



An
Bord
Pleanála

Board Order
ABP-313794-22

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0085

Appeal by Martina Murphy care of My House Architect of The Studio, 65 Greenville Place, Dublin against the decision made on the 23rd day of May, 2022 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Erection of one number two-storey three-bedroom dwelling house circa 110 square metres nett internal area (circa 120 square metres gross external area) to include new vehicle access, car parking, new service and drainage connections and other associated site works, including demolition of existing internal garden wall; partial lowering of height of boundary wall, all on an overall site comprising 0.0233 hectares (circa 233 square metres) at 1 Marley Rise, Rathfarnham, Dublin.

P.C.

Decision

GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to relevant provisions of the South Dublin County Development Plan 2022-2028, including the RES zoning objective for the site, the specific characteristics of the site and the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard, would be in accordance with Policy H13 of the South Dublin County Development Plan 2022-2028 and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

P.C.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall provide for the omission of the proposed vehicular entrance and the two number off-street car parking spaces. The area to the rear of the proposed dwelling shall be utilised as private open space for the dwelling. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority revised sections, elevations (including boundary elevations) and plans incorporating the amendments.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann and adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Uisce Éireann standards codes and practices.

Reason: In the interest of public health.

P. C.

4. 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.

5. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling without a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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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 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.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 24th day of June 2023