



An  
Bord  
Pleanála

## Board Order ABP-321133-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD24B/0025W**

**Appeal** by Liam Fyans care of James McInerney of 39 Kilheale Heights, Kilheale Manor, Kill, County Kildare against the decision made on the 3<sup>rd</sup> day of October, 2024 by South Dublin County Council to refuse permission.

**Proposed Development:** Demolition of three number derelict houses and rear outbuildings, erection of replacement 1.8-metre-high concrete block front boundary wall capped and rendered externally, replacement 1.5-metre aluminium grey-painted access gates adjacent to eastern boundary, topsoiling, seeding, landscaping and ancillary works, all to form part of the curtilage of the host bungalow, widening and improvement works to existing vehicular access to host dwelling, all on a 0.29-hectare site at Main Street, 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 derelict condition of the buildings on site and their structural instability, and that the case for their demolition has been made consistent with Section 3.10.2 of the Architectural Heritage Guidelines for Planning Authorities (2011), it is considered that, subject to compliance with the conditions set out below, the proposed demolition of the dwellings would be in the interest of public safety, would not unduly detract from the form and character of the streetscape or negatively affect the character and setting of the Architectural Conservation Area, and 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 refuse permission, the Board considered that the application to demolish the dangerous and derelict buildings, with no short-term prospect of repair or re-use, should be considered on its own merits, rather than relying on any future development that may be proposed for the site.

The Board found that the case for demolition had been clearly made, was generally accepted by the planning authority and the Board's Inspector, and that the proposed demolition would not impair the planning authority's ability to assess any future development for compliance with planning policy that might apply at the time.

The Board was satisfied that with appropriate conditions, demolition would present a superior view to the street and be more respectful of local amenity, than the proposed retention of derelict buildings behind a hoarding that would encroach upon the public footpath, while awaiting proposals for a suitable development that may or may not be submitted in a timely fashion.

## 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 5<sup>th</sup> day of September, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:
  - (a) Vehicular access points shall be limited to a width of 3.5 metres.
  - (b) The boundary walls 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.
  - (c) The footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of the planning authority 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.
  - (d) Any gates shall open inwards and not out over the public domain.

- (e) The size, style, colour and materials of gate(s) shall be agreed with the planning authority prior to commencement of development.
- (f) The proposed front boundary wall shall match the existing garden wall in terms of height, style, colour and materials.

Revised drawings showing compliance with these requirements shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of the local streetscape.

- 3. A full architectural and photographic survey of all buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to commencement of development. The record shall comprise a full set of survey drawings, including elevations, plans and sections of the structure, a detailed, labelled photographic survey of all internal rooms, including all important features and fittings, the exterior and the curtilage of the building, and a descriptive written account.

**Reason:** In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.

- 4. If, during the course of site works, any archaeological material is discovered, the planning authority shall be notified immediately. The National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland shall also require notification.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

5. Prior to commencement of any development works on site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings shall be submitted for the written approval of the planning authority. Should the significant presence of bats be established on the site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species.

6. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

7. The proposed development shall be managed in accordance with a revised Demolition Method Statement and 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 intended demolition/construction practice for the proposed development, including:
- (a) The location of the site and materials compound(s), including area(s) identified for the storage of demolition/construction (project) refuse.
  - (b) The location of areas for the project site office and staff facilities.
  - (c) Details of site security fencing and hoardings.
  - (d) Details of on-site car parking facilities for site workers during the course of the project.
  - (e) Details of the timing and routing of project traffic to and from the site and associated directional signage, to include proposals to facilitate the removal of abnormal loads from the site.
  - (f) Measures to obviate queuing of project traffic on the adjoining road network.
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
  - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
  - (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- (l) A record of daily checks that the works are being undertaken in accordance with the Demolition Method Statement/Construction Management Plan shall be made available for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety and environmental protection.

8. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0900 to 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.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for full implementation.



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.

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

10. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.



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.



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Declan Moore

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

Dated this 25<sup>th</sup> day of FEBRUARY 2025.