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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0080**

**Appeal** by Rosemount Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 1<sup>st</sup> day of May, 2019 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of two detached, four-bedroom dormer bungalows and all associated site works to the rear of 6 Wellington Cottages, Templeogue, 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 zoning of the site in the current development plan for the area, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety. 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, 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 out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. A 10-metre wide biodiversity zone shall be created across the full width of the site – on the bank of the Poddle River. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, and any statutory provision replacing or amending them, no development falling within Part 1 of Schedule 2 of those Regulations shall be carried out within the biodiversity zone, without a prior grant of planning permission.

**Reason:** To comply with the green infrastructure objectives of the current development plan for the area and to ensure the protection of the Poddle River and its associated riparian corridor, in the interest of biodiversity.

3. Details of the external finishes of the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services. In particular, no surface water shall be discharged to the Poddle River.

**Reason:** In the interest of public health and to ensure that there is no piped discharge of surface water to the adjacent river.

5. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.

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

6. The access to the site shall remain a private access – serving the two new dwellinghouses. Maintenance/management of this shared area shall be the responsibility of the owners/occupants of the two new houses.

**Reason:** In the interest of orderly development.

7. The finished floor levels of the houses shall be 500 millimetres above the highest known flood level for the site and the surrounding area.

**Reason:** In the interests of public health and safety.

8. The footpath on Wellington Green shall be dished to the requirements of the planning authority, and at the expense of the developer, prior to occupation of either of the two new houses on the site.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground within the site.

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

10. The proposed houses shall be numbered 6A and 6B Wellington Cottages.

**Reason:** In the interest of urban legibility.

11. Any first floor windows in the gable elevations of the houses, shall be in obscured glazing.

**Reason:** In the interest of the residential amenities of adjoining properties.

12. The timber telegraph pole located at the back of the footpath (at the point where the new vehicular entrance is to be created), shall be relocated at the expense of the developer and in consultation with the relevant service provider, prior to first occupation of either of the two new houses on the site.

**Reason:** In the interests of orderly development and traffic safety.

13. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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.

14. 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 waste.

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

15. 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 the 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.**