

An
Bord
Pleanála

Board Order
ABP-315023-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0334

Appeal by Susan and Greg Murphy of 18 Fairways, Rathfarnham, Dublin against the decision made on the 11th day of October, 2022 by South Dublin County Council to grant subject to conditions an outline permission to Raymond and Marie Leonard care of Joe Fallon Design of 1A Ryland Street, Bunclody, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey, three-bed detached dwelling of approximately 110 square metres in the side garden of the existing dwelling. New vehicular entrance to the side of the site. New pedestrian entrance to the front of the site and all associated site works, all at 16 Fairways, Rathfarnham, Dublin.

Decision

GRANT outline 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 the South Dublin County Development Plan 2022-2028, the location of the proposed 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 visual or residential amenities of the area or of property in the vicinity, and would provide an acceptable standard of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This grant of outline permission relates solely to the principle of a house on this site as indicated in the plans and particulars lodged with the planning application on the 17th day of August, 2022. Permission consequent on this grant of outline permission shall be obtained from the planning authority before any development is commenced.

Reason: In the interest of clarity.

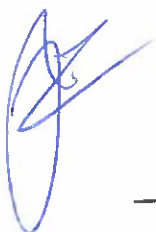


2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include the following:
- (a) Proposals to protect the privacy and amenity of existing adjacent properties. The height of the house shall not exceed that of the adjoining houses to the south and south-east.
 - (b) Design proposals which have regard to the design and character of the built environment in the vicinity. The house shall be dual-fronted and address the front and side gardens as illustrated on the layout plan drawing lodged with the planning application.
 - (c) Proposals for the retention/reinforcement of existing boundary treatment. The private amenity space shall be bounded by block walls, at least 1.8 metres in height, suitably capped, and finished in a material that matches the external finish of the house.
 - (d) Measures to ensure the protection of existing trees during the construction phase. Existing trees shall be preserved except where required to be removed to accommodate the proposed vehicular access.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3. Details for the disposal of surface water from the site shall be submitted for permission consequent on this grant of outline permission. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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



4. The developer shall enter into water and wastewater connection agreements with Uisce Éireann (formerly Irish Water) prior to commencement of development authorised by permission consequent to this grant of outline permission.

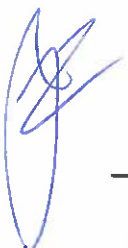
Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 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 agreement has been received from the planning authority.

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

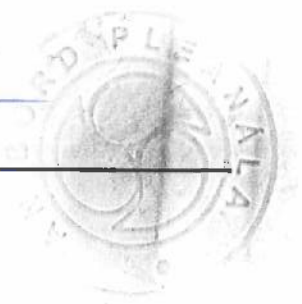
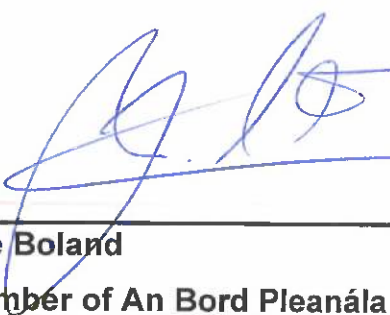
6. In accordance with the provisions of section 96 of the Planning and Development Act 2000, as amended, the applicant, or any other person with an interest in the land to which the application relates, as may be specified by the planning authority, shall enter into an agreement with the planning authority in relation to the provision of social and affordable housing, in accordance with the requirements of the planning authority's housing strategy, unless they shall have applied for and been granted an Exemption Certificate under section 97 of the Planning and Development Act 2000, as amended. The agreement shall apply to any grant of permission consequent on the instant grant of outline permission and all relevant provisions of section 96, including section 96(8), shall have effect.

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 for the area.



7. A financial contribution shall be paid by the developer to the planning authority towards the cost of the provision of public infrastructure and facilities benefiting the proposed development. The amount of the financial contribution, and the terms of payment, shall be determined at permission stage consequent to this grant of outline permission and shall be in accordance with the terms of the Development Contribution Scheme, in operation at the date of the grant of permission consequent, made under Section 48 of the Planning and Development Act 2000, as amended.

Reason: In order to comply with the Development Contribution Scheme made in accordance with Section 48 of the Planning and Development Act 2000, as amended.



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

Dated this 28th day of June 2023.