



An  
Bord  
Pleanála

**Board Order**  
**ABP-320269-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD23A/0346**

**Appeal** by Louis and Marie Farrell care of JFOC Architects of Units 3 and 4 Greenmount House, Harolds Cross, Dublin against the decision made on the 2<sup>nd</sup> day of July 2024 by South Dublin County Council to grant permission, subject to conditions, to Eoin Kerrane and Claire McLaughlin care of Peter Nickels Architects of The Willows, Sunbury Gardens, Dartry, Dublin, in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing single storey extensions to side (37.14 square metres), and rear (15.57 square metres); construction of a new two storey dwelling house (118.35 square metres) to north west side of existing house; modifications to existing house, including; new single storey extension to rear (24.81 square metres); new first floor extension over garage (16.89 square metres); modifications to roof, windows and exterior finishes; new external canopy to rear; widening of two no. existing vehicular entrances; new garden shed and boundary fences; driveways, landscaping and associated works, at 71 Fairways, 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 zoning objectives for the area in the South Dublin County Council Development Plan 2022-2028, to the established use on the site and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable design on this site, would not be overbearing on, or result in overlooking of adjacent properties, and would not seriously injure the residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to issue a split decision to refuse development of a new two-storey dwelling to the northwest of the existing dwelling, the Board considered that, given the design of the proposed development including the design changes submitted with the application and further design changes submitted to An Bord Pleanála, and given the height of the existing boundary wall between the two properties, that the proposed two storey dwelling would not give rise to a significant reduction in daylight or sunlight to the neighbouring dwelling to the northwest and would not therefore seriously injure the residential amenities of the neighbouring property. The Board, therefore, considered that a grant of permission for this aspect of the proposed development was warranted in this instance.

## Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application and as amended by further information received by the planning authority on 11<sup>th</sup> day of June 2024 and by An Bord Pleanála on the 23<sup>rd</sup> day of August 2024, 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 retained 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 to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

3. 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 and surface water management.

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

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

5. 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 amenity.

6. Prior to the commencement of the development the number of the new dwelling shall be agreed with the planning authority.

**Reason:** In the interest of urban legibility.

7. 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.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and 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. 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.

**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 Gurrie*

**Mary Gurrie**

**Member of An Bord Pleanála**

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

**Dated this 26 day of November 2024.**