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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD20A/0055**

**Appeal** by Jong Kim care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 16<sup>th</sup> day of June, 2020 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** Permission was granted on the site under SD18A/0423 for end terrace three bed dwelling and associated works. Permission now sought to change the permitted house type to a three bed detached dwelling and associated works at 2 Saint John's Crescent, 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 nature, scale and design of the proposed development, to the general character and pattern of development in the area, and to the provisions of the South Dublin Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with H17 Objective 3 of the Development Plan, would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the 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, 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. Apart from any amendments specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 19<sup>th</sup> day of March, 2019 under planning register reference number SD18A/0423, and any agreements entered into thereunder. The appropriate period for the development shall concur with that of planning register reference number SD18A/0423.

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

3. Surface water drainage arrangements for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. (i) The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.
- (ii) As part of the connection agreement with Irish Water, the developer shall confirm by site investigation the proximity of the existing watermain to the proposed development and implement any measures required by Irish Water to protect and ensure the integrity of the watermain.

**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 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 Ó Niadh**

**Member of An Bord Pleanála**

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

**Dated this            day of            2020.**