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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD22A/0304**

**Appeal** by John and Sheila Murphy care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 7<sup>th</sup> day of September, 2022 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of the existing garage and the construction of a part single, part two-storey three-bedroom detached dwelling house in the side garden of the existing two-storey dwelling with associated rooflights, creation of a new vehicular entrance and gates to serve the existing dwelling with the existing vehicular entrance serving the new dwelling, installation of a new wastewater treatment plant as well as all ancillary and site development works, external insulation and painted rendering of the existing house, all at The Muddies, Whitechurch Road, Rathfarnham, Dublin.

**Decision**

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

## Reasons and Considerations

Having regard to Project Ireland 2040: The National Planning Framework and its relevant objectives, which seek to consolidate residential growth in urban areas, and the 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 endanger public safety by reason of a traffic hazard 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.

## Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 4<sup>th</sup> day of October, 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 proposed 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, the developer shall submit to the planning authority for written agreement details, including samples, of the materials, colours and textures of all the external finishes to the proposed development. The developer shall also submit details of all existing and proposed boundary treatments, including the front boundary wall, as modified by the plans submitted with the appeal received by An Bord Pleanála on the 4<sup>th</sup> day of October, 2022.

**Reason:** In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

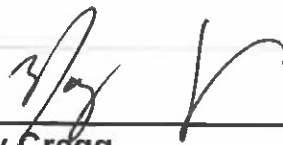
**Reason:** In the interest of public health.

5. 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 residential amenities of property in the vicinity.

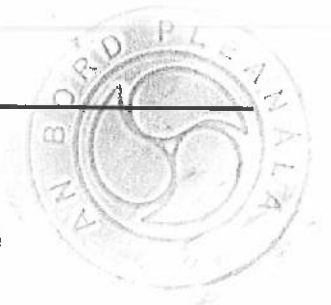
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 the Board 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.



Mary Cregg

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



Dated this 14<sup>th</sup> day of July 2023.