



An  
Bord  
Pleanála

**Board Order**  
**ABP-317313-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD23B/0125**

**Appeal** by Brendan Grogan care of BMA Planning and Development Consultants of Taney Hall, Eglinton Terrace, Dundrum, Dublin against the decision made on the 16<sup>th</sup> day of May, 2023 by South Dublin County Council in relation to the application by Brendan Grogan for permission for development comprising retention of as built modifications to the previously permitted dwelling (planning register reference number SD18A/0158, ABP-302202-18) accessed from Waterstown Avenue (D20W974) involving an additional 20 square metres at ground floor (increased from 108 square metres to 128 square metres), revisions to site boundary wall on Waterstown Avenue, revised garden layout and all associated site and development works associated with above at Grey Gables Cottages, 1 Old Lucan Road, Waterstown Avenue, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of the south-westerly extension of the living and dining area and ground floor bedroom and to refuse permission for retention of the western boundary and the kitchen/utility extension).

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## 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 Council Development Plan 2022-2028, the pattern of development in the area, the nature and scale of the development to be retained and the RES zoning objectives for the site, it is considered that, subject to compliance with the conditions set out below, the retention of the development would not seriously injure the visual or residential amenities of the area, would not result in a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development to be retained shall be 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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2. The development to be retained shall be amended as follows:
- (a) The boundary wall to Waterstown Avenue shall be reduced to 0.9 metres from the south-west most point of the external boundary wall of the utility to the entrance.
  - (b) The entrance piers and any gate shall not exceed 1.2 metres in height.
  - (c) The entrance shall not exceed 3.5 metres in width.
  - (d) The entrance driveway and dishing of kerb to the road edge serving the development to be retained shall comply with the detailed requirements of the planning authority for such works.
  - (e) The existing wooden fence to the southern boundary shall be removed. The details of this boundary elevation shall be agreed in writing with the planning authority, while ensuring adequate visibility remains from the entrance of the property with Eircode D20 AC84.
  - (f) The site shall be landscaped in accordance with a comprehensive scheme of landscaping. This scheme shall include the following:

A plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash,

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birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

- (ii) Details of screen planting [which shall not include cupressocyparis x leylandii]

All planting shall be adequately protected from damage until established. 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.

Revised drawings and proposals showing compliance with these requirements shall be submitted to, for agreement in writing with, the planning authority. All works to the site shall be completed within six months of the date of this Order unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of road safety, and residential and visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place, without a prior grant of planning permission.

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**Reason:** In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

5. 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 within three months of the date of this Order 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.

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**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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**Peter Mullan**

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

Dated this *11<sup>th</sup>* day of *March*, 2024.