

An
Bord
Pleanála

Board Order ABP-315489-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0402

Appeal by Pearse McKiernan care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 8th day of December, 2022 by South Dublin County Council to refuse permission.

Proposed Development: Three-bedroom dwelling (233.6 square metres), single storey. Installation of a packaged wastewater sewage treatment system and polishing filter, stormwater harvesting tank and soakaways, well, new vehicular access, landscaping and ancillary site works, all in association with equine business, all at Crockaunadreenagh Road, Redgap, Rathcoole, County 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 the provisions of the South Dublin County Development Plan 2022-2028 and of the National Planning Framework, the nature, scale and form of the proposed development, and pattern of development in the surrounding vicinity, it is considered that the applicant satisfies the relevant policies and guidelines for a rural dwelling in this area, and that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not endanger public safety by reason of traffic hazard and would constitute an appropriate use in this rural location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board considered the information on file and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, and that a Stage 2 appropriate assessment is not, therefore, required.

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.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- Reason:** In the interest of visual amenity.

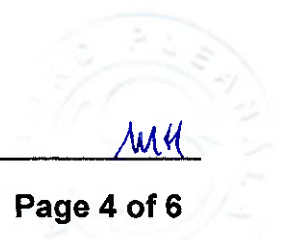
4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. The proposals, mitigation measures and commitments set out in the Ecological Impact Assessment (EclA) shall be implemented as part of the proposed development.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

6. (a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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. The scheme shall include the establishment and replanting, where necessary, of hedgerows along all front, side and rear boundaries of the site, save for where the permitted vehicular entrance and pedestrian access points are located, and natural SuDS features which are to be incorporated into the proposed drainage system to address water quality, water quantity, and provide for amenity and biodiversity enhancement.



(b) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which are proposed to be felled and those which are proposed to be retained.

(c) Measures for the protection of those trees which are proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: In order to screen the proposed development and assimilate it into the surrounding rural landscape and facilitate the identification and subsequent protection of trees to be retained on the site in the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.



Reason: In the interest of visual and residential amenity.

8. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. 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 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. The application of any indexation required by this condition 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.

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 Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *28th* day of *March* 2024.