



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19B/0248

Appeal by Channele Moynagh care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 13th day of August, 2019 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Detached single storey treatment room/home office (non-habitable), wastewater treatment system, landscaping and associated works at Gleann Na Coille, Killakee Road, 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 provisions of the South Dublin County Development Plan 2016-2022, and 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 result in any undue visual impact on the landscape, would not materially contravene the policies of the development plan and would not have any undue adverse impact on bats. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed home treatment room/home office structure shall be used solely for those purposes. The structure shall not be used as habitable accommodation or as an independent self-contained living unit.
- (b) The subject structure shall not be sold, let or otherwise transferred or conveyed, save as part of the house.

Reason: In the interests of clarity, compliance with the rural housing policy of the South Dublin County Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed structure 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.

Reason: In the interest of public health.

5. The applicant or developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. The mitigation measures set out in the submitted Bat Survey shall be implemented in full.

Reason: In the interest of the protection of bats.

7.
 - (a) A maintenance contract for the lifetime of the wastewater treatment system shall be entered into with the supplier of the system or with an appropriate maintenance firm. Documentary evidence of an on-going maintenance agreement shall be submitted to the planning authority within 4 weeks of the installation of the wastewater treatment system.
 - (b) Within three months of the first use of the structure, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and the percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by the Environmental Protection Agency (2009).

Reason: In the interest of public health.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.