

An  
Bord  
Pleanála

Board Order  
ABP-309736-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD20B/0510**

**Appeal** by Robert and Helen Kavanagh care of Leahy Planning of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 19<sup>th</sup> day of February, 2021 by South Dublin County Council to refuse a permission for the proposed development.

**Proposed Development:** (i) Demolition of existing single storey living room extension and storage shed both to rear of dwelling and replacement with new single/two storey extension to rear and side of dwelling; (ii) reconfiguration of internal layouts of ground floor of existing house including raising first floor level and existing ridge level of roof; addition of bedroom dormer windows and feature entrance to front of dwelling, (iii) including all associated windows, roof lights, landscaping, SUDS, site and ground works necessary to facilitate development at Holloweds Hill, Redgap, Rathcoole, County 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 existing use of the site for residential purposes and the proposal to retain substantial elements of the existing structure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not comprise a replacement dwelling and would be acceptable in terms of residential amenity, traffic safety and would not detract from the character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission in part because it was considered that the proposed development would constitute a material contravention of the Development Plan however, having regard to the provisions of Section 37(2)(b) of the Planning and Development Act, 2000, as amended, and having regard to the proposed development, the Board considered that planning permission should be granted for the proposed development.

## 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 received by An Bord Pleanála on the 18<sup>th</sup> day of March, 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include a plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] which shall not include prunus species and details of screen planting which shall not include cupressocyparis x leylandii.

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

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of

Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phase, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of the environment and sustainable waste management.

4. 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.

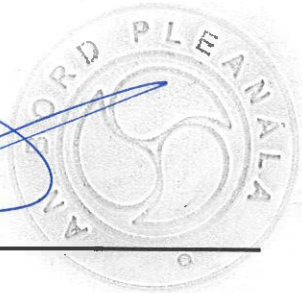
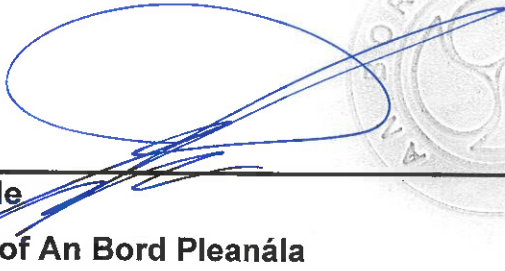
**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. 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.

6. 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 the 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 *23<sup>rd</sup>* day of *June* 2021