

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0292

Appeal by Stephen and Jean Nowlan of 23 Shelton Park, Off Kimmage Road West, Dublin against the decision made on the 13th day of January, 2021 by South Dublin County Council to grant subject to conditions a permission to Tim O'Sullivan and Louise Prendergast care of Bright Design Architects of 4 Seafield Park, Booterstown, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: One number part two-storey, part single storey three-bedroom detached dwelling; one-metre-high pedestrian entrance gate; boundary railing and handrail to the front of the site with access through a dual ownership driveway and existing vehicular entrance on Muckcross Green; all associated site, landscaping, drainage and ancillary works including off-street parking, bin storage and bike storage to front, all at 16 Muckcross Green, 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 zoning objective for the site, RES: 'to protect and/or improve the residential amenity', as set out in the South Dublin County Council Development Plan, 2016 - 2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining property or the visual amenities of the area, would not endanger public safety by reason of traffic hazard, would not be prejudicial to public health, would not set an undesirable precedent for future development and 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. The first-floor east elevation window shall be fitted with opaque glazing and shall be non-openable. A revised plan and elevation drawings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential amenities of adjoining property.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping which shall be submitted to, and agreed in writing with, the planning authority. The scheme shall include:
 - Full survey details of all existing trees with a proposal for removal, retention, replacement and protection during the construction stage.

- A full works specification for hard and soft landscaping and a detailed planting scheme which includes water absorbing plants that contribute to absorption of surface water emanating within the site.

- Any plants which die, are removed or become seriously damaged or diseased, following 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 interests of visual and residential amenity and orderly development.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services which shall include details of surface water calculations for the proposed discharge (Q_{bar}) rates and a 1:100 year attenuation volumes in compliance with the Greater Dublin Strategic Drainage Study (GDSDS) Volume 2, New Development. Values for Standard Average Annual Rainfall (SAAR) and for Standard Percentage Ratio (SPR) used for Q_{bar} calculations shall be included. The submission shall include a revised surface water layout with details of these requirements and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public health and clarity.



5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

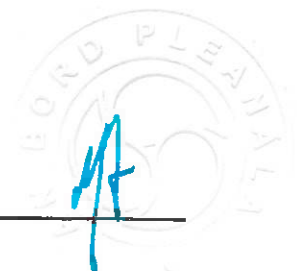
Reason: In the interest of public health.

6. The front curtilage space shall not be sub-divided and the proposed parking spaces and vehicular entrance shall be communal and shall serve the existing dwelling at Number 16 Muckross Park and the proposed dwelling on a shared basis. The boundary walls at the access points shall not exceed 0.9 metres and pillars and caps shall not exceed 1.2 metres in height. Gates shall be inward opening only. The footpath and kerb shall be dished and widened and the dropped crossing shall be constructed at the applicant's expense to the satisfaction of the planning authority.

Reason: In the interests of public safety and the visual amenities of the area.

7. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.



8. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 hours and 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.

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.



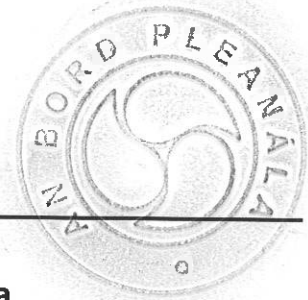
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Michelle Fagan

Member of An Bord Pleanála

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



Dated this *3rd* day of *June* 2021.