



Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21B/0268

Appeal by Ewa Berthold care of Dublin Planning Architectural Services of 77 Lower Camden Street, Saint Kevin's, Dublin against the decision made on the 16th day of December 2021 by South Dublin County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: A ground floor extension to side, widening of driveway entrance and pavement dish to front and new access gates and pavement dish to side with associated site works at 1 Sundale Close, Tallaght, Dublin.

Decision

Having regard to the nature of the conditions, the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reasons therefor and ATTACH condition number 4 (1)(c) and the reasons therefor.

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Reasons and Considerations

Having regard to the acceptance by Irish Water of the distance from the proposed extension to the surface water pipe running under the adjoining footpath, it is considered that the siting of the proposed extension would not impact on public piped infrastructure and the removal of condition number 2 would therefore be in accordance with the proper planning and sustainable development of the area. It is considered appropriate to attach condition number 4(c)(i) in the interest of protecting the public piped infrastructure which is in the interests of public health and proper planning.

In not accepting the inspector's recommendation to attach condition number 2, the Board noted the comments by Irish Water in their correspondence dated the 22nd day of November 2021, in which they were satisfied with the separation distance proposed, and the Board also noted the incorrect reference by the Board Inspector to a distance of 2.25 metres, whereas the letter actually referenced the 225 millimetres diameter pipe.



Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 3rd day of May 2022