

COMHAIRLE CHONTAE ATHA CLIATH

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|-------------------------------|--|--|--------------------------------|--|
| P. C. Reference | LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER | | REGISTER REFERENCE 86A/1510 | |
| 1. LOCATION | Kilakee Road, Kilakee, Rathfarnham, Dublin 16. | | | |
| 2. PROPOSAL | Bungalow, Septic Tank, New Garage and New entrance | | | |
| 3. TYPE & DATE OF APPLICATION | TYPE | Date Received | Date Further Particulars | |
| | | | (a) Requested | (b) Received |
| | P. | 30 October 1986 | 1. 2. | 1. 2. |
| 4. SUBMITTED BY | Name | Paul O'Brien | | |
| | Address | "Whiteoaks", Grange Road, Rathfarnham. | | |
| 5. APPLICANT | Name | Ms Myriam Kavanagh | | |
| | Address | Kilakee Road, Kilakee, Rathfarnham, D. 16. | | |
| 6. DECISION | O.C.M. No. | P/4659/86 | Notified | 18th Dec., 1986 |
| | Date | 17th Dec., 1986 | Effect | To grant permission |
| 7. GRANT | O.C.M. No. | | Notified | |
| | Date | | Effect | |
| 8. APPEAL | Notified | 20/1/87 | Decision | Permission granted by An Bord Pleanála |
| | Type | 3rd Party | Effect | 31/3/87 |
| 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. | | | | |
| 15. | | | | |
| Prepared by | | Copy issued by | | |
| Checked by | | Date | | |
| | | Co. Accts. Receipt No | | |
| | | Registrar. | | |

Mr. D. Felton,
Molloy Fayle Tyndall & Co.,
Solicitors,
9 Mount Street Crescent,
Dublin 2.

Our Ref: 86A/1510

Your Ref: DRE/MM

21 July 1992

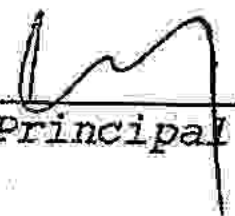
Re: Your Client R. Kavanagh
Bungalow at Killakee.

Dear Sir,

I now enclose Indenture Sealed on 16 July, 1992.

Please arrange to have this agreement registered as a burden on the land concerned. On receipt of documentary evidence of such registration a letter may issue confirming compliance with Condition 1 of Planning Permission Register Reference Number 86A/1510.

Yours faithfully,


for Principal Officer.

Copy for
Planning Register
21/7/92

Registered Post

Molloy, Fayle, Tyndall & Co.,
Solicitors,
9, Mount Street Crescent,
Dublin 2.

86A-1510.

1st November, 1989.

Dear Sirs,

Re: Bungalow with septic tank and new entrance at Kilakee Road, Rathfarnham
for Ms. M. Kavanagh.

I refer to your letter dated 21st September, 1989, and return enclosed the Indenture which was sealed recently by the Council. In order to comply with the condition of the permission the Agreement must now be registered as a burden on the relevant Land Registry Folios. On receipt of documentary evidence of such registration, a letter of compliance will issue.

Yours faithfully,


for Principal Officer

Molloy, Fayle, Tyndall & Co.,
Solicitors,
9, Mount Street Crescent,
Dublin 2.

86A/1510

20th September, 1989.

Dear Sirs,

Re: Bungalow with septic tank and new entrance at Kilakee Road, Rathfarnham
for Ms. M. Kavanagh.

I refer to your letter dated 14th July, 1989, enclosing Sterilisation Agreement to be sealed by the Council. I return enclosed the Agreement. The Agreement is not acceptable to the Planning Authority as no undertaking is given to register the Agreement as a burden on the relevant Land Registry Folio, such an undertaking was provided for in the previous Agreement.

Yours faithfully,


for Principal Officer.

Enc.

REGISTER

Molloy Fayle Tyndall & Co.,
Solicitors,
9 Mount Street Crescent,
Dublin 2.

269/1510
TMCH/YR 854/510

21/11/88

ATTN: D. Felton.

RE/ Bungalow with septic tank and new entrance at Killakee Road, Rathfarnham for
Ms. M. Kavanagh.

I refer to your letter dated 17/10/88 enclosing Sterilisation Agreement to comply with Condition no. 1 of the above permission, granted on appeal on 31/3/87. I return enclosed the Sterilisation Agreement which was sealed by the Council recently. The Agreement should now be registered in Land Registry as a burden, at the applicants expense, as provided for in the Agreement. On receipt of documentary evidence of such registration a letter confirming compliance with the condition of the permission will then issue.


For PRINCIPAL OFFICER

Molloy, Fayle, Tyndall & Co.,
Solicitors,
9 Mount Street Cres.,
Dublin 2

86A/1510

DRF.AF

3.6.88

RE/ Proposed bungalow with septic tank and new garage and new entrance at
Killakee Rd., Killakee, Rathfarnham for Miss M. Kavanagh

Dear Sirs,

I refer to your letter dated 28th June, 1988 regarding the lodgment of an Agreement to comply with Condition No. 1 of the above permission, granted on appeal on 31.3.87. In this regard I am to inform you that the draft Agreement must be amended to -

- (a) make provision for the owner of the lands to undertake to register the Agreement and
- (b) allow for the signature of the Chairman and Manager of the Council.

These amendments have been marked, in pencil, on the draft Agreement.

With regard to your request for copies of the maps received by the Council on 4.4.85, it is not the policy of the Council to issue copies of any documentation received as part of a planning application.

Yours faithfully,



For PRINCIPAL OFFICER.

AN BORD PLEANALALOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983County DublinPlanning Register Reference Number: 86A/1510

APPEAL by An Taisce, care of Michael Beagon of 86, Beaufort Downs, Dublin, against the decision made on the 17th day of December, 1986, by the Council of the County of Dublin, to grant subject to conditions a permission for development comprising a house with septic tank, new garage and new entrance at Killakee Road, Killakee, Rathfarnham, Dublin, to Myriam Kavanagh, care of Paul O'Brien, Whiteoaks, Grange Road, Rathfarnham, Dublin, in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1983, 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

Having regard to the proposed use by the developer of the land associated with the site, the subject of this appeal, for agricultural purposes and subject to compliance with the conditions set out in the Second Schedule hereto, it is considered that the proposed development would be consistent with the proper planning and development of the area.

SECOND SCHEDULE

1. Before the development is commenced, the owner of the area of approximately 400 acres outlined in blue on the maps received by Dublin County Council on 4th April, 1985 (in connection with the application for outline permission for a house on the lands under Planning Register Reference Number 85A/457) shall have entered into an agreement with the said Council under Section 38 of the Local Government (Planning and Development) Act, 1963 to preserve the said area from any further housing development for so long as the area is zoned for agriculture or as an area of high amenity in the Dublin County Development Plan.

Reason: The area is zoned as an area of high amenity in the Dublin County Development Plan. This zoning is considered reasonable and these conditions are intended to support it. The proposed development is acceptable only because it is put forward as being necessary for the use of the land affected for agricultural purposes.

SECOND SCHEDULE (CONTD.)

2. The house when completed shall be first occupied by the applicant and/or members of her immediate family.

Reason: To provide for the housing needs of persons engaged primarily in agriculture in the area.

3. No trees, shrubs, bushes or embankments shall be removed from the boundaries of the field in which the house plot is situated and all new boundaries, including entrance boundaries, shall be of natural materials indigenous to the area.

Reason: To protect the visual amenities of the area.

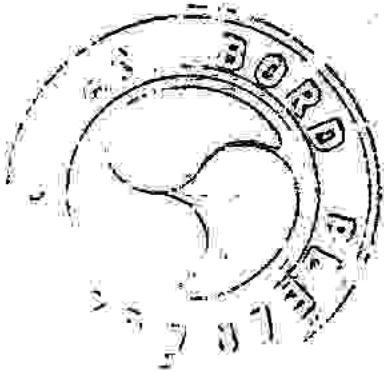
4. The water supply and drainage arrangements, including disposal of surface water, shall comply with the requirements of Dublin County Council for such services and works.

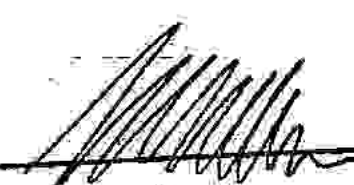
Reason: In the interest of public health.

5. (a) The cut stone finish proposed for the west elevation shall be repeated on the east elevation.

- (b) No extensions or other structures shall be constructed within the curtilage of the house plot except in accordance with a permission under the Local Government (Planning and Development) Acts, 1963 to 1983.

Reason: In the interest of visual amenity.




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

Dated this 31st day of March

1987.

DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,
BLOCK 2,
IRISH LIFE CENTRE,
LR. ABBEY STREET,
DUBLIN 1.

Notification of Decision to Grant Permission/Approval

Local Government (Planning and Development) Acts, 1963-1983

To **Paul O'Brien, Arch.**
'Whitenake'
Grange Road, Rathfarnham,
Dublin 14
Applicant **Miss Myrian Kavanagh**

Decision Order
Number and Date **P/4659/86 17.12.86**

Register Reference No. **86A/1510**

Planning Control No.

Application Received on **30.10.86**

Area of Site: **1½ acres (approx.)**

In pursuance of its functions under the above-mentioned Acts, the 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/Approval for:-

Proposed bungalow with septic tank and new garage and new entrance at Killakee Road.
Killakee, Rathfarnham, Dublin 16

SUBJECT TO THE FOLLOWING CONDITIONS

| CONDITIONS | REASONS FOR CONDITIONS |
|---|--|
| 1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto. | 1. To ensure that the development shall be in accordance with the permission and that effective control be maintained. |
| 2. That before development commences, approval under the Building Bye Laws be obtained and all conditions of that approval be observed in the development. | 2. In order to comply with the Sanitary Services Acts, 1878-1964. |
| 3. That the water supply and drainage arrangements, including the satisfactory operation of the septic tank system, be in accordance with the requirements of the County Council. | 3. In order to comply with the Sanitary Services Acts, 1878-1964. |
| 4. That the external stone finishes shall be of natural material indigenous to the area neutral in tone and texture and the plaster finished areas shall be of neutral colours to blend with the stone finish. | 4. In the interest of visual amenity. |
| 5. That the roof colour shall be blue-black, turf brown or slate-grey flat tiles or slates. | 5. In the interest of visual amenity. |

Signed on behalf of the Dublin County Council

[Signature]
For Principal Officer

Date **18th December, 1986**

IMPORTANT: Turn overleaf for further information

CONDITIONS

REASONS FOR CONDITIONS

6. That the house, when completed, be first occupied by the applicant and/or members of her immediate family.

7. No trees, shrubs, bushes or embankments shall be removed from the boundaries of the field in which the house plot is situated and all new boundaries, including entrance boundaries shall be of natural materials indigenous to the area.

8. That an agreement under Section 38 of the Local Government (Planning and Development) Act, 1963, be drawn up and entered into by the applicant with Dublin County Council, sterilizing from further housing development the applicants landholding as shown outlined in Blue on the map submitted to the County Council on 4.4.1985, for as long as the area is zoned for agriculture or as an area of high amenity in the Dublin County Development Plan. This agreement to be entered into prior to any commencement of development on the site.

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

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

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

NOTE:

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

An appeal against the decision may be made to An Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

An appeal shall be in writing and shall state the subject matter and grounds of the appeal. It should be addressed to:—
An Bord Pleanala, Blocks 6 and 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

(1) An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36 (Thirty-six Pounds). (2) A party to an appeal making a request to An Bord Pleanala for an Oral Hearing of an appeal must, in addition to (1) pay to An Bord Pleanala a fee of £36 (Thirty-six Pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten Pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

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