

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0155

Appeal by H.H.M. Investments Limited care of CDP Architecture of 4 The Mall, Main Street, Lucan, County Dublin against the decision made on the 25th day of July, 2022 by South Dublin County Council to refuse a permission to H.H.M. Investments Limited for the proposed development.

Proposed Development: Construction of two number two-bed semi-detached dormer bungalows with access from Newlands Park for vehicular parking; all associated site works, car parking, landscaping and boundary treatments at 13 Newlands Drive, Clondalkin, 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.

Reasons and Considerations

Having regard to the provisions of South Dublin County Development Plan 2022-2028, the location of the development on zoned and serviced lands within the Dublin City and Suburbs settlement boundary, the small scale and infill nature of the proposed development site and the prevailing pattern and character of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would provide an acceptable standard of amenity for future residents, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development 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 received by An Bord Pleanála on the 22nd day of August, 2022, 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. Prior to commencement of development, revised drawings shall be submitted to, and agreed in writing with, the planning authority showing a reduction to one car parking space only for each house Unit (01 and 02) and for the incorporation of the residual areas into private open space as well as the retention of trees.

Reason: In the interest of visual and residential amenity.

3. The proposed development shall be further amended as follows:
 - (a) the existing vehicular access to the rear of number 13 Newlands Drive shall be permanently closed and replaced with a wall to match the existing front and side boundary, and the grass verge shall be reinstated,
 - (b) the front boundary (Proposed Wall Type 03) shall be reduced to 0.90 metres in height and pedestrian access points removed. The grass verge shall be unaltered other than to provide vehicular access,
 - (c) sections of the side boundaries (Proposed Wall Type 01 and Existing Boundary Wall) forward of the building line of the houses hereby permitted shall be reduced to 0.90 metres in height, capped and rendered, and
 - (d) the rear boundary (Existing Boundary Wall) shall be a minimum of 1.80 metres in height, capped and rendered.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of road safety and the visual and residential amenities of the area.

4. The first-floor hallway windows on the northern elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. A landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the agreed plan. Any trees and hedging which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and the visual and residential amenities of the area.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

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

Reason: In the interest of public health.

9. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

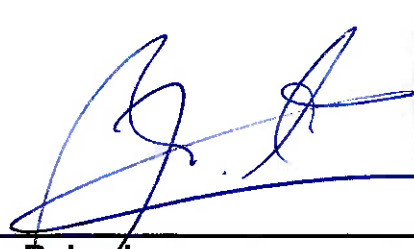
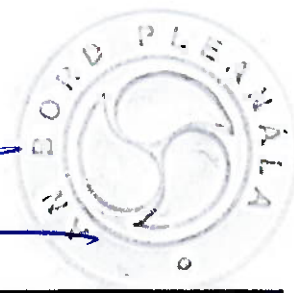
Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

11. 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 Contributions 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.2

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

Dated this 14TH day of November 2023.