation Officer.

**Reason:** In the interest of the proper planning and sustainable development of the area and architectural conservation.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall seek to retain where possible the existing trees and hedgerows within and bounding the site and shall include provisions to supplement the existing landscape features within the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. Full drainage details shall be submitted to and agreed in writing with, the planning authority prior to commencement of development, which shall include the setting out of the separate storm and foul drainage works proposed. All storm water run-off shall be retained individually within each site, with full details and supporting calculations submitted.

**Reason:** In the interest of public health.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 hours and 1300 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 amenities of property in the vicinity.

9. 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.

**Reason:** In the interest of amenities, public health and safety.

10. 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

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**