



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0383**

**Appeal** by Chimway Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 26<sup>th</sup> day of March, 2020 by South Dublin County Council to refuse permission to the said Chimway Limited for the proposed development:

**Proposed Development:** Alterations to approved development granted under planning register reference number SD17A/0291 (An Bord Pleanála reference number ABP-301369-18) comprising retention of (i) deletion of a service room to the rear of the ground floor; (ii) minor extension of bedroom 1 of apartment number 8 (located on the first floor) by 4.5 square metres and reconfiguration of associated balcony, (iii) provision of 2 additional one bedroom units and new plant room at ground floor level to the rear of the building; permission is sought for (i) minor extension of the living room and bedroom 1 of apartment number 21 (located on the third floor) by 7 square metres and reduction of associated balcony by 7.1 square metres, (ii) amendments to previously approved boundary treatment to provide for a rendered wall with capping stones along Monastery Road, (iii) alteration of approved car parking to provide 5 additional car parking spaces resulting in a total of 29 car parking spaces, (iv) amendments to the approved site layout to

facilitate the re-location and addition of bicycle parking spaces to provide a total of 36 bicycle spaces to the western boundary and re-location of bin store from the western boundary to the northern boundary of the site, and (v) all ancillary works necessary to facilitate the development; all at Monastery 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 Council Development Plan 2016-2022, the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 and the National Planning Framework, and the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not result in an

excessive density at this location, would result in a satisfactory standard of residential amenity for future occupants and would not seriously injure the amenities of the area or of property in the vicinity. The development proposed to be retained and 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, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 28<sup>th</sup> day of February, 2020 and by the further plans and particulars received by An Bord Pleanála on the 23<sup>rd</sup> day of April, 2020, 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 development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number SD17A/0291 (An Bord Pleanála reference number ABP-301369-18), except as amended in order to comply with the conditions attached to this permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The boundary treatment fronting onto the Monastery Road shall comprise a one metre high iron railing on top of a 200 millimetres high granite plinth, as required under the parent permission granted under planning register reference number SD17A/0291 (An Bord Pleanála reference number ABP-301369-18).

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

4. Floor plan and elevation drawings of the bin store structure shall be submitted to, and agreed in writing with, the planning authority within eight weeks of the date of this order.

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

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the current Development Plan for the area.

6. 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 within eight weeks of the date of this order 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.

---

**Dave Walsh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2020.**