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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD22B/0364**

**Appeal** by Amhairgin Lee care of Ailtir(eacht) of 30 Mountjoy Square, Dublin against the decision made on the 14<sup>th</sup> day of December, 2022 by South Dublin County Council to grant subject to conditions a permission to Aidan McLaughlin and Maria McGrath care of Kevin Tiernan of 19 Aranleigh Gardens, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Attic conversion for storage with two dormer windows to the rear. Side first floor extension for two additional bedrooms with raised gable to the side. Two-storey front extension with gable. Front bay window extension with pitched roof over. Widening of front vehicular access. Raised fencing and gate to front and side of front garden. Single storey extension to the rear. Four velux windows to the front roof area, all at 57 Dodder Road Lower, Rathfarnham, 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 the South Dublin County Development Plan 2022-2028, including the RES zoning objective for the site which seeks to protect and/or improve the residential amenity of 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, would provide an acceptable design in its architectural context and would not, by reason of overlooking, lead to loss of privacy in neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 the planning authority on the 2<sup>nd</sup> day of December, 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. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

4. (a) The boundary walls, fences and gates at vehicle access points shall be limited to a maximum height of 0.9 metres, and any boundary pillars shall be limited to a maximum height of 1.2 metres, in order to improve forward visibility for vehicles.

- (b) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the developer's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
- (c) Any gates shall open inwards and not out over the public domain.
- (d) The width of the vehicular entrance shall be limited to a maximum of 3.5 metres.

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

- 5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays, inclusive, between 0800 and 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. Prior to commencement of development, the developer shall agree tree protection details with the planning authority to secure the satisfactory protection of street trees during the construction of the development.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

7. The developer shall pay to the planning authority a financial contribution of 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.

  
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**Stephen Bohan**

**Member of An Bord Pleanála**

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

Dated this 6<sup>th</sup> day of July 2023.