



An
Bord
Pleanála

Inspector's Report Addendum Report ABP-305588-19

Development	Construction of vehicular entrance to the curtilage of a Protected Structure to accommodate 3 car spaces; provision of pedestrian entrance and path; erection of a boundary metal fence and hedge screening.
Location	The Millhouse, Whitechurch Road, Rathfarnham, Dublin 14.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18B/0535
Applicant(s)	Killian Casey and Emer Duffy
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Siobhan Perdissatt
Observer(s)	None.

Date of Site Inspection

19th February, 2020

Inspector

Stephen Kay

1.0 Introduction

- 1.1. The appeal site is located on a triangular shaped corner site at the junction of Whitechurch Road and St. Patricks Cottages to the south of Rathfarnham village. The site has frontage onto both Whitechurch Road and St Patricks Cottages and there is a three storey detached house ('The Mill House') located at the northern end of the site. There is currently no vehicular access to the site.
- 1.2. The proposed development comprises the creation of a vehicular access on the eastern side of the site with access from St Patrick's Cottages. The development comprises the creation of an opening of c.10 metres in width and parking for three cars within the boundary of the site.
- 1.3. The purpose of this addendum report is to record the further third party submission response received by the Board on 6th December, 2019 which was not noted at the time of the original report, and to provide a comment as to whether the content of this submission is such as to change the recommendation contained in my original report dated 11th March, 2020.

2.0 Third Party Observations on the First Party Response to the Appeal

The following is a summary of the main issues raised in the third party observation received by the Board on 6th December, 2019 which was submitted in response to an invitation by the Board for further comment on the first party response to the grounds of appeal:

- That the content of the first party response is considered to be personal in tone when it is clear that the submission was made on behalf of a number of parties and not just S. Pardissatt. Considered that the tone of the submission is disparaging to the third party appellants.
- That parts of the first party response are very unclear, in particular the paragraph which begins with 'The appellant asserts that the granting of permission.....'.

- That the submission makes constant reference to the issue of what is considered to be existing illegal parking.
- That the foundations of Nos. 49 and 50 are below the invert level of the pipe carrying the stream and protection was required in other permissions granted.
- It is not considered that any new information is provided in the first party response submission.

3.0 Further Assessment

3.1. The content of the third party submission as summarised above is noted. Section 7.4 of the original report dated 11th March, 2020 provided an assessment of the impact of the proposed development on existing parking arrangements on St. Patrick's Cottages and concluded that safe access to the proposed development could be provided without impacting significantly on these existing parking arrangements. I do not consider that the content of the third party submission is such as to change this conclusion.

3.2. Similarly, section 7.5 of my original report dated 11th March, addressed the issue of the existing stream and culvert that runs in the vicinity of the site and concluded that there is no clear basis to conclude that the culvert requires reinforcing having regard to the separation between the development and the invert of the pipe and to the nature of the proposed development.

3.3. The comments of the third party regarding the tone and wording of the first party submission are noted and my assessment has been undertaken on the basis of the information on file and specific circumstances of this case.

4.0 Recommendation

Having regard to the above and to the content of my original report dated 11th March, 2020, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions:

5.0 Reasons and Considerations

Having regard to the residential zoning objective for the area and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have an adverse impact on the character or setting of any protected structure or on the character of the Whitechurch Road and Taylors Lane Cottages ACA, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 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 submitted on the 20th day of August 2019 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. The following shall be complied with in the development:
 - (a) The maximum width of the permitted vehicular access shall be 5.2 metres.
 - (b) The extent of the permitted off street parking area shall not exceed 5.2 metres in width by 6.0 metres in length and shall be used for the parking of not more than two cars.
 - (c) Prior to the commencement of development, a revised Landscape Masterplan drawing to a scale of 1:100 shall be submitted for the written

agreement of the Planning Authority. This revised drawing shall indicate the site to the correct scale as per the dimensions specified above and those indicated on the Landscape Sections and Details Drawing received by the Planning Authority on 20th August, 2019.

Reason: To clarify the extent of the permission.

3. The following shall be complied with in the development:

- (a) The permitted parking spaces shall only be used in connection with the residential use of the site and shall not be separated from the existing dwelling by sale or lease save with a prior grant of planning permission.
- (b) Gates erected on the site shall not extend beyond the site boundary and shall not be capable of extending across any footpath, cyclepath or public area.
- (c) Finishes to the permitted metal boundary shall comprise a green or black painted or factory finish.

Reason: In the interests of visual amenity and protection of the character and setting of the protected structure on site and the Whitechurch Road and Taylors Lane Cottages ACA

4. Drainage arrangements, including the 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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

Stephen Kay
Planning Inspector

6th May, 2020