



An  
Bord  
Pleanála

**Board Order**  
**ABP-306608-20**

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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0225.**

**Appeal** by ADA Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 14<sup>th</sup> day of January, 2020 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** Change of use of the first floor from offices in number 43 and restaurant in number 44 to three number two bedroom apartments and one number one bedroom apartment and an interconnecting doorway between the two existing ground floor shop at number 43 and the takeaway food shop at number 44 Tower Road and new stone-clad shopfront with an aluminium glazing system and signage in the fascia over each unit. All at numbers 43 and 44 Tower Road, Clondalkin, 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, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 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 be acceptable in terms of residential amenity for proposed occupants and would not detract from the character and setting of the Architectural Conservation Area. 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, as amended by the further plans and particulars submitted on the 10<sup>th</sup> day of December, 2019 and by the further plans and particulars received by An Bord Pleanála on the 10<sup>th</sup> day of February, 2020 with the appeal documentation, 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 shopfronts shall be as shown on the Proposed Front Elevation Drawing (Drawing Number AI-06) received by An Bord Pleanála on the 10<sup>th</sup> day of February, 2020.  
  
(b) Details of the external finishes and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

3. The proposed ventilation system shall include odour filtration and noise attenuation measures in accordance with details submitted to the planning authority on the 10<sup>th</sup> day of December, 2019.

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

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

5. 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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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**