

COMHAIRLE CHONTAE ÁTHA CLIATH

File Reference	LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT 1963 & 1976 PLANNING REGISTER		REGISTER REFERENCE TA.618
1. LOCATION	13 Orchardstown Villas, Rathfarnham		
2. PROPOSAL	Radio Aerial		
3. TYPE & DATE OF APPLICATION	TYPE P.	Date Received 31st March, 1980	Date Further Particulars (a) Requested 1. 2. (b) Received 1. 2.
4. SUBMITTED BY	Name E. Berkenheier, Address 13 Orchardstown Villas, Rathfarnham		
5. APPLICANT	Name Address as above		
6. DECISION	O.C.M. No. PA/1097/80 Date 27th May 1980	Notified Effect	27th May 1980 To refuse permission,
7. GRANT	O.C.M. No. Date	Notified Effect	
8. APPEAL	Notified Type	Decision Effect	23rd June 1980 1st Party Permission granted by An Bord Pleanála, 7th Jan., 1981
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.			
16.			

Prepared by

Checked by

Grid Ref.

O.S. Sheet

Copy issued by.....Registrar.

Date.....

Co. Accts. Receipt No.....

AN BORD PLEANALALOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 AND 1976County DublinPlanning Register Reference Number: T.A. 618

APPEAL by Ernest D. Berkenheier, of 13, Orchardstown Villas, Rathfarnham, County Dublin, against the decision made on the 27th day of May, 1980 by the Council of the County of Dublin deciding to refuse a permission for the erection of a radio aerial on a site at 13, Orchardstown Villas, Rathfarnham, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 and 1976, it is hereby decided, for the reasons set out in the First Schedule hereto, to grant permission for the erection of the said radio aerial in accordance with the said plans and particulars as revised by the plans dated the 8th day of July, 1980 and lodged with An Bord Pleanála on the 25th day of August, 1980 subject to the conditions specified in column 1 of the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in column 2 of the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Provided the conditions set out in the Second Schedule hereto are complied with, it is not considered that the proposed development would be seriously injurious to the amenities of the area or be otherwise contrary to its proper planning and development.

SECOND SCHEDULE

<u>Column 1 - Conditions</u>	<u>Column 2 - Reasons for Conditions</u>
<p>1. Before the development is commenced a certificate from a structural engineer regarding the safety and stability of the proposed structure shall be submitted to the planning authority.</p> <p>2. The structure shall be removed within seven years from the date of this order unless permission for its retention is granted by the the Planning Authority or An Bord Pleanála on appeal.</p>	<p>1. In the interests of public safety.</p> <p>2. To enable the structural stability and the effect of the development on the amenities of the area to be reviewed having regard to the conditions then obtaining.</p>

(Contd...../)

SECOND SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
3. The external finish and texture of the proposed structure shall harmonise as far as possible with adjoining buildings and structures. In particular the mast shall be finished in grey or other colour as approved by the planning authority.	3. In the interest of visual

JOHN S. CONWAY

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



Dated this *7th* day of *January* 1981

DUBLIN COUNTY COUNCIL

Telephone 724755
Ext.: 262/264

PLANNING DEPARTMENT
Block 2
Irish Life Centre
Lower Abbey Street
Dublin 1

NOTIFICATION OF A DECISION TO REFUSE:

~~OUTLINE PERMISSION~~ : PERMISSION : ~~XAPPROVALX~~

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 & 1976

To;

Ernest D. Berkenheier,

TA618

Register Reference No.

13 Orchardstown Villas,

14956

Planning Control No.

Rathfarnham,

31.3.80

Application Received.

Dublin 14.

Additional Inf. Recd.

APPLICANT Ernest D. Berkenheier

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, P/ A/1097/80..... dated27th May 1980..... decide to refuse:

~~OUTLINE PERMISSION~~

PERMISSION

~~XAPPROVALX~~

For radio aerial at 13 Orchardstown Villas, Rathfarnham, Dublin 14.

for the following reasons:

1. The proposed development is located in an area zoned "to preserve and improve residential amenity" in the Development Plan. The proposal to erect a free standing radio aerial, as submitted, would materially contravene this objective, would be contrary to the proper planning and development of the area and seriously injurious to the amenities of adjoining residences.

2. The applicant has not submitted specific evidence of the structural stability of the proposed aerial and the site does not provide sufficient clearance to adjoining properties in the event of the structure collapsing.

Signed on behalf of the Dublin County Council

for PRINCIPAL OFFICER

27th May 1980.

Date.....

NOTE: An appeal against the decision may be made to An Bord Pleanala by the applicant within one month from the date of receipt by the applicant of this notification or by any other person within twenty-one days of the date of the decision. The appeal must be in writing and shall state the subject matter of the appeal and grounds of the appeal and should be addressed to An Bord Pleanala, Holbrook House, Holles Street, Dublin 2 and accompanied by a deposit of £10. When an appeal has been duly made and has not been withdrawn An Bord Pleanala will determine the application for permission as if it had been made to them in the first instance.