



An
Bord
Pleanála

Board Order
ABP-310172-21

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0282

Appeal by Brian and Maeve Brophy of 106 Wheatfield Road, Palmerstown, Dublin against the decision made on the 12th day of April, 2021 by South Dublin County Council to grant subject to conditions a permission to Brian and Edwina Fowler care of Anne Mahon Architects Limited of 9a Wood Farm Drive, Palmerstown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Sub-division of existing site and part-demolition of existing garage/shed to rear to provide new one-bedroom, part single storey, part two-storey dwelling. Site works include new vehicular access gate to public boundary onto Wheatfield Road East with reduced height boundary wall and piers plus installation of a rainwater harvesting unit and solar panels. All at numbers 108 and 108A Wheatfield Road, Palmerstown, Dublin.

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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 residential zoning of the site “to protect and/or improve residential amenity”, to the modest scale of the proposed house, the provision of adequate private open space for the new and existing houses on the original plot of 108 Wheatfield Road, and the design measures adopted to mitigate impacts on adjoining property, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of adjoining property, would otherwise be in accordance with the provisions of the South Dublin County Development Plan 2016-2022 and with the proper planning and sustainable development of the area.

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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 16th 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including window and door joinery and the vehicular and pedestrian gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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.



Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 6th day of August 2021.