

	South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1)	Plan Register No.  S99A/0458	
1. Location	"Fortfield Lodge", Hyde Park, Terenure, Dublin 6W.		
2. Development	3 terraced dwellings, 2 two-bedroom and 1 three-bedroom.		
3. Date of Application	09/07/99	Date Further Particulars (a) Requested (b) Received	
3a. Type of Application	Permission	1.  2.	1.  2.
4. Submitted by	Name: Kiaran O'Malley & Co. Ltd., Address: "St. Helliers", Stillorgan Park,		
5. Applicant	Name: Michael & Colette Jordan, Address: 4 Knocklyon Heights, Dublin 16.		
6. Decision	O.C.M. No. 1947  Date 08/09/1999	Effect AP GRANT PERMISSION	
7. Grant	O.C.M. No. Date	Effect AP GRANT PERMISSION	
8. Appeal Lodged	05/10/1999	Written Representations	
9. Appeal Decision			
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 1999

County South Dublin

Planning Register Reference Number: S99A/0458

**APPEAL** by Charles and Katherine Kelly of 1 Fortfield Drive, Terenure, Dublin against the decision made on the 8th day of September, 1999 by the Council of the County of South Dublin to grant subject to conditions a permission to Michael and Colette Jordan care of Kieran O'Malley and Company of Saint Helier's, Saint Helier's Copse, Stillorgan Park, Blackrock, County Dublin for development comprising the construction of three terraced houses, two two-bedroom and one three-bedroom at Fortfield Lodge, Hyde Park, Terenure, Dublin in accordance with plans and particulars lodged with the said Council:

**DECISION:** Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, 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 residential amenities of the area, 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. The materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for agreement prior to commencement of construction of the houses.

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

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2. No development shall take place until a landscaping scheme has been submitted to and agreed with the planning authority. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the development period. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

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

3. Prior to the commencement of development the developer shall submit details of proposed boundary treatment to the site. In the event that the trees along the eastern boundary are undermined by the proposed development, a 1.8 metre high concrete block wall, suitably capped and rendered, on both sides, shall be erected, details, to be submitted to the planning authority for agreement.

**Reason:** In the interest of the proper planning and development of the area.

4. The glass in the ensuite and bathroom windows shall be obscure.

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

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

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

6. 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.

7. No extension shall be constructed to the rear of the proposed houses without a prior grant of planning permission.

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

8. Two off-street car parking spaces shall be provided within the curtilage of house type number 2, in a manner consistent with the preservation of the trees to be retained on site.

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

9. 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 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.



*Brian Hunt*

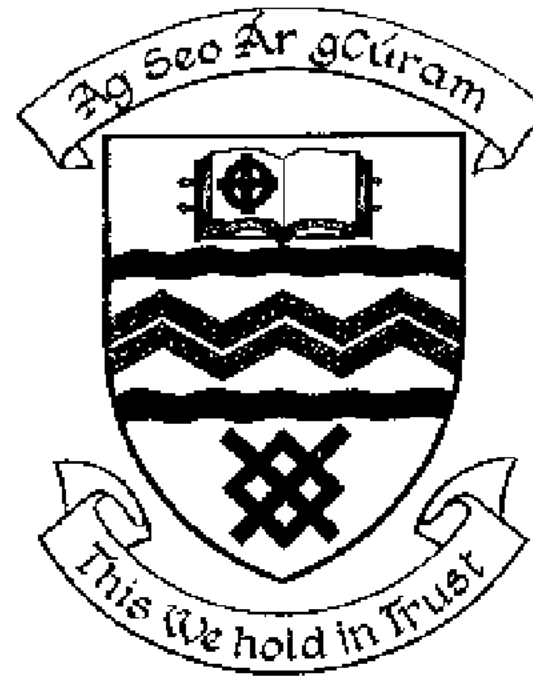
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 3<sup>rd</sup> day of February 2000.

SOUTH DUBLIN COUNTY COUNCIL  
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NOTIFICATION OF DECISION TO GRANT PERMISSION  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993

Decision Order Number 1947	Date of Decision 08/09/1999
Register Reference S99A/0458	Date: 09/07/99

Applicant Michael & Colette Jordan,  
Development 3 terraced dwellings, 2 two-bedroom and 1 three-bedroom.  
Location "Fortfield Lodge", Hyde Park, Terenure, Dublin 6W.  
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 GRANT PERMISSION in respect of the above proposal.

Subject to the conditions ( 20 ) on the attached Numbered Pages.  
Signed on behalf of the South Dublin County Council.

..... 08/09/99  
for SENIOR ADMINISTRATIVE OFFICER

Kiaran O'Malley & Co. Ltd.,  
"St. Helliers",  
Stillorgan Park,  
Blackrock,  
Co. Dublin.

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Conditions and Reasons

- 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.  
REASON:  
To ensure that the development shall be in accordance with the permission and that effective control be maintained.
- 2 Prior to the commencement of development, details of all proposed external finishes shall be submitted for the written agreement of the Planning Authority.  
REASON:  
In the interests of visual amenity.
- 3 Prior to commencement of works on site the developer shall submit the to the Planning Authority for the written agreement, a detailed landscape plan with full works specifications. This plan to include grading, topsoiling seeding, paths, drainage boundary treatment and tree and shrub planting as necessary. The two lime trees to be retained on site are to be protected by post and rail fencing to enclose the area covered by the crown spread, to be erected and inspected by the Planning Authority prior to the commencement of development. An agreed scheme of tree surgery works to be carried out prior to the commencement of works.  
REASON:  
In the interest of residential and visual amenity.
- 4 Prior to the commencement of development the applicant shall submit details of proposed boundary treatment to the site. In the event that the screen trees along the eastern boundary are undermined by the proposed development a 2 metre high block wall capped and finished to both sides shall be erected. Details of proposed treatment to the northern boundary of the site are also required.  
REASON:  
In the interests of the proper planning and development of the area.

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5 All proposed en-suite and bathroom windows shall be of obscure glass.

REASON:

In the interest of residential amenity.

6 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site.

REASON:

In the interest of amenity.

7 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON:

To protect the amenities of the area.

8 That an acceptable house numbering scheme be submitted to and approved by the South Dublin County Council before any constructional work takes place on the proposed houses.

REASON:

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

9 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council and in this regard the applicant is required to:-

- (a) submit full details of watermain layout and details of foul and surface water drainage proposals for written agreement with the Planning Authority prior to commencement of development on site;
- (b) ensure full and complete separation of foul and surface water sewers.

REASON:

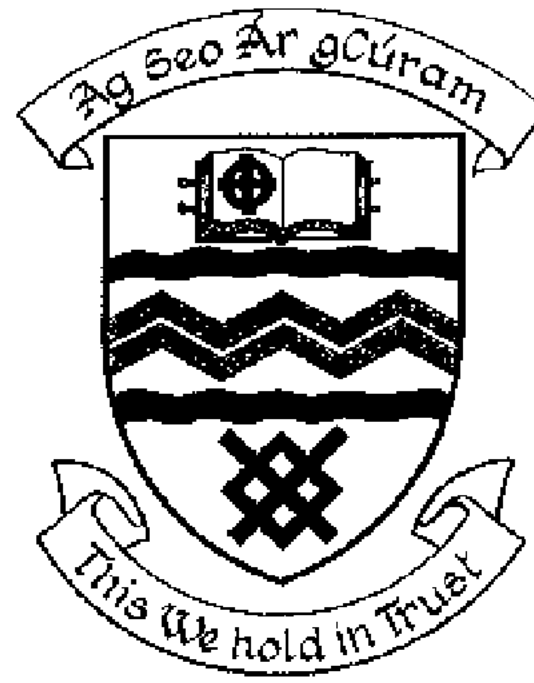
In order to comply with the Sanitary Services Acts, 1878-1964.

10 That all watermain tappings, branch connections, swabbing and chlorination be carried out by the County Council's,

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Environmental Services Department and that the cost thereof be paid to South Dublin County Council before any development commences.

REASON:

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

- 11 Concrete path to be reconstructed/dished along full length of site frontage to the satisfaction of the Area Engineer, Road Maintenance.

REASON:

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

- 12 That notwithstanding the provisions of the Local Government (Planning and Development) Regulations 1994, no extensions shall be constructed to the rear of the proposed dwelling houses. Unless a specific planning permission in that regard is granted by the Planning Authority or by An Bord Pleanála on appeal.

REASON:

In the interest of residential amenity having regard to the limited area of the proposed rear gardens and the provisions of the South Dublin County Development Plan 1998 regarding private open space.

- 13 That the proposed first floor window opens be omitted at the rear elevation of house type No. 2.

REASON:

To avoid excessive overlooking of adjoining properties having regard to the limited depth of rear garden proposed in the interest of residential amenity.

- 14 That two off-street car parking spaces shall be provided within the curtilage of house type 2 in a manner consistent with the preservation of the trees to be retained on site.

REASON:

In the interest of public safety and amenity.

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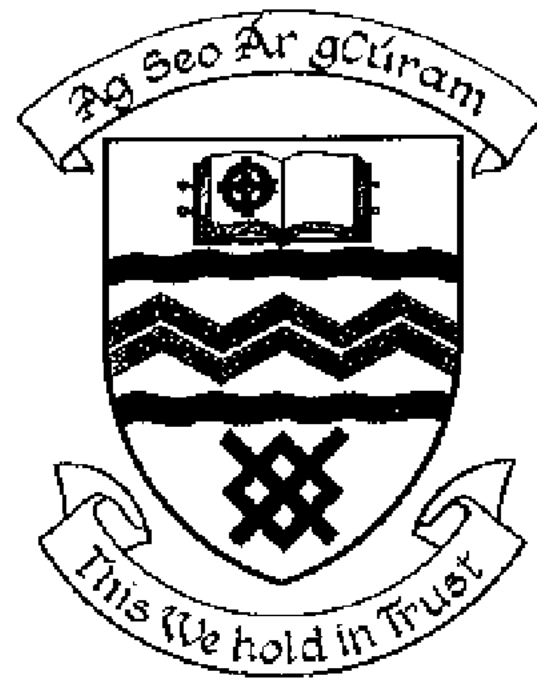
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- 15 Prior to development commencing on site revised drawings detailing the amendments required in accordance with condition No's. 13 and 14 of this permission shall be submitted for the written agreement of the Planning Authority.  
REASON:  
In the interest of clarity.
- 16 That a financial contribution in the sum of £750 (seven hundred and fifty pounds) PER DWELLING be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.  
REASON:  
The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.
- 17 That a financial contribution in the sum of £2,100 (two thousand one hundred pounds) PER DWELLING shall be paid by the proposer to South Dublin County Council towards the cost of roads improvements and traffic management in the area of the proposed development and which facilitates this development; this contribution to be paid before the commencement of development on the site.  
REASON:  
It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road improvement works and traffic management schemes facilitating the proposed development.
- 18 That a financial contribution in the sum of £1,000 (one thousand pounds) PER DWELLING be paid by the proposer to South Dublin County Council towards the cost of the development and improvement of public open space in the area of the proposed development and which will facilitate the development; this contribution to be paid before the commencement of development on site.  
REASON:

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It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on the development and improvement of amenity lands in the area which will facilitate the proposed development.

- 19 That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, kerbs, grass margin and footpath fronting the site has been given by lodgement with the Council of an approved Insurance Company Bond in the sum of £16,000 (sixteen thousand pounds) or lodgement with the Council of a cash sum of £10,000 (ten thousand pounds).

REASON:

To ensure that a ready sanction may be available to induce the provision of services and prevent disamenity in the development.

- 20 That a Bond or Cash Lodgement of £15,000 (fifteen thousand pounds) PER TREE shall be lodged with the Planning Authority before development commences to ensure the protection of trees on the site and to repair any damage caused during the construction period.

REASON:

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