

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



Bosca 4122,  
Lár an Bhaile, Tamhlacht,  
Baile Átha Cliath 24.

Telefon: 01-462 0000  
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**PLANNING  
DEPARTMENT**  
P.O. Box 4122,  
Town Centre, Tallaght,  
Dublin 24.

Telephone: 01-462 0000  
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**NOTIFICATION OF DECISION TO REFUSE PERMISSION  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

Decision Order Number 0375	Date of Decision 28/02/96
Register Reference S96A/0005	Date 2nd January 1996

**Applicant** Grangeview Builders Ltd.  
**Development** 8 single storey courtyard bungalows.  
**Location** 163 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 ( 3 ) Reasons on the attached Numbered Pages.

Signed on behalf of the South Dublin County Council

  
..... 28/02/96  
for SENIOR ADMINISTRATIVE OFFICER

Horan Keogan Ryan,  
Park Court,  
40 Main Street,  
Blackrock,  
Co. Dublin.

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REG REF. S96A/0005

**Reasons**

- 1 The site is located in an area zoned 'A', "to protect and improve residential amenity". The development as proposed would result in a density of development which is well in excess of the density of development in the vicinity of the site. The development as proposed is contrary to the stated Development Plan objective for the area.
- 2 The development as proposed does not meet Development Plan standards with regard to private open space provision, rear garden depth and car parking provision as such the development as proposed would be contrary to the proper planning and development of the area and would be seriously injurious to the amenities of and depreciate the value of property in the vicinity.
- 3 Inadequate off-street car parking has been provided. This would result in on-street car parking in the vicinity and tend to create serious traffic congestion.



AN BORD PLEANÁLA

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

County South Dublin

Planning Register Reference Number: S96A/0005

**APPEAL** by Grangeview Builders Limited care of Horan Keogan Ryan Limited of Park Court, 40 Main Street, Blackrock, County Dublin against the decision made on the 28th day of February, 1996 by the Council of the County of South Dublin to refuse a permission for the erection of eight single-storey courtyard bungalows and the demolition of a habitable house at 163 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 1993, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the demolition of the said house and the erection of the said eight single-storey courtyard bungalows 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

Having regard to the nature and scale of the proposed development, 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, 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. Buildings numbers 1 and 2 and their associated car parking spaces (6 to 8) shall be omitted and the area thus freed from development shall be landscaped in accordance with a scheme to be submitted to the planning authority for agreement. Buildings 7 and 8 shall be moved not less than one metre to the south-west and the locations of the access road and site entrance adjusted accordingly in a south-westerly direction.

**Reason:** In the interest of residential amenity and to reduce the density of development.

2. The access road shared surface area shall be cobbled.

**Reason:** To denote its dual use in the interest of pedestrian safety and visual amenity.

lc

SECOND SCHEDULE (CONTD.)

7. 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. Details of public lighting shall be submitted for the written agreement of the planning authority.

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

8. A management scheme for the adequate future maintenance of private open spaces, roads and communal areas shall be submitted to and agreed in writing with the planning authority before the development is commenced.

**Reason:** To ensure the adequate future maintenance of this private development in the interest of residential amenity.

9. All necessary measures shall be taken by the developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the construction of the development.

**Reason:** To protect the amenities of the area.

10. Before development is commenced, the developer shall lodge with South Dublin County Council a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of shared surface roads, watermains, drains, communal open space and other services required in connection with the development, coupled with an agreement empowering the Council 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 Council and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

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

11. The developer shall pay a sum of money to South Dublin County Council as a contribution towards expenditure that was and/or that is proposed to be incurred by the Council in respect of the provision of a public water supply and sewerage services facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the Council or, in default of agreement, shall be determined by An Bord Pleanála.

lc



P/18/17/96

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Manager's Orders

PL 06S.098515

AN BORD PLEANÁLA

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

FINANCIAL CONTRIBUTION	STO	£3150
AMOUNT	Sec 17	£600
	Case	£10,000

County South Dublin

Planning Register Reference Number: S96A/0005

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### FIRST SCHEDULE

Having regard to the nature and scale of the proposed development, 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, 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. Buildings numbers 1 and 2 and their associated car parking spaces (6 to 8) shall be omitted and the area thus freed from development shall be landscaped in accordance with a scheme to be submitted to the planning authority for agreement. Buildings 7 and 8 shall be moved not less than one metre to the south-west and the locations of the access road and site entrance adjusted accordingly in a south-westerly direction.

**Reason:** In the interest of residential amenity and to reduce the density of development.

2. The access road shared surface area shall be cobbled.

**Reason:** To denote its dual use in the interest of pedestrian safety and visual amenity.

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2. The access road shared surface area shall be cobbled.

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SECOND SCHEDULE (CONTD.)

3. (1) The three trees shown as retained in the development on the site layout plan shall be preserved in the development and shall be protected during the course of construction work by the erection of a stout timber fence 1.5 metres high, enclosing at least the area covered by the branch spread of the trees. The fence shall be erected before the commencement of any site works, and shall be maintained throughout the entire construction period.
- (2) No development works of any kind shall take place within the fenced-off area. In particular, the parking of vehicles, location of site huts, storage compounds or topsoil heaps, storage of oil and chemicals, and lighting of fires, is prohibited.
- (3) The drainage and services layout shall avoid damage to the root systems of the trees preserved in the development.

**Reason:** To protect the sylvan context of the site.

4. The area shown as open space be levelled, soiled and seeded and landscaped to the satisfaction of the planning authority and shall be available for use by residents on completion of their dwellings.

A landscape plan shall be submitted to and agreed in writing by the planning authority prior to the commencement of the development.

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

5. 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.

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

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

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8. A management scheme for the adequate future maintenance of private open spaces, roads and communal areas shall be submitted to and agreed in writing with the planning authority before the development is commenced.

**Reason:** To ensure the adequate future maintenance of this private development in the interest of residential amenity.

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

11. The developer shall pay a sum of money to South Dublin County Council as a contribution towards expenditure that was and/or that is proposed to be incurred by the Council in respect of the provision of a public water supply and sewerage services facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the Council or, in default of agreement, shall be determined by An Bord Pleanála.

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SECOND SCHEDULE (CONTD.)

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 Council in respect of the provision of a public water supply and sewerage services facilitating the proposed development.



*Luis Claherty*

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

Dated this *24th* day of *July*

1996.

P/1817/96

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Manager's Orders

PL 06S.098515

AN BORD PLEANÁLA

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

FINANCIAL CONTRIBUTION	STD
AMOUNT	Security
	£6.00
	£10.00

County South Dublin

Planning Register Reference Number: S96A/0005

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**Reason:** In the interest of residential amenity and to reduce the density of development.

2. The access road shared surface area shall be cobbled.

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FINANCIAL CONTRIBUTION	STD	£3150
AMOUNT	Security	£600
E	Legal	£10,000

County South Dublin

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PL 06S.098515

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**Reason:** To protect the sylvan context of the site.

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

5. 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.

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

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PL 06S.098515

SECOND SCHEDULE (CONTD.)

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 Council in respect of the provision of a public water supply and sewerage services facilitating the proposed development.



*Liam Cleary*

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

Dated this *24th* day of *July* 1996.

With regard to Condition No. 10, security is assessed at a cash lodgement of £6,000 (six thousand pounds) or a bond in the sum of £10,000 (Ten thousand pounds). *mf*

With regard to Condition No. 11, the financial contribution is assessed at £3,152 (three thousand one hundred and fifty two pounds) *mf*

Order :	Noted.	<i>Delet</i>
Dated	<i>26th August 96</i>	<i>Delet</i>
Approved Officer County Manager		
<del>to whom the appropriate powers have been delegated by order of the Council Manager.</del>		



	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No.  S96A/0005	
1. Location	163 Whitehall Road, Dublin 12.		
2. Development	8 single storey courtyard bungalows.		
3. Date of Application	02/01/96	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1.  2.	1.  2.
4. Submitted by	Name: Horan Keogan Ryan, Address: Park Court, 40 Main Street, Blackrock,		
5. Applicant	Name: Grangeview Builders Ltd. Address: 38 Ballaly Court, Dublin 14.		
6. Decision	O.C.M. No. 0375  Date 28/02/96	Effect RP REFUSE PERMISSION	
7. Grant	O.C.M. No.  Date	Effect RP REFUSE PERMISSION	
8. Appeal Lodged	25/03/96	Written Representations	
9. Appeal Decision	24/07/96	Grant Permission	
10. Material Contravention			
11. Enforcement	Compensation	Purchase Notice	
0	0	0	
12. Revocation or Amendment			
13. E.I.S. Requested	E.I.S. Received	E.I.S. Appeal	
14. .... Registrar	..... Date	..... Receipt No.	