

An
Bord
Pleanála

Board Order
ABP-309537-21

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20B/0141

Appeal by Janette and Joe Gilligan of 20 Ballymace Group, Rathfarnham, Dublin against the decision made on the 1st day of February, 2021 by South Dublin County Council to grant subject to conditions a permission to Eugene and Catherine Connolly care of Niall Jones and Associates of 'Somerton', 15 Butterfield Crescent, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing single storey flat roof converted garage to side; single storey pitched roof kitchen extension to rear and attic conversion over existing first floor (areas 44.47 square metres) and the construction of new two-storey hipped roof extension to side complete with projecting half bay window to front elevation to match existing (47.7 square metres); new single storey flat roof extension across rear (32.03 square metres); new attic conversion with velux/roof windows to front and new zinc clad dormer roof to rear (32.20 square metres) together with internal alterations and all associated site works, all at 21 Ballymace Green, Templeogue, 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 South Dublin County Council Development Plan 2016 - 2022 according to which the site is located within an area subject to the zoning objective RES: 'to protect and/or improve the residential amenity', it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area 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, as amended by the further plans and particulars submitted on the 11th day of September, 2020 and on the 4th day of January, 2021, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services. In this regard, the applicant shall provide for and adhere to the following requirements to the satisfaction of the planning authority which shall include the following, full details of which shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Arrangements for inspection and review on site by a representative of the Environmental Services Department (Water Services Section) for review of the protective works for the existing 225 millimetres diameter sewer traversing the site.

- (b) Arrangements for the CCTV survey of the 225 millimetres diameter sewer in order to provide confirmation that it has not been damaged during construction and that it is in good condition and operational on completion of development.
- (c) Full details of an overflow connection to the public surface water sewer for the proposed soakaway in the rear garden.

Reason: In the interests of public health, public safety and clarity.

- 3. 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.

- 4. The house and the extension shall be occupied as a single dwelling unit and shall not be subdivided or used for commercial purposes. The extension shall not be let, leased or otherwise transferred save as part of the single dwelling unit.

Reason: In the interest of residential amenities.

- 5. 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.

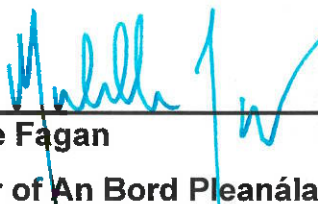
Reason: In the interest of visual amenity.

6. Site development and building works shall be carried only out between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or 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.

7. 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  day of  2021.

