

COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference P.C. 12342		LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER		REGISTER REFERENCE M. 3318	
1. LOCATION		Woodlawn Park, Ballycullen Road, Firhouse, Co. Dublin.			
2. PROPOSAL		10 semi-det. houses and 1 detached dwellinghouse.			
3. TYPE & DATE OF APPLICATION		TYPE P.	Date Received 23.12.77.	Date Further Particulars (a) Requested 17/2/78 (b) Received 9/3/78	
4. SUBMITTED BY		Name J. J. Gogarty, Esq., Architect, Address Kirwan House, 195, N.C.R., DUBLIN, 7.			
5. APPLICANT		Name Viscount Securities Limited, Address Kirwan House, 195, N.C.R., DUBLIN, 7.			
6. DECISION		O.C.M. No. P/1496/78 Date 8/6/78		Notified 8th May, 1978 Effect To Grant Permission	
7. GRANT		O.C.M. No. P/2351/78 Date 23/6/78		Notified 23rd June, 1978 Effect Permission Granted	
8. APPEAL		Notified Type		Decision Effect	
9. APPLICATION SECTION 26 (3)		Date of application		Decision Effect	
10. COMPENSATION		Ref. in Compensation Register			
11. ENFORCEMENT		Ref. in Enforcement Register			
12. PURCHASE NOTICE					
13. REVOCATION or AMENDMENT					
14.		Order of the Supreme Court made on 12th June 1980			
15.		A permanent injunction against the building of any houses on this plot of land,			
16.					
Prepared by _____		Copy issued by _____			
Checked by _____		Date _____			
Grid Ref. _____		Co. Accts. Receipt No. _____			
O.S. Sheet _____		Regis _____			

AN CHÚIRT UACHTARACH
THE SUPREME COURT

£7

Thurs day, the 12th day of June 1980

BEFORE

THE CHIEF JUSTICE

MR. JUSTICE Henchy

MR. JUSTICE Kenny

~~MR. JUSTICE~~

~~MR. JUSTICE~~

1978 No. 1233 P

Between

Patrick Gerard Browne

Plaintiff

and

Discount Securities Limited Knocklyon Estates Limited
M^{rs} Inerney Limited Park Developments (1975) Ltd

Defendants

The motion on the part of the Plaintiff brought pursuant to Notice of Motion herein dated the 18th day of July 1979 by way of appeal from the judgment and order of the High Court (Mr Justice Gannon) given and made herein on the 29th day of June 1979 refusing to grant the injunction claimed in paragraph 16 (a) of the Statement of Claim herein and for an order that the said judgment and order be discharged and that in lieu thereof an injunction be granted as claimed in the said

paragraph 16 (a) of the Statement of Claim herein restraining the Defendants and each of them their servants or agents from embarking on or proceeding with the erection of ten semi-detached and one detached house on lands at Woodlawn Park, Ballycullen Road Fairhouse in the County of Dublin and further restraining the said Defendants from felling or in any other way destroying the trees at present growing on the above-named lands and also an order directing an enquiry as to damages or alternatively granting the Plaintiff the opportunity to adduce further evidence on the question of damages and for an order granting the Plaintiff the costs of the application for interim and interlocutory injunctions herein on the grounds and as in the said Notice of Appeal set forth coming on for hearing this day in the presence of Counsel for the parties

Whereupon and on reading the said Notice of Appeal the said order (which said order was passed and perfected on the 29th day of June 1979 the pleadings and proceedings herein the affidavits of the Plaintiff (5) sworn respectively on the 15th day of March 1978 the 21st day of April 1978 the 12th day of June 1978 the 14th day of June 1978 and the 18th day of May 1979 the affidavit of Raphael Shemeth sworn the 19th day of June 1978 and the affidavits (2) of Peter Kiwan sworn respectively the 29th day of March 1979 and the 25th day of June 1979 and the documents and the learned trial judges note of the oral evidence herein and exhibits in all of said affidavits referred to and on hearing what is alleged by said respective Counsel

It is ordered and adjudged that this appeal be

allowed and that the said order of the High Court insofar only as it awards to the Plaintiff the sum of £1750-00 for damages in respect of his claim herein do stand discharged but otherwise do stand affirmed

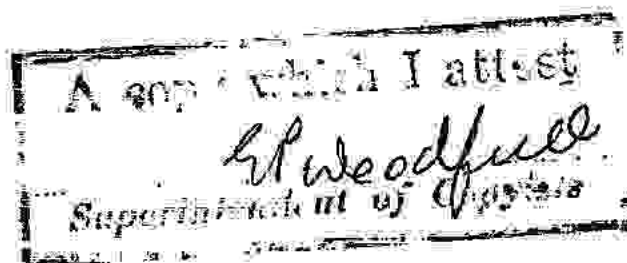
And it is ordered and adjudged that the Defendants and each of them their servants and agents and any person or body purchasing from them or from any one or more of them the lands hereinafter mentioned be permanently restrained from embarking upon or proceeding with the erection of ten semi-detached houses and one detached house on the lands at Woodlawn Park Ballycullen Road Fintona in the County of Dublin in accordance with the application for planning permission made by the first named Defendants to Dublin County Council dated the 22nd day of December 1977 or of any houses on the said lands or on any part thereof or from felling or in any other way interfering with the trees at present growing on the said lands

And it is ordered that the Defendants do pay to the Plaintiff his costs of this appeal when taxed and ascertained

And it is ordered that a copy of this order be served upon the Secretary for Dublin County Council

S. Mac Domhnaill

Registrar (Sec 6)



SUPREME COURT.

the 12th day of June, 1980

Re :—

BROWNE

—v—

VISCOUNT SECURITIES
LTD. KNOCKLYON ESTATES
LIMITED McINERNEY LTD
PARK DEVELOPMENTS (1975)
LTD.

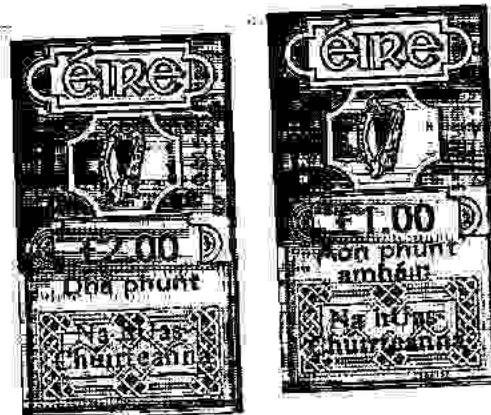
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Solicitor :—

Address

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MERVYN H. TAYLOR, B.A., LL.B.,
M. DON BUCHALTER, B.A., LL.B.,
COMMISSIONERS FOR OATHS

ANTHONY P. BRADY
GREGORY F. O'NEILL, B.C.L.

DUBLIN DOCUMENT EXCHANGE
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45-47 Caffe Street,
Dublin 2.*

TELEPHONE NOS.

754067
755595
758221

OUR REF.
YOUR REF.

MHT/EM

M 3318

1st October, 1980

The Secretary
Dublin County Council
46/49 Upper O'Connell Street
Dublin 1

re: Viscount Securities Limited
Lands at Woodlawn Park, Ballycullen Road, Firhouse
Co. Dublin

Dear Sir,

As directed by the Order of the Supreme Court made on the 12th June, 1980 in the matter of Patrick Gerard Browne, Plaintiff and Viscount Securities Limited and Ors, Defendants, we send you a copy of the Supreme Court Order for notation in your records.

This refers to Register Ref. D3316 Planning Control No. 12342 by which the Council granted a Planning Permission in respect of these lands.

You will note that the Supreme Court Order granted a permanent injunction against the building of any houses on this plot of land, and accordingly, the Council should take note of this Order in the event of any future application in respect of this piece of land.

Please acknowledge safe receipt.

Yours faithfully,

Mr Taylor

see page 3 of the order

DUBLIN COUNTY COUNCIL

Tel. 742951 (Ext. 143/145)

PLANNING DEPARTMENT,
46 - 49 DAME STREET,
DUBLIN 2.

Notification of Grant of Permission/Approval
Local Government (Planning and Development) Acts, 1963 & 1976

To: **Viscount Securities Ltd.,**
Karwan House,
108 North Circular Road,
Dublin 7.
Applicant **Viscount Securities Ltd.**

Decision Order
Number and Date **P/1496/78, 8/5/78**
Register Reference No. **N.3310**
Planning Control No. **12342**
Application Received on **25/12/77**
Addit. Inf. rec'd **8/5/78**

A PERMISSION/APPROVAL has been granted for the development described below subject to the undermentioned conditions.

● **Proposed 10-unit-detached house and 1 detached house at Woodlawn Park,**
Sallyaulien Road, Firhouse, Co. Dublin.

CONDITIONS

1. That the development be carried out and completed strictly in accordance with the plans and specification lodged with the application save as is in the conditions hereunder otherwise required.
2. That the water supply and drainage arrangements including satisfactory disposal of surface water be in accordance with the requirements of the County Council.
3. That the road improvement line for the Sallyaulien Improvement Scheme be set out and spread on site with the Roads Engineers before any construction works is put in hand on the proposed development. The rear boundary walls to the houses proposed immediately adjoining the Sallyaulien Road Improvement scheme are to be lodged on the improvement line boundary.
4. That each house be used as a single dwelling unit.
5. That all public services to the proposed development, including electrical telephone cables and equipment be located underground throughout the entire site.
6. That public lighting be provided on each street is occupied in accordance with a scheme to be approved by the County Council so as to provide street lighting to the standards required by the County Council.

REASONS FOR CONDITIONS

1. To ensure that the development be in accordance with the permission and effective control be maintained.
2. In order to comply with the Sanitary Services Acts, 1879-1964.
3. In the interest of the proper planning and development of the area.
4. To prevent unauthorized development.
5. In the interest of amenity.
6. In the interest of amenity and public safety.

Cont./...

led on behalf of the Dublin County Council:

for Principal Officer

Date:

23 JUN 1978

Approval of the Council under Building Bye-Laws must be obtained before the development is commenced and the terms of approval must be complied with in the carrying out of the work.

FUTURE PRINT

7. That no dwellinghouse be occupied until all the services have been connected thereto and are operational.

8. That screen walls not less than 2-metres high be provided in the position shown on the plans submitted adjoining the existing Wood-lawn Park, cul-de-sac, and to the flanks and rear of the dwellinghouses immediately adjoining the existing Ballycullen Road. The wall height for screen walls at the east and north boundaries of the dwellinghouses curtilages where they join the existing and proposed Ballycullen Road lines are to be not less than 2½ metres in height. The wall design for the new walls adjoining the existing and proposed Ballycullen Roads are to be fully discussed and agreed with the County Council.

9. That the landscaping scheme proposed including the programme for such works must be fully discussed and agreed with the Parks Superintendent. A special additional landscaping scheme which must include for semi-mature trees are to be provided by the developers along the existing Ballycullen Road frontage, at the east and north boundaries of the dwellinghouse curtilages some of this additional landscape features may be located within the house curtilages immediately adjoining the boundary wall referred to. Rear boundary walls not less than 2-metres in height to be provided to those sites which have joint rear boundaries with the sites immediately adjoining them. These matters must be fully discussed and agreed with the County Council.

10. That all watermain tapping branch connections, sweeping and chlorination be carried out by the County Council Sanitary Services Department and that the cost thereof be paid to the County Council before any development commences.

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

8. In the interest of visual amenity.

9. In the interest of amenity.

10. To comply with public health requirements and to ensure adequate standards of workmanship the provision of these works by the County Council will facilitate the proposed development it is considered reasonable that the Council should recover the cost.

Per. Principal Officer.

Continued/...

DUBLIN COUNTY COUNCIL

Tel. 742951 (Ext. 143/145)

PLANNING DEPARTMENT,
46 - 49 DAME STREET,
DUBLIN 2.

8/2351/78

Notification of Grant of Permission/Approval

Local Government (Planning and Development) Acts, 1963 & 1976

To: **Wickount Securities Ltd.,**
Garrahan House,
102 North Circular Road,
Dublin 7.

Decision Order
Number and Date **8/1496/78: 6/6/78**

Register Reference No. **Q.3310**

Planning Control No. **12202**

Application Received on **23/12/77**

Applicant **Wickount Securities Ltd.**

Admtr. Inf. rec'd 9/3/78

A PERMISSION/APPROVAL has been granted for the development described below subject to the undermentioned conditions.

Wickount

Proposed 12 semi-detached houses and 1 detached house at Woodlawn
Park, Sallycullen Road, Fintona, Co. Dublin.

CONDITIONS

(11) That an acceptable street lighting and house numbering scheme be submitted to and approved by the County Council before any constructional work takes place on the proposed houses.

12. That existing mature trees and landscape features be maintained and tree removal proposals must be with the approval of the County Council. Special attention to be given to the preservation of trees on the southern boundary of site and interference with root systems to be minimized.

13. Intent to consult with Parks Department.

REASONS FOR CONDITIONS

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

12. In the interest of amenity.

on behalf of the Dublin County Council:

for Principal Officer

Date:

23 JUN 1978

Approval of the Council under Building Bye-Laws must be obtained before the development is commenced and the terms of approval must be complied with in the carrying out of the work.

FUTURE PRINT