

An
Bord
Pleanála

Board Order
ABP-320902-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD24A/0120

Appeal by Mary Stapleton of 16 Fernhill Road, Dublin and by Joan Stapleton of 30 Kickham Road, Inchicore, Dublin against the decision made on the 2nd day of September, 2024 by South Dublin County Council to grant, subject to conditions, a permission to Philip and Paul Keenan care of K and B Architecture and Design of 2 Ridgeways Villas, Kilmainham Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new two-storey, three-bedroom detached house with new vehicular entrance, a new pedestrian side entrance to Fernhill Avenue and all ancillary works at 11 Fernhill Road, Manor Estate, Dublin, as amended by the further public notices received by the planning authority on the 6th day of August, 2024, referring to clarification to the boundary line, distance to the foul sewer, revision of boundary fence height to the east, part brick to front façade and clear visibility sightlines.

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, to the zoning of the site for residential purposes, to the design, layout and density of the proposed development, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The 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 6th 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit a detailed drawing to an appropriate scale, for the written agreement of the planning authority, of a 1.8 metres high boundary wall or fence with the boundary of No.14 Fernhill Avenue and a 1.8 metres high boundary wall or fence bounding the side passage and rear private amenity space of the new development at the side boundary with the existing house Number 11 Fernhill Road, or else as otherwise agreed.

Reason: In the interest of privacy

3. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

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

4. 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

5. 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 and to ensure an appropriate high standard of development.

6. The proposal for the house number shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The house number should be clearly legible from the public road.

Reason: In the interest of urban legibility

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

8. The entrance apron shall be dished at the road junction in accordance with the requirements of the planning authority. Pedestrian and vehicular gates shall open inwards. The boundary walls at the vehicular access point shall be in accordance with the requirements of the planning authority. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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: To safeguard the amenity of property in the vicinity.

10. 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, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

11. 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.


Stephen Bohan

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

Dated this 17th day of January 2025.