

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No.  S98A/0341	
1. Location	Former Holy Ghost Fathers lands at Kimmage Manor, with entrance off Whitehall Road, Dublin 12.		
2. Development	Alterations to approved site layout and dwelling types (South Dublin County Council Reg. Ref. S97A/0476 and An Bord Pleanála PL06S.104450) to incorporate 8 two storey semi-detached dwelling of type C plus 2 domestic garages, in lieu of 6 two storey semi-detached dwellings of type B.		
3. Date of Application	27/05/1998	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1.  2.	1.  2.
4. Submitted by	Name: O'Muire Smyth Architects, Address: Columbia Mills, 14-15 Sir John Rogersons Quay,		
5. Applicant	Name: Flynn & O'Flaherty Properties Ltd., Address: 21 Pembroke Road, Ballsbridge, Dublin 2.		
6. Decision	O.C.M. No. 1471  Date 23/07/1998	Effect RP REFUSE PERMISSION	
7. Grant	O.C.M. No. Date	Effect RP REFUSE PERMISSION	
8. Appeal Lodged	04/08/1998	Written Representations	
9. Appeal Decision	03/12/1998	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 1998

County South Dublin

Planning Register Reference Number: S98A/0341

**APPEAL** by Flynn and O'Flaherty Properties Limited care of Ó Muiré Smyth Architects of Columbia Mills, 14-15 Sir John Rogerson's Quay, Dublin against the decision made on the 23rd day of July, 1998 by the Council of the County of South Dublin to refuse permission for development comprising alterations to approved site layout and dwelling types (Planning Register Reference Number S97A/0476 and An Bord Pleanála Appeal Reference Number PL 06S.104450) to incorporate eight two-storey semi-detached dwellings of type C plus two domestic garages in-lieu of six two-storey semi-detached dwellings of type B on part of former Holy Ghost Fathers' land at Kimmage Manor with entrance off Whitehall Road, Dublin in accordance with plans and particulars lodged with the said Council:

**DECISION:** Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1998, 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 the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of property in the vicinity or be otherwise contrary to the proper planning and development of the area.

## SECOND SCHEDULE

1. The development shall be carried out in accordance with the plans and particulars lodged with the planning authority on the 27th day of May, 1998, as supplemented by the additional information lodged on the 15th and 19th days of June, 1998, except as may otherwise be required in order to comply with the following conditions.

**Reason:** To clarify the nature and extent of the development authorised by this grant of permission in the interest of orderly development.

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2. House numbers 40 and 41 as indicated on drawing number 9409-54D received by the planning authority on the 27th day of May, 1998 shall be omitted from the proposed development scheme. The layout of the remaining houses within the proposed development shall be revised to take account of their omission and a revised version of the layout shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** The configuration and area of the proposed areas of private amenity open space to the rear of houses numbers 40 and 41 is considered to be unacceptable and would result in substandard residential development.

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

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

4. The first floor windows in the gable walls of the proposed houses shall be glazed in obscure glass.

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

5. The materials, colours and textures of all the external finishes to the proposed houses shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

6. Public lighting shall be provided in accordance with a scheme, details of which 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 public safety.

7. Prior to the commencement of development, proposals for a house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

8. Screen walls shall be provided at such locations as may be required by the planning authority to screen rear gardens from public view. Details of the locations, extent, height, materials and external finishes of the walls shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

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9. 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. In this regard, details of the watermain layout and the foul and surface water drainage proposals shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and to ensure a proper standard of development.

10. The internal road network serving the proposed development including the road, junction, turning bay, traffic calming facilities, footpath and kerbs shall be in accordance with the detailed requirements of the planning authority.

**Reason:** In the interest of amenity, traffic safety and convenience.

11. The side boundaries of the house plots to the rear of the front building line of the proposed houses shall be demarcated by capped 1.8 metre high concrete block walls, except as may otherwise be required by condition number 8.

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

12. The front and side boundaries of the areas to the front of each house shall be defined by a wall, except as may otherwise be required by condition number 8. In addition, the front garden area between each pair of semi-detached houses shall be subdivided along the party boundary by a wall. Details of the walls, including the design, height, materials and external finishes, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

13. The site shall be landscaped in accordance with a landscaping scheme, details of which shall be submitted to and agreed with the planning authority prior to the commencement of development. The scheme shall include a timescale for its implementation.

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

14. 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 the provision of a public water supply and sewerage facilities 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.

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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.

15. 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 rectifying the deficiency in the surface water drainage system serving the site. 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.

16. 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 road improvement works and traffic management measures 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.

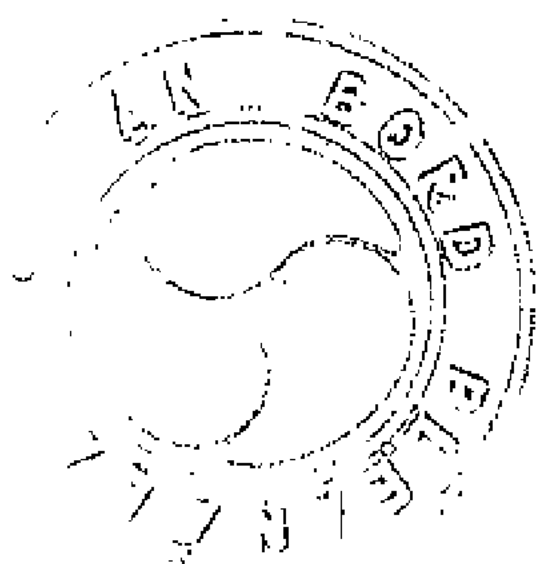
In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall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

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17. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.



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

Dated this 3rd day of December 1998.

**SOUTH DUBLIN COUNTY COUNCIL**  
**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**



Bosca 4122,  
Lár an Bhaile, Tamhlacht,  
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**NOTIFICATION OF DECISION TO REFUSE PERMISSION**  
**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

<b>Decision Order Number</b> 1471	<b>Date of Decision</b> 23/07/98
<b>Register Reference</b> S98A/0341	<b>Date</b> 27th May 1998

**Applicant** Flynn & O'Flaherty Properties Ltd.,

**Development** Alterations to approved site layout and dwelling types (South Dublin County Council Reg. Ref. S97A/0476 and An Bord Pleanála PL06S.104450) to incorporate 8 two storey semi-detached dwelling of type C plus 2 domestic garages, in lieu of 6 two storey semi-detached dwellings of type B.

**Location** Former Holy Ghost Fathers lands at Kimmage Manor, with entrance off Whitehall Road, Dublin 12.

**Floor Area** Sq Metres

**Time extension(s)** up to and including

**Additional Information Requested/Received** /

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 **REFUSE PERMISSION** in respect of the above proposal.

for the (2) Reasons on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council

.....  
O'Muire Smyth Architects, for SENIOR ADMINISTRATIVE OFFICER  
Columbia Mills,  
14-15 Sir John Rogersons Quay,  
Dublin 2.

23/07/98



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REG. REF. S98A/0341

**Reasons**

- 1     The proposed development would materially contravene Condition No. 15 of Planning Reference PL 06S.104450 which required that dwelling No's. 40 and 41 be omitted and the area be incorporated into the adjoining public open space area.
  
- 2     The proposed development results in an unacceptable reduction in public open space and as such would seriously injure the residential amenity enjoyed by occupiers of dwellings in the area and would depreciate the value of property in the vicinity. The proposed development is therefore contrary to the proper planning and development of the area.