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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD20A/0057**

**Appeal** by Marlis Investments Limited Siobhan Plunkett and Chris Clinch care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 17<sup>th</sup> day of June, 2020 by South Dublin County Council to refuse permission for the proposed development:

**Proposed Development:** Construction of a two-storey, four bedroom detached house with two car parking spaces and associated site works, all at 10 Glinbury, Rathfarnham, Dublin (site is within the curtilage of Whitechurch Lodge which is a protected structure not part of this application).

**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 land use zoning of the site, to the infill nature of the site, to the design and scale of the proposed development, and to the planning history, nature and 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 residential or visual amenities of property in the vicinity, would not be out of character with the area, would comply with the provisions of the South Dublin Development Plan 2016-2022, and would be acceptable in terms of architectural heritage and green infrastructure. 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 and by the further plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> day of July, 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 flat roof area, resultant from the omission of first floor accommodation as indicated on the revised plans and particulars received by An Bord Pleanála on the 14<sup>th</sup> day of July 2020, shall not be used as a terrace area and no boundary walls, fences or railings shall be erected around the perimeter of the area.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

3. The materials, colours and textures of all the external finishes of the proposed dwelling, including roof tiles/slates, shall be the same as those of the existing dwellings in the estate.

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

4. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority an acceptable naming and/or numbering scheme.

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

5. The landscape plan shown on drawing numbers 20SD01-DR-200 and 20SD01-DR-240, as received by An Bord Pleanála on the 14<sup>th</sup> day of July, 2020, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

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

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

7. (1) The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water prior to commencement of development.
- (2) Any proposals by the developer to build over or divert the existing water or wastewater services shall be submitted to Irish Water for written approval prior to commencement of development.

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

8. The developer shall submit a Construction Environmental Management Plan (CEMP) for the written agreement of Inland Fisheries Ireland prior to commencement of development. The developer shall implement any measures required by Inland Fisheries Ireland to protect the water quality of the River Glin (Whitechurch Stream). A copy of the agreed CEMP shall be submitted to the planning authority for the public record.

**Reason:** In the interest of public health and to protect river water quality.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

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

**Dated this            day of            2020.**