



An
Bord
Pleanála

Board Order ABP-307973-20

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0350

Appeal by Roger Keller of 93 Ballytore Road, Rathfarnham, Dublin against the decision made on the 24th day of July, 2020 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: The construction of a two storey (detached) two bedroomed house with single storey return at rear located at the side of existing house and the construction of two separate vehicular entrances to proposed and existing houses accessed from Ballytore Road and the construction of 2 metre and 1.5 metre high boundary wall to public laneway and associated site works, all at number 93 Ballytore 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 location of the site on residentially zoned lands, to the development management standards for side garden development in the South Dublin County Development Plan 2016-2022, and to the scale, layout and design of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the residential amenities of the area or of property in the vicinity. 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 to the planning authority on the 30th day of June, 2020 and to the Board on the 19th day of August, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed 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) A two-metre high screen wall or solid timber fence shall be erected along the boundary with the reduced area rear garden of number 93 Ballytore Road.

(b) Details of the treatment along the eastern boundary, to the front of the new dwelling, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the residential amenities of existing and future residents of number 93 Ballytore Road, and in the interest of pedestrian safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed extension 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 shall enter into water and/or wastewater connection agreements with Irish Water, prior to the commencement of development.

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 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 amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the road and footpath, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the public footpath and road in the interests of residential amenity and traffic safety.

9. 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.

