

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No. S98A/0455	
1. Location	39 Westbourne Grove, Deansrath, Dublin 22.		
2. Development	2 no. 3 bedroomed dwelling houses with off street parking.		
3. Date of Application	03/07/98	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1. 25/09/1998 2. 22/03/19	1. 28/01/1999 2. 13/05/19
4. Submitted by	Name: Graham Kavanagh, Address: 18a Culmore Road, Palmerstown,		
5. Applicant	Name: Graham Kavanagh, Address: 18a Culmore Road, Palmerstown, Dublin 20.		
6. Decision	O.C.M. No. 1437 Date 09/07/1999	Effect AP GRANT PERMISSION	
7. Grant	O.C.M. No. 1789 Date 19/08/1999	Effect AP GRANT PERMISSION	
8. Appeal Lodged	09/08/1999	Written Representations	
9. Appeal Decision	08/12/1999	Grant Permission	
10. Material Contravention			
11. Enforcement Compensation Purchase Notice			
12. Revocation or Amendment			
13. E.I.S. Requested E.I.S. Received E.I.S. Appeal			
14. Registrar Date Receipt No.			

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

County South Dublin

Planning Register Reference Number: S98A/0455

APPEAL by Sue Hassett and others of 32 Westbourne Grove, Clondalkin, Dublin against the decision made on the 9th day of July, 1999 by the Council of the County of South Dublin to grant subject to conditions a permission to Graham Kavanagh of 18a Culmore Road, Palmerstown, Dublin for development comprising the construction of two three-bedroom houses with off-street parking at gable of 39 Westbourne Grove, Deansrath, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

It is considered that, subject to compliance with conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans, particulars and specifications lodged with the application as amended by the revised plans and details received by the planning authority on the 13th day of May, 1999 and in particular the layout of the development shall be in accordance with Site Layout A received by the planning authority on the 13th day of May, 1999, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of the amenity of the area.

2. The external finishes, including the colour and texture of the roof tiles, shall harmonise in colour and texture with the existing development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, details of the proposed boundary treatment to both sites shall be submitted to the planning authority for agreement.

Reason: In the interest of visual amenity.

4. The proposed houses shall be used as single dwelling units only.

Reason: In the interest of the amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to the first occupation of the proposed houses, front, side and rear garden areas shall be provided with sufficient topsoil, levelled, graded and planted to allow grass and other vegetation to grow.

Reason: In the interest of residential and visual amenity.

7. Water supply and 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 and to ensure a proper standard of development.

8. The footpath, kerb and new driveways shall be in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

9. Prior to commencement of development, a house numbering scheme shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

10. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.



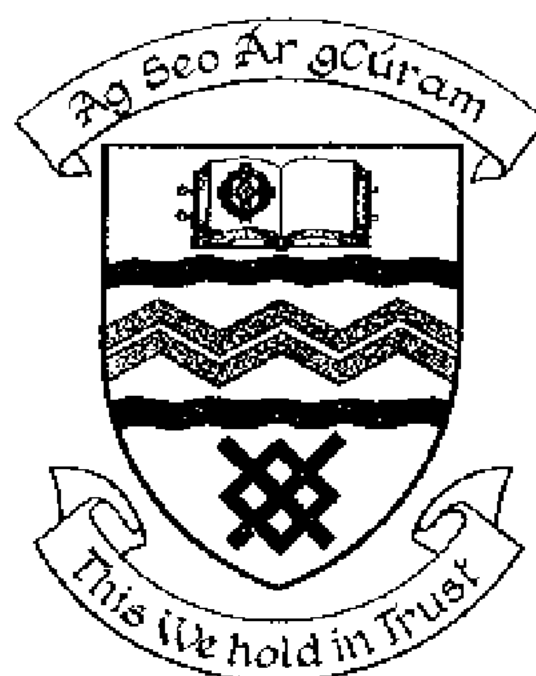
**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 8th day of December 1999.

SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS

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NOTIFICATION OF DECISION TO GRANT PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1437	Date of Decision 09/07/1999 <i>llh</i>
Register Reference S98A/0455	Date: 03/07/98

Applicant Graham Kavanagh,
Development 2 no. 3 bedroomed dwelling houses with off street parking.

Location 39 Westbourne Grove, Deansrath, Dublin 22.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received 25/09/1998 /28/01/1999

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a DECISION TO GRANT PERMISSION in respect of the above proposal.

Subject to the conditions (15) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

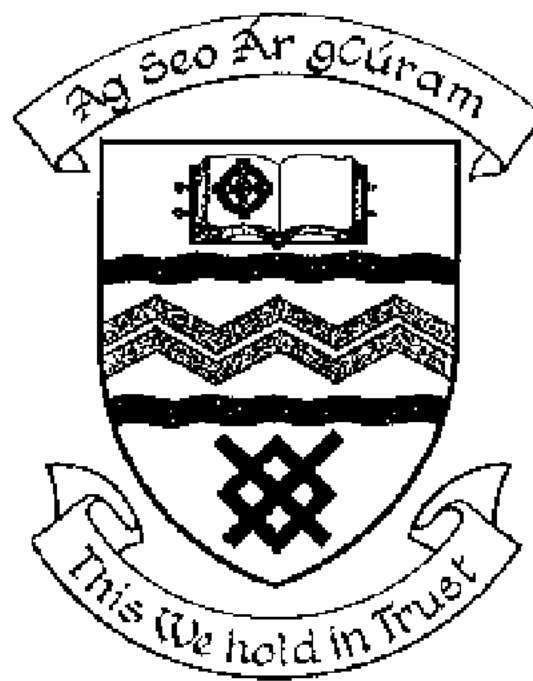
llh
..... 09/07/99
for SENIOR ADMINISTRATIVE OFFICER

Graham Kavanagh,
18a Culmore Road,
Palmerstown,
Dublin 20.

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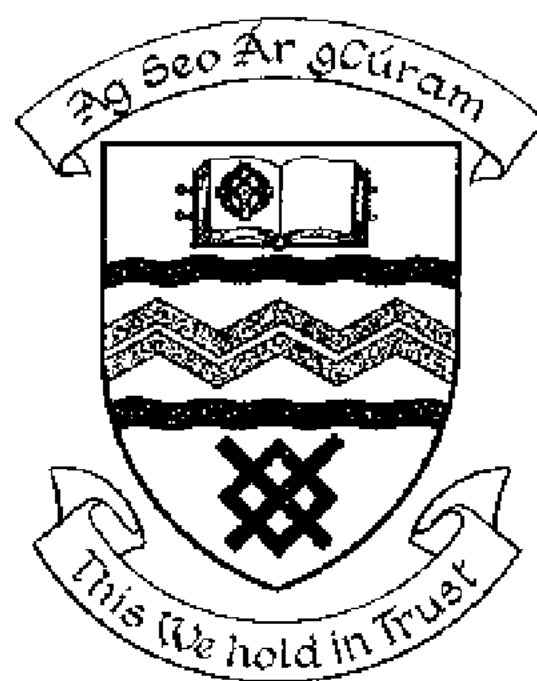
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Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application as amended by the revised plans and details submitted by way of clarification of additional information on 13/05/99, save as may be required by the other conditions attached hereto.
REASON:
To ensure that the development shall be in accordance with the permission and that effective control be maintained.
- 2 The proposed dwellings shall align with the front and rear building lines of the adjoining terrace.
REASON:
In the interests of visual amenity.
- 3 That all external finishes harmonise in colour and texture with adjoining dwellings.
REASON:
In the interests of residential and visual amenity.
- 4 Prior to the commencement of development details of proposed boundary treatment to both sites shall be submitted to and be to the satisfaction of the Planning Authority.
REASON:
In the interests of the proper planning and development of the area and visual amenity.
- 5 That the proposed houses be used as single dwelling units.
REASON:
To prevent unauthorised development.
- 6 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.
REASON:
To protect the amenities of the area.
- 7 That all public services to the proposed development, including electrical, telephone cables and equipment be

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located underground throughout the entire site.

REASON:

In the interest of amenity.

- 8 Prior to the first occupation of the proposed dwellings, front, side and rear garden areas shall be provided with sufficient top soil, levelled, graded and planted to allow grass and other vegetation to grow.

REASON:

In the interests of residential and visual amenity.

- 9 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council and shall have regard to the following:-

- (a) Applicant to ensure full and complete separation of foul and surface water system;
- (b) No building shall lie within m of watermains less than 225mm diameter and within 8m of watermains greater than 225 diameter;
- (c) All connections to be carried out by South Dublin County Council personnel at applicant's prior expense;
- (d) 24 hour storage and separate connection shall be provided;
- (e) No dwelling shall be greater than 46 metres from a hydrant.

REASON:

In order to comply with the Sanitary Services Acts, 1878-1964.

- 10 The footpath and kerb shall be dished and the new driveways constructed to the satisfaction of the Area Engineer Road Maintenance.

REASON:

In the interest of the proper planning and development of the area.

- 11 That an acceptable house numbering scheme be submitted to and approved by the South Dublin County Council before any constructional work takes place on the proposed houses.

REASON:

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In the interest of the proper planning and development of the area.

- 12 That a financial contribution in the sum of £1,500 (one thousand five hundred pounds) be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

- 13 That a financial contribution in the sum of £4,200 (four thousand two hundred pounds) shall be paid by the proposer to South Dublin County Council towards the cost of roads improvements and traffic management in the area of the proposed development and which facilitates this development; this contribution to be paid before the commencement of development on the site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road improvement works and traffic management schemes facilitating the proposed development.

- 14 That a financial contribution in the sum of £2,000 (two thousand pounds) be paid by the proposer to South Dublin County Council towards the cost of the provision and development of public open space in the area of the proposed development and which will facilitate the development; this contribution to be paid before the commencement of development on site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on the provision and development of amenity lands in the area which will facilitate the proposed development.

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15 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, until taken in charge by the Local Authority for Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains, has been given by:-

- a. Lodgement with the Council of an approved Insurance Company Bond in the sum of £8,000 (eight thousand pounds) until such time as the Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are taken in charge by the Council.
Or./...
- b. Lodgement with the Council of a Cash Sum of £5,000 (five thousand pounds) to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.
Or./...
- c. Lodgement with the Planning Authority of a letter of guarantee issued by the Construction Industry Federation in respect of the proposed development, in accordance with the guarantee scheme agreed with Planning Authority.

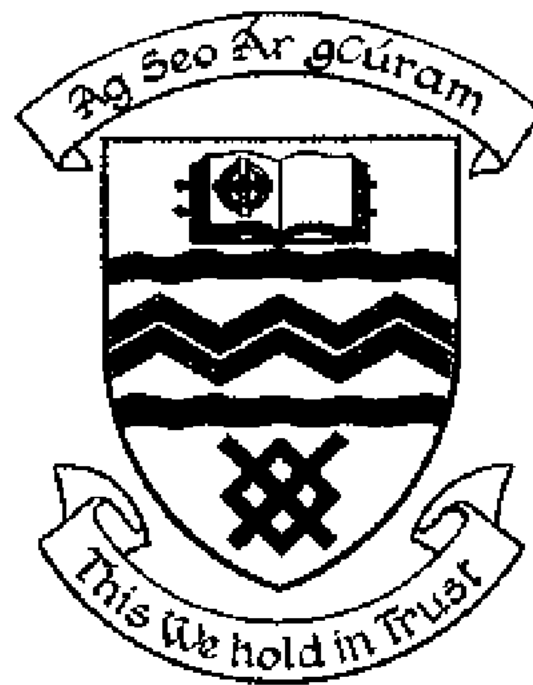
REASON:

To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 0552	Date of Decision 22/03/1999.
Register Reference S98A/0455	Date 3rd July 1998

Applicant Graham Kavanagh,
App. Type Permission
Development 2 no. 3 bedroomed dwelling houses with off street parking.

Location 39 Westbourne Grove, Deansrath, Dublin 22.

Dear Sir / Madam,

With reference to your planning application, additional information received on 28th January 1999 in connection with the above , I wish to inform you that before the application can be considered under the Local Government (Planning and Development) Acts 1963 - 1993 , the following Clarification of Additional Information must be submitted in quadruplicate :

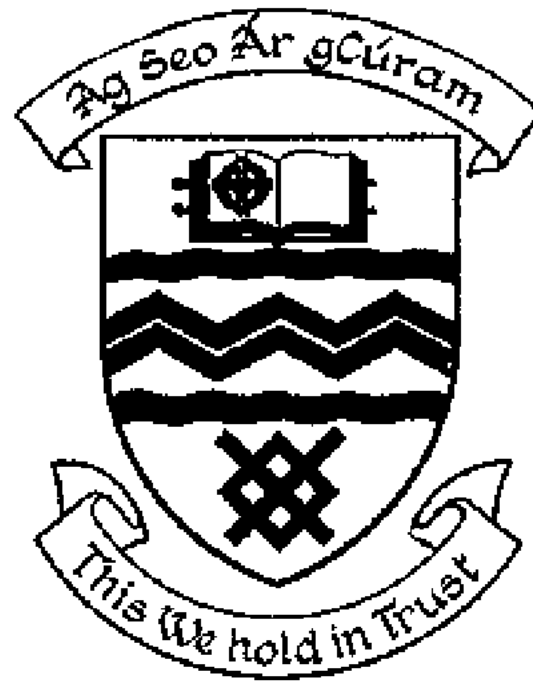
- 1 The applicant is advised that the minimum setback requirement, i.e. nine metres, between the New Nangor Road and the proposed dwellings is measured from the gable end of the house to the road boundary line and not the road kerb line. In this regard the proposed house on Site 43 would be only 6.5 metres from the road reservation line. Having regard to the above, the applicant is advised that only one dwelling is likely to be acceptable on this site and that he should submit revised details to provide for same.
- 2 The applicant is advised that South Dublin County Council has no record of the foul and surface water sewers on the New Nangor Road that the applicant proposes to connect to. The applicant is requested to confirm the existence,

Graham Kavanagh,
18a Culmore Road,
Palmerstown,
Dublin 20.

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location and extent of such sewers. Alternatively the applicant is requested to submit written evidence of permission to connect into the private sewers and watermains in Westbourne (these have not been taken in charge by the Council).

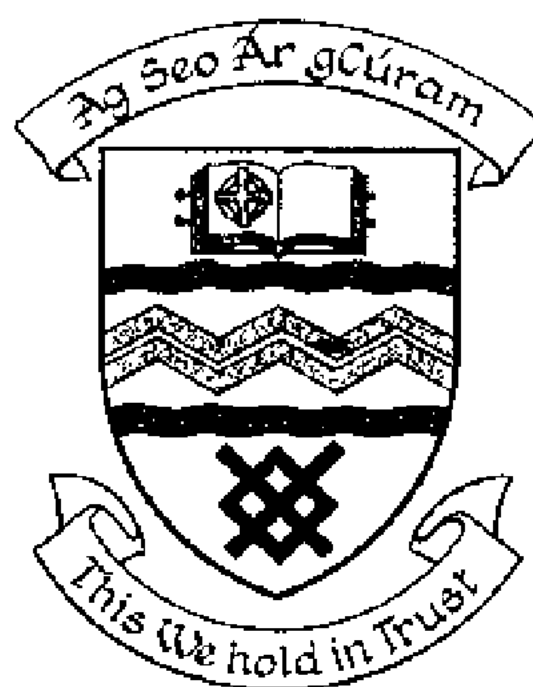
Please mark your reply "CLARIFICATION OF ADDITIONAL INFORMATION" and quote the Planning Reg Ref. No. given above.

Yours faithfully

SH
.....
for SENIOR ADMINISTRATIVE OFFICER

22/03/1999

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1941	Date of Decision 25/09/98
Register Reference S98A/0455	Date 3rd July 1998

Applicant: Graham Kavanagh,
Development: 2 no. 3 bedroomed dwelling houses with off street parking.

Location: 39 Westbourne Grove, Deansrath, Dublin 22.

App. Type: Permission

Dear Sir/Madam,

With reference to your planning application, received on 03/07/98 in connection with the above, I wish to inform you that before the application can be considered under the Local Government (Planning & Development) Acts 1963-1993, the following **ADDITIONAL INFORMATION** must be submitted in quadruplicate:

- 1 Applicant to submit written evidence of permission to connect into private sewers and watermains (these have not been taken in charge by the Council).
- 2 Clarification is required relative to the status of the extended road and the design of the road, footpath, and verge.
- 3 Details of the proposed building line set back of the houses relative to the New Nangor Road are required. In this regard a minimum set back of 9 metres is required from the New Nangor Road to provide for noise attenuation and building line.
NOTE : It is considered that one additional dwelling would be acceptable subject to the front building line of the dwelling being brought forward to be in line with the established building line of the terrace and that the proposed external finishes match the existing dwellings in the estate.

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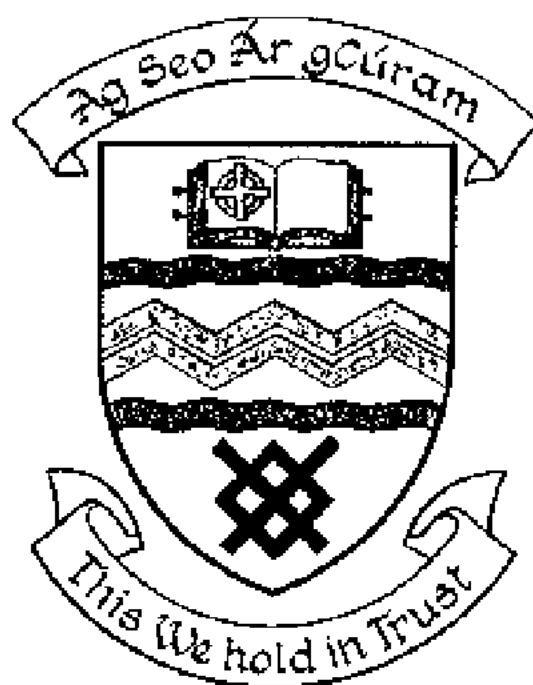
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Signed on behalf of South Dublin County Council

[Signature]
.....
for Senior Administrative Officer

25/09/98

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LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Order Number 1483	Date of order 23/07/98
Register Reference S98A/0455	Date 3rd July 1998

Applicant Graham Kavanagh,
Development 2 no. 3 bedroomed dwelling houses with off street parking.
Location 39 Westbourne Grove, Deansrath, Dublin 22.

Dear Sir/Madam,

An inspection carried out on 16/07/98 has shown that the site notice erected in respect of your planning application does not comply with the requirements of the Local Government (Planning and Development) Regulations, 1994 as the A3 size site notice is affixed to the front ground floor window and is not legible from the public road. Before this application can be considered, you must erect a new notice on the site or structure, and submit the following to this Department:

- (a) two copies of the text of the notice
- (b) two plans showing the position of the notice on the land or structure
- (c) a statement of the date on which the notice is erected

The notice must be maintained in position for at least one month and must fulfill the following conditions:-

1. Must be durable material
2. Must be securely erected in a conspicuous position easily visible and legible by persons using the public road
3. Must be headed "Application to Planning Authority".
4. Must state:

Graham Kavanagh,
18a Culmore Road,
Palmerstown,
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- (a) Applicant's name
- (b) whether application is for **Permission, Outline Permission, or Approval.**
- (c) nature and extent of development including number of dwellings (if any)
- (d) that the application may be inspected at the Planning Department, South Dublin County Council, Town Centre, Tallaght, Dublin 24.

No further consideration will be given to this application until you comply with these requirements.

Yours faithfully,

.....
for Senior Administrative Officer.

24/07/98