



An  
Bord  
Pleanála

## Addendum to Inspector's Report

**ABP-319031-24**

<b>Development</b>	Single and two-storey domestic extension
<b>Location</b>	9 Georgian Village, Castleknock, Dublin 15
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	FW23A/0345
<b>Applicant(s)</b>	Catriona McGonagle and Anthony Smyth
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To grant permission with conditions
<b>Type of Appeal</b>	Third Party v Decision
<b>Appellant(s)</b>	Patrick N. Ryan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> . May 2024
<b>Inspector</b>	Brendan McGrath

## **1.0 Introduction**

1.1. This report has been prepared to assess a further response by the appellant, dated 15<sup>th</sup> August 2024, made under Section 131 of the Act. The response relates entirely to the issue of a malfunctioning private foul sewer which traverses the appeal site (Number 9 Georgian Village). The fact that there is a malfunctioning sewer is not in dispute, but the applicant disputes the assertion that Number 9 is at fault. The applicant does not propose to change the existing pipe but has put forward a number of remedial measures i.e.

- Amend the configuration of the proposed external store so that the existing manhole is fully accessible,
- Any part of the external store which is to be located over the common drainage line to be founded using an appropriate foundation solution, i.e. supported on mini piles,
- A new drainage connection from the subject site and disconnection of the existing connection to the private drain,
- Survey of the section of the private drain traversing the subject site prior to and post construction and repair of any defects caused by the construction
- Ongoing right of access by third parties for the purpose of maintaining the private drain.

In the further response the appellant maintains that these remedial actions will not suffice. The layout drawing, submitted with the application did not show the line of the existing sewer. In a drawing submitted as part of the response to the appeal the sewer is shown to be bended and not straight, as shown in a previous permission

(F08A/0626/E2). This incorporated a straight sewer line between manholes A and B (as per drawing submitted by the appellant on 15<sup>th</sup> August 2024).

## 2.0 Assessment

The appellant has legitimate concerns about the functioning of the existing private sewer line that traverses the site and how it might be affected by the proposal. The applicant has put forward a range of measures to address the concerns raised in the appeal.

However, I am in agreement with the appellant that the mitigation proposed will not overcome the problem that the existing sewer is defective and liable to blockage. Therefore, in my opinion, the existing sewer should be reconstructed as a straight pipe between manholes A and B and 9 Georgian Village should be connected to the reconstructed private sewer.

## 3.0 Recommendation

- 3.1. I recommend that planning permission be granted for the reasons and considerations set out below and subject to the following conditions.

## 4.0 Reasons and Considerations

- 4.1. Having regard to the RS zoning of the Fingal Development Plan 2023-2029 'to provide for residential development and protect and improve residential amenity' the proposal would be in accordance with the proper planning and sustainable development of the area.

## 5.0 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 received by An Bord Pleanála on the 8 <sup>th</sup> day of March, 2024, except as may otherwise be required in order to comply with
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	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The following measures in respect of the existing foul sewage line, which serves adjacent houses and traverses the site, shall be undertaken:-</p> <ul style="list-style-type: none"> <li>a) The sewer shall be constructed as a straight line between manholes A and B as per drawing submitted to An Bord Pleanála on the 15<sup>th</sup> August 2024,</li> <li>b) 9 Georgian Village shall be connected to the reconstructed foul sewage line,</li> <li>c) An amended configuration of the proposed external store shall be made so that the existing manhole is fully accessible,</li> <li>d) Any part of the proposed external store which is to be located over the common drainage line is to be founded using an appropriate foundation solution, i.e. supported on mini piles,</li> <li>e) A survey of the section of the private drain traversing the subject site shall be undertaken prior to, and post construction, and repair of any defects caused by the construction shall be undertaken, and</li> <li>f) There shall be an ongoing right of access by third parties for the purpose of maintaining the private drain.</li> </ul> <p><b>Reason:</b> In the interest of public health</p>
3.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> in the interest of public health</p>

5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900] Mondays to Fridays inclusive, between 0900 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Brendan McGrath  
Planning Inspector

24<sup>th</sup>. September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála</b>			
<b>Case Reference</b>			
<b>Proposed Development Summary</b>			
<b>Development Address</b>			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>Conclusion</b>			
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_