

DECISIONS

APPEALS CHECK LIST

REG. REF. NO. 91A/1069

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN PLANAPS: I.E.:	✓
	Appeal Decision: A.O.	✓
	Appeal Date: 20/2/92	✓
5	COPY OF DECISION FOR WEEKLY LIST (LAURA/MARY)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	
7	TO L. DOYLE FOR NOTING	

CHANGE STATUS IN PLANAPS:

REFUSAL:.....55
 GRANT:.....62
 WITHDRAWN:.....54
 CONDITIONS:.....53



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1069

Date : 19th September 1991

Dear Sir/Madam,

Development : 25 no. residential apartments with ancillary open space, car parking and access road

LOCATION : Rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham

Applicant : John and Barbara Walsh

App. Type : OUTLINE PERMISSION

I wish to inform you that an appeal has been lodged with An Bord Pleanala against the Council's decision to REFUSE OUTLINE PERMISSION.

All further correspondence in relation to this appeal should be addressed to The Secretary, An Bord Pleanala, Blocks 6 & 7 Irish Life Centre, Lower Abbey Street, Dublin 1. (Tel.728011).

Please note that submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) with regard to an appeal made by another person must be accompanied by a fee of 15.

Yours faithfully,

.....
for PRINCIPAL OFFICER

Eileen Hanrahan,
No. 1. The Laurels,
Butterfield Avenue,
Dublin 14.

Eileen Hanrahan,
1 The Laurels,
Butterfield Avenue,
Dublin 14.

Our Ref: 91A/1069

17 September 1991

Re: Proposed 25 no. residential apartments with ancillary open space, car parking and access road at rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham for John & Barbara Walsh.

Dear Sir/Madam,

I enclose, herewith, correspondence dated 26th August, 1991 which was sent to you by Registered Post and which was returned by the Postal Authority marked "NOT CALLED FOR"

I trust you will now receive same safely.

Yours faithfully,

for Principal Officer.

NOT CALLED FOR



R Baile Atha Cliath
(DN) 169
No. 724



RECEIVED

11 SEP 1991

SEP 1991
REF 6519

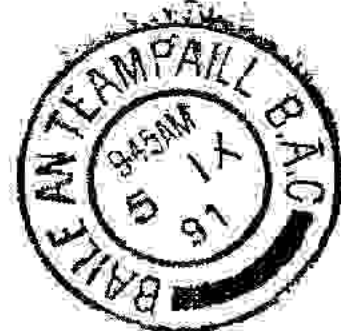
UNDELIVERED FOR REASONS STATED
RETURN TO SENDER

Handwritten initials and scribbles

RECORDED
LETTER SECTION
SEP 1991

Đath Cays King
Đath Hủ Center
Đath 1

17



P/1679/92

COMHAIRLE CHONTAE ÁTHA CLATH

Record of Executive Business and Manager's Orders

FINANCIAL CONTRIBUTION :-

AMOUNT €

F | outline
Denunsee

CN9760

① St of
② notes
③ e/space
will beamed
at approved
stage

BELGARD

Proposed 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14 for John and Barbara Walsh. By order P/3935/91 dated 23rd August, 1991 the Council made a decision to refuse outline permission for this proposal. On Appeal, An Bord Pleanála made the following order on 20th February, 1992:-

PL6/5/86745

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1069

APPEAL by John and Barbara Walsh care of Manahan and Associates of 38 Dawson Street, Dublin against the decision made on the 23rd day of August, 1991 by the Council of the County of Dublin to refuse outline permission for development comprising the construction of 25 residential apartments with ancillary open space, car parking and access road at rear of Chilham, Old Butterfield Avenue, off Main Street, 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 1990, it is hereby decided, for the reason set out in the First Schedule hereto, to grant outline 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 outline 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 hereto, the proposed development would not result in overdevelopment of the site, additional on-street car parking in Rathfarnham Village, traffic congestion or visual obtrusiveness in the elevated village townscape and would otherwise be in accordance with the proper planning and development of the area.

COMHAIRLE CHONTÁE ÁTHA CLATH**Record of Executive Business and Manager's Orders**PL6/5/86745SECOND SCHEDULE

1. The plans submitted for approval shall make provision for the following:-
- (a) A density of development not exceeding 90 bed spaces per acre.
 - (b) A finished building roof ridge height not exceeding that of the adjoining two-storey detached house located to the north of the site.
 - (c) The building relocated approximately 3 metres in a south-easterly direction to minimise visual impact and increase separation from the adjoining two-storey residence.
 - (d) On-site provision for 30 car parking spaces and internal access roads of not less than 5.5 metres carriageway width.
 - (e) A landscaping and boundary treatment plan of the entire site area.
 - (f) Details of vehicular access arrangements to the site.

Reason: In the interests of a satisfactory site layout and the amenities of area.

2. The development shall pay a sum of money to Dublin County Council as a contribution towards expenditure incurred by the said Council in the provision and development of public open space at Rathfarnham Castle which will facilitate 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.

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred by the Council in the provision and development of public open space in the vicinity in lieu of on-site open space provision.

COMHAIRLE CHONTAE ÁTHA CLIATH


Record of Executive Business and Manager's Orders

PL6/5/86745

With regard to condition no. 3 the financial contribution will be assessed at approval stage.

With regard to condition no. 2 the contribution towards the provision of public open space will be assessed at approval stage.

With regard to condition no. 4 the contribution towards road improvement will be assessed at approval stage.

Order Noted:	L.D.	
Dated	3 rd APRIL 92	ASST. COUNTY MANAGER
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.		
Dated	10 th day of	FEBRUARY 19 92

COMHAIRLE CHONTAE ATHA CLIATH

TO: M. O'Shee
Executive Planner.

REG. REF. 91A/1069

RE: Proposed 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14 for John & Barbara Walsh.

I attach for your observations memo/letter dated 21st November, 1992 from An Bord Pleanala.

Please reply before: 27th February, 1992

S.M.M.
for Principal Officer

DATED: 12 February 1992

OBSERVATIONS:

Lined area for observations, crossed out with a diagonal line.

Decision made

Signature of person making observations: _____ Countersigned: _____ (S.E.D.C.)

DATE: _____

DATE: _____

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Outline Permission for 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14, for John and Barbara Walsh.

Anthony Manahan & Assocs.,
38 Dawson Street,
Dublin 2.

Reg. Ref. 91A/1069
Appl. Rec'd: 27/6/91
Floor Area: 1,250sq. m.
Site Area: .8 acres
Zoning:

Report of the Dublin Planning Officer, dated 20 August 1991

This is an application for **OUTLINE PERMISSION**. The proposed development consists of 25 no. residential apartments, with ancillary open space, car parking and access road at the rear of "Chilham", Old Butterfield Avenue, Main Street, Rathfarnham.

Under Reg. Ref. 86A/477, permission was granted for the proposed erection of steel palisade fence at properties to the rear of Chilham House and no. 24 Main Street, Rathfarnham, (Decision Order P/1951/86, dated 6/6/86). This fence has been constructed on part of the site of the current application.

The site is zoned 'C' in the 1980 City Development Plan with the objective "to provide for and improve District Centre Facilities.

The area of the site is stated to be 0.8 acres. Access to the site is onto Old Butterfield Avenue which is a short cul-de-sac serving the 'Laurels' (Apartments), No. 2A, (owned by the applicant) and Chilham House. A double yellow line runs along one side of this road between the entrance to the site and its junction with the Main Street. 9 no. cars were parked on Old Butterfield Avenue at the date of my site inspection (9/8/91).

The site which is for the most part, overgrown, is located to the rear and side of Chilham House and the adjoining factory which is owned by the applicant.

The Sara Curran Public House car park and a two storey house adjoin the site to the north. A block wall c.15ft. high forms the northern boundary. Part of the eastern boundary of the site is formed by the rear external wall of the factory building.

A sharp escarpment containing trees and hedgerows forms the boundary of the site to the south-west and a palisade fence has been erected at the top of this escarpment within the site. The fencing continues along the western boundary of the site. The apartments known as "The Laurels" are located on the adjoining site to the south-east at the bottom of the escarpment. This apartment block is 3 storeys in height with a brick finish.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Outline Permission for 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14, for John and Barbara Walsh.

Access to the site is through an existing gate serving Chilham House and it is proposed to provide for a roadway through the side garden of Chilham House.

The site is elevated and very visible from Butterfield Avenue, (where existing trees afford some screening), Dodder Park Road and Woodview Cottage.

PROPOSAL

The proposed development is for 25 no. flats, with a stated floor area of 1250sq. metres.

The proposed development appears to be three stories in height, 30 no. car parking spaces are provided for. 28 no. spaces are required, applying Development Plan Standards.

Assuming that each apartment provides for 3 no. bedspaces, the proposed development would result in a density of 94 no. bedspaces per acre. The maximum number of bedspaces normally permissible on any site under the 1980 City Plan is 100 bedspaces per acre.

The proposed development would generate a demand for 975sq. metres (minimum) of private open space applying Development Plan Standards, (i.e. 13 sq. metres per bed space).

The applicant has not provided for private open space in accordance with the requirement of the Development Plan.

No public open space has been provided for as part of the proposed development.

REPORTS

The Roads Department states that while it is not opposed to development in principle on this site, the proposed development is premature until the County Council determine a road layout for the Rathfarnham Village Area. It recommends refusal. It notes that the section of Old Butterfield Avenue between Main Street and the site becomes severely congested with parked cars. It further states that the proposed access arrangements are not adequate to cope with the anticipated number (i.e. 100) of traffic movements into and out of this site.

There is no reports available from the Sanitary Services or Parks Department at the time of writing. *Rath Dept require a contribution towards a road*

a financial contribution towards other space
A letter of objection to the proposed development has been received on behalf of one of the occupants of the adjoining apartments, known as "The Laurels" and its contents noted.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Outline Permission for 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14, for John and Barbara Walsh.

The Planning Department are currently preparing a plan for Rathfarnham Village, where the main problem is the lack of parking facilities and the consequent traffic congestion which results from this.

Planning Assessment

The site is zoned 'C' in the 1980 City Development Plan with the objective "to provide for and/or improve District Centre Facilities." Residential use is a permissible use in this zone and one which would be very desirable from a planning point of view.

While in principle, I consider that the site is suitable for residential development, the development of 25 apartments on this site as is proposed in this application, is considered to be too high and would result in the overdevelopment of the site. The proposed development provides for only a small area (i.e. that to the front of the Apartment Block) of usable private open space. It is not clear whether it is proposed to provide any Balconies at first and second floor level. No public open space is provided for.

The amount of car parking provided for on site is considered inadequate to serve the proposed development, given the increase in car ownership levels that has occurred since the City Development Plan was adopted in 1980. The proposed development would aggravate the situation of traffic congestion in the Village. The access arrangements are considered inadequate to cater for the scale of the proposed development.

Finally the applicant has not demonstrated that the proposed development of a three-storey Block on this site would not be visually obtrusive when viewed from the surrounding roads and in particular, Butterfield Avenue, Dodder Park Road and Woodview Cottages. The ridge height level of any development on this site should not, I feel, exceed the ridge height level of the adjoining 2-storey detached house to the north.

The proposed development is unacceptable from a planning point of view.

I recommend that a decision to Refuse Permission be made under the Local Government (Planning and Development) Acts, 1963-1990, for the following (3) reasons:-

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Outline Permission for 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14, for John and Barbara Walsh.

1. The proposed development of 25 no. 2-bed apartments on this site, provides for an inadequate amount of on-site parking and usable private open space and no public open space. The proposed development would result in the overdevelopment of the site and as such would be contrary to the proper planning and development of the area.
2. The proposed development provides for inadequate access arrangements for the anticipated number of traffic movements emanating from the site. ~~It is also considered that 30 no. car parking spaces to serve the proposed development would be less than adequate given the increase in car ownership levels which has occurred since 1980 when the City Development Plan was adopted. The proposed development would result in additional on-street car parking in Rathfarnham Village and would tend to create serious traffic congestion in Rathfarnham Village.~~
3. The site is elevated and very visible from surrounding roads specifically Butterfield Avenue, Dodder Park Road and Woodview Cottages. It is considered that any building on this site should not exceed the height of the two-storey house on the adjoining site to the north. The proposed three-storey apartment block is likely to exceed this height and it is likely to be visually obtrusive on this sensitive elevated site.

and would seriously injure the amenities of property in the vicinity

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Outline Permission for 25 no. residential apartments with ancillary open space, car parking and access road on site at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14, for John and Barbara Walsh.

MOS
(MOS/CM)

Endorsed:- 
for Principal Officer


For Dublin Planning Officer

23.8.91

Order:- Pursuant to Section 26(1) to the Local Government (Planning and Development) Acts, 1963-1990 a decision to REFUSE PERMISSION for the above proposal is hereby made by the Council for the (3) reasons set out above and PERMISSION is REFUSED accordingly.

Dated: 6.8.1991 August, 1991.


APPROVED OFFICER.

to whom the appropriate powers have been delegated by Order of the Dublin City and County Manager, dated 6th August, 1991.

Marjorie O'Shea.

DUBLIN COUNTY COUNCIL

REG. REF: 91A-1079
DEVELOPMENT: 1 no. detached and 8 no. semi-detached two storey houses.
LOCATION: Landore, Orwell Road, Dublin 14.
APPLICANT: South Dublin Construction Ltd.
DATE LODGED: 28th June, 1991.

Previous report applies (90A/2305)

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 05.09.91
Time 4.30

TR/MM
28.8.91

SIGNED: J. Boyce
DATE: 28/8/91

ENDORSED: G.P. K
DATE: 28/8/91

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1069
DEVELOPMENT: 25 no. residential apartments with ancillary open space, car parking and access road
LOCATION: Rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham
APPLICANT: John and Barbara Walsh
DATE LODGED: 27/6/91

The Roads Department is not opposed in principle to the development of this site. However there are serious problems with the access as proposed. At present the section of Old Butterfield Avenue between Main Street and the site becomes severely congested with parked cars etc. The proposed development would generate 100 plus traffic movements per day. The proposed access arrangements are not adequate for this.

The Planning Department together with the Roads Department have been considering road restructuring/redevelopment plans for Rathfarnham Village but no agreed plan is yet available.

We would consider the present proposal premature pending the determination by the County Council of the road layout for the area. It is recommended that permission be refused.

JH/AW
31/7/91

SIGNED: Garrett Cum
DATE: 2/8/91

ENDORSED: John Kelly
DATE: 2/8/91

Register Reference : 91A/1069

Date : 5th July 1991

.....
ENDORSED _____ DATE _____

WATER SUPPLY..... Available in principle.....
Refer to CFO.

.....
ENDORSED Ahounkan DATE 7-8-91
A/Sr
V. Sullivan
21/7/91
A/Sr
25/7/91

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 20.08.91
Time 9.00

M.O'S.

SS

Register Reference : 91A/1069

Date : 5th July 1991

Development : 25 no. residential apartments with ancillary open space, car parking and access road

LOCATION : Rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham

Applicant : John and Barbara Walsh

App. Type : OUTLINE PERMISSION

Planning Officer : M.O'SHEE

Date Recd. : 27th June 1991

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 20.08.91
Time 9.00

Attached is a copy of the application for the above development .Your report would be appreciated within the next 28 days.

Yours faithfully,

Paul Tobin

Date received in Sanitary Services

DUBLIN Co. COUNCIL for
9 JUL 1991
SANITARY SERVICES

PRINCIPAL OFFICER
DUBLIN Co. COUNCIL
SANITARY SERVICES
13 AUG 1991
Returned *GF*

FOUL SEWER.

Inefficient information

Application cannot be considered until full drainage details have been lodged.

SURFACE WATER

Inefficient information

As for foul.

SENIOR ENGINEER,
SANITARY SERVICES DEPARTMENT,
46/49 UPPER O'CONNELL STREET,
DUBLIN 1

W. Sullivan 6/8/91.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date .. 28.7.91
Time .. 10.15

Register Reference : 91A/1069

Date : 5th July 1991

.....
ENDORSED _____

DATE _____

WATER SUPPLY.....

Available in principle
Refer to ...

.....
ENDORSED _____

Sboncan
A/S

DATE _____

7-8-91

V. Sullivan
21/7/91

John A/SSE
25/7/91

M.O'S.

SS

Register Reference : 91A/1069

Date : 5th July 1991

Development : 25 no. residential apartments with ancillary open space, car parking and access road

LOCATION : Rear Chilham, old Butterfield Avenue, off Main Street, Rathfarnham

Applicant : John and Barbara Walsh

App. Type : OUTLINE PERMISSION

Planning Officer : M.O'SHEE

Date Recd. : 27th June 1991

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 28.08.91
Time 10.15

Attached is a copy of the application for the above development .Your report would be appreciated within the next 28 days.

Yours faithfully,

Paul Tobin

Date received in sanitary services

DUBLIN CO. COUNCIL for
9 JUL 1991
SANITARY SERVICES

PRINCIPAL OFFICER
DUBLIN CO. COUNCIL
SANITARY SERVICES
13 AUG 1991
Returned *[Signature]*

FOUL SEWER

In sufficient information

Application cannot be considered until full drainage details have been lodged.

SURFACE WATER

In sufficient information

As for foul.

SENIOR ENGINEER,
SANITARY SERVICES DEPARTMENT,
46/49 UPPER O'CONNELL STREET,
DUBLIN 1

[Signature] 6/8/91.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1069

DEVELOPMENT: 25 no. residential apartments with ancillary open space, car parking and access road

LOCATION: Rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham

APPLICANT: John and Barbara Walsh

DATE LODGED: 27/6/91

The Roads Department is not opposed in principle to the development of this site. However there are serious problems with the access as proposed. At present the section of Old Butterfield Avenue between Main Street and the site becomes severely congested with parked cars etc. The proposed development would generate 100 plus traffic movements per day. The proposed access arrangements are not adequate for this.

The Planning Department together with the Roads Department have been considering road restructuring/redevelopment plans for Rathfarnham Village but no agreed plan is yet available.

We would consider the present proposal premature pending the determination by the County Council of the road layout for the area. It is recommended that permission be refused.

JH/AW
31/7/91

SIGNED: Garrett Cummins
DATE: 2/8/91

ENDORSED: John O'Leary
DATE: 2/8/91



Bosca 174
P. O. Box 174
5 Rae Gardiner,
5 Gardiner Row,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)727777
Fax. (01)727530

Mr. D. Drumgoole,
Senior Administrative Officer,
Planning Department.

P.P. 318

Our Ref.

Your Ref.

Date 11.07.1991

RE/ Apartments at Old Butterfield Avenue, Rathfarnham.
Reg. Ref. 91A/1069.

With reference to this application, the Parks Department's comments are:-

This site is located at a very prominent position in Rathfarnham Village and the proposed apartments will be very visible on the skyline when viewed from Dodder Park Road. It is noted that there are a number of deciduous trees on the land subject of this application, the presence of which has been omitted from the lodged submission and it will be essential that a detailed tree and vegetation survey of the entire site is submitted before any permission is granted. Due to the close proximity of the proposed development to Rathfarnham Castle and the absence of any public open space, it will be essential that a financial contribution is provided towards the development of the open space associated with Rathfarnham Castle.

It is recommended that Additional Information is provided.

SENIOR PARKS SUPERINTENDENT

PLANNING DEPT.	
DEVELOPMENT CONTROL SECT	
Date	14.07.91
Time	12.15

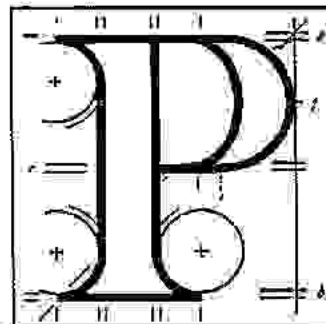
Our Ref: PL 6/5/86745
P.A. Ref: 91A/1069

EOH

219

Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

Date: 21 FEB 1992

Appeal re: Construction of 25 residential apartments with ancillary open space, car parking and access road at rear of Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin.

Dear Sir,

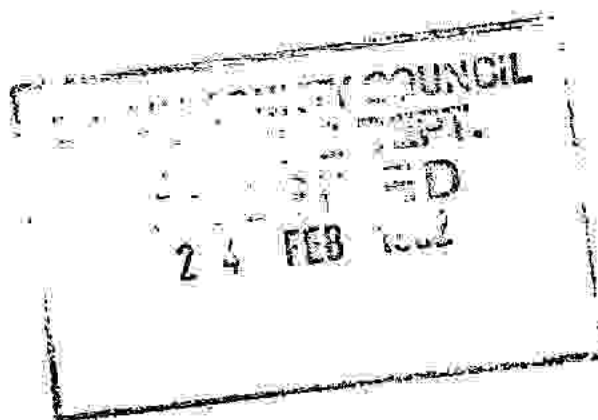
An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Local Government (Planning and Development) Acts, 1963 to 1990. A copy of the order is enclosed.

Yours faithfully,


Miriam Baxter.

Encl.

BP 352



AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1069

APPEAL by John and Barbara Walsh care of Manahan and Associates of 38 Dawson Street, Dublin against the decision made on the 23rd day of August, 1991 by the Council of the County of Dublin to refuse outline permission for development comprising the construction of 25 residential apartments with ancillary open space, car parking and access road at rear of Chilham, Old Butterfield Avenue, off Main Street, 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 1990, it is hereby decided, for the reason set out in the First Schedule hereto, to grant outline 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 outline 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 hereto, the proposed development would not result in overdevelopment of the site, additional on-street car parking in Rathfarnham Village, traffic congestion or visual obtrusiveness in the elevated village townscape and would otherwise be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

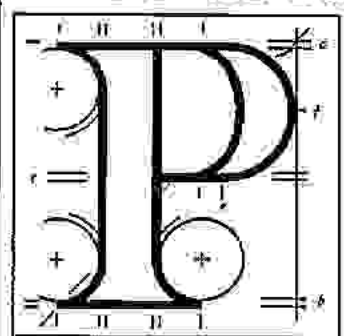
1. The plans submitted for approval shall make provision for the following -
 - (a) A density of development not exceeding 90 bed spaces per acre.
 - (b) A finished building roof ridge height not exceeding that of the adjoining two-storey detached house located to the north of the site.
 - (c) The building relocated approximately 3 metres in a south-easterly direction to minimise visual impact and increase separation from the adjoining two-storey residence.
 - (d) On-site provision for 30 car parking spaces and internal access roads of not less than 5.5 metres carriageway width.
 - (e) A landscaping and boundary treatment plan for the entire site area.

Gur Ref: PL 6/5/86745
P.A. Reg. Ref: 91A/1069

~~DHJ~~
PA

~~WFS~~
Aut
27/11

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

75 NOV 91

The Secretary,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

Date: 21st November 1991.

Appeal re: 25 apartments, open space, car parking and access at rear of "Chilham", Old Butterfield Avenue, Rathfarnham, County Dublin.

Dear Sir/Madam,

Enclosed for your information is a copy of correspondence received in relation to the above-mentioned appeal. While it is not necessary for you to furnish any comments on the correspondence, you may do so if you wish. Any such comments should be forwarded within fourteen days from the date of this letter to ensure that they will be taken into consideration in the determination of the appeal.

Please quote the above appeal reference number in any further correspondence.

Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

DEVELOPMENT
CONTROL
27 NOV 1991

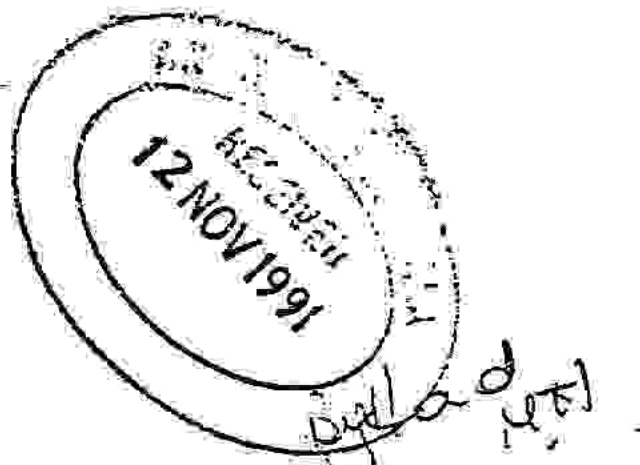
065

**MANAHAN &
ASSOCIATES**
Chartered Town Planners

38 Dawson Street, Dublin 2.
Tel (01) 6799094, Fax (01) 6799284.

11th, November, 1991.

The Secretary,
An Bord Pleanála,
Irish Life Centre,
Lower Abbey Street,
DUBLIN 1.



RE : DECISION OF DUBLIN COUNTY COUNCIL TO REFUSE OUTLINE
PERMISSION FOR 25 APARTMENTS, OPEN SPACE, CAR PARKING,
AND ACCESS AT REAR OF CHILHAM, OLD BUTTERFIELD AVENUE,
RATHFARNHAM, DUBLIN 14.
PL. 6/5/86745. PLAN NO. 91A/1069.

Dear Sir,

We refer to your letter dated the 11th September 1991 re the
above appeal.

We have now had an opportunity to examine the Planning Authority
file and reports regarding their decision and would now like to
make the following further observations.

1a The first reason for refusal states that there is insuffi-
cient carparking on site for the 25 apartments. There were
in fact 30 spaces shown on the outline plan submission for
Outline Permission to serve the 25 units. The Planner's
report on the Council file comments that '28 no. spaces
required for Development Plan standards.' This would refer
to Parking Area 3 (maximum) standards in the City Develop-
ment Plan. We cannot therefore see that there is in fact
any shortfall in this regard. (We may say that in most City
apartment developments in Dublin one space per dwelling unit
has been found acceptable and seems to work in practice -
this is because some flat dwellers do not run cars). Apart
from this it is clearly quite feasible to provide even more
carparking than the 1.2 spaces per unit already shown,
though we cannot see that any appreciably greater provision
is necessary. However the applicant would accept a condi-
tion requiring a somewhat higher provision if your Board
favoured that. The County Council standard of 1.25 per unit
(which is not legally applicable here, as the City Plan

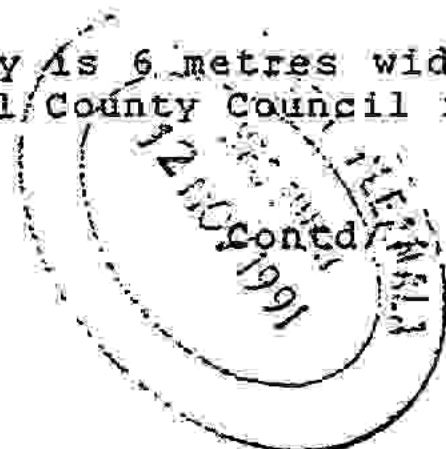
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still applies in the case of Rathfarnham) would in fact require 31 spaces - i.e. only one more space ! In any case the proximity of the site to Rathfarnham Village would result, in our view, in a significant proportion of the units being occupied by persons who do not run cars.

- 1b It is also maintained that there is inadequate open space and no public open space. As we earlier pointed out, in an apartment scheme (as opposed to a development of individual houses) there is usually no split or differentiation between public and private amenity open space. It seems clear that there is adequate open space available overall on the site though we would accept that it would be possible to reorganise this in a more functional and usable manner on the site. However this is an Outline Application only i.e. for Outline Permission, and permission in principle is sought which is provided for in the planning system. Such a reorganisation of space can therefore be provided for at the Approval stage, and could be covered by condition by your Board.

If we turn to the report of the Parks Department of Dublin County Council it highlights the need for a tree and vegetation survey of the site before a full permission could be issued. They also seek a contribution towards the proposed development to Rathfarnham Castle nearby, as no public open space is provided. Both of these points could be covered by suitable condition or conditions by your Board in the context of an Outline Permission. It should be noted however that the site immediately adjoins a substantial area of public open space on the north west boundary of the site.

- 1c The first reason then goes on to claim the development would represent 'overdevelopment' of the site. However in the Planners report the number of bed spaces is estimated to be equivalent to 94 per acre as against a normal maximum standard of 100 per acre. Clearly therefore the development would not exceed the permissible standard laid down and is not 'overdevelopment'. A small reduction in bedspaces would be possible by provision of a few smaller flats, if thought necessary, and this could be done at Approval stage.
- 2 The suggestion is made in the second reason for refusal that the access arrangements are inadequate for the number of traffic movements emanating from the site. We cannot accept that this is correct for the following reasons, inter alia.
- (i) The access driveway is 6 metres wide minimum at all points, and in the normal County Council road standards 5.5m is



adequate for a cul-de-sac residential road of up to 24 houses. It is also an acceptable standard for residential roads of cul-de-sac nature in the City area, and for mews lanes is specified as acceptable in the 1980 Dublin City Development Plan.

- (ii) There is provision for a wide entrance sweep at the northern side of the entrance. This is the important side as traffic will normally be heading to or from that direction. It is true that such a sweep has not been provided at the southern side because of the existence of a house on the adjoining site there. We cannot see that such is necessary but there is adequate space to further move the access point to the north, clearing outoffices at 'Chilham' if necessary. Thus a bellmouth can be achieved within the site if considered essential. Again an appropriate condition could cover this aspect especially as this is an outline application, and precise details can be worked out at the Approval stage.
- (iii) It is true that cars park along the existing wall along the frontage of the overall site. However when an access has been provided here cars will obviously have to keep clear of the access just as they do at other access ways / gateways. Is it really suggested that a landowner must forego a substantial and worthwhile residential infill development at a Village centre location such as this so as to preserve one or two parking spaces on-street on the Old Butterfield Avenue cul-de-sac. This seems a quite untenable and unacceptable argument and quite illogical. About two thirds of the frontage will indeed remain available for parking even after the development is done.
- (iv) The proposal will have the full standard of on-site parking and therefore will not result in extra on-street parking as suggested.

- 3 We accept that the site is relatively well elevated, and visible from surrounding roads. We accept that generally a building here should not appreciably exceed the height of the 2-storey house beside the site. However it is envisaged that the building would in fact have a 2-storey scale, being generally 2-storey in height but with a smaller third storey provided as accommodation in a pitched roof, with use of Velux roof lights dormers or similar. It is not intended to have a straight 3-storey building, and indeed this can be deduced from the suggested floor areas given on the drawing showing site layout. The building is shown to cover almost 500 sq. metres, but the indicated floor area is given as

Contd/...

1250 sq. metres rather than 1500 sq. metres. (Unfortunately the roof detailing did not make this clear as it seemed to indicate a straight pitched roof, and the Council Planner would probably have read the proposal as a straight 3-storey block). The floor areas are of course indicational only as this is a proposal for Outline Permission and a detailed design has not yet been prepared. All that is required therefore is an appropriate condition covering the matter. The applicant would envisage having detailed preconsultations before lodging a scheme for approval, and this could include a revised building form with part 2-storey sections etc so devised as to prevent undue obtrusiveness on the skyline. There is therefore no serious problem in principle in this regard.

Conclusion:

Although not used or adverted to in the reasons for refusal for the application we note that the Planner's report refers specifically to two other matters. It states that while the Road Department report has stated that that Department is not opposed to the development in principle, it is considered premature until the County Council determines a road layout for the Village area. The Planner's report also states that the Planning Department are currently preparing a plan for Rathfarnham Village, where the main problem is lack of parking space and consequent traffic congestion. The refusal seems to have been greatly influenced by these factors though these were not used as reasons for refusal. We would argue very strongly that it would be unreasonable and unacceptable to withhold a permission for a highly desirable residential infill development in the Village centre, as is here in question, pending resolution and final adoption of a new Village Plan, which indeed has been long overdue and long talked of. The Planner's Report admits that their consideration of a solution has reached no agreed plan as yet. It also admits that the site is suitable in principle for residential development.

Our client runs the factory of J. C. Walsh & Co., at the Village Main Street which makes rosary beads, other craft goods and marble souvenirs and has been operating from these premises for a considerable number of years. Our client also owns and resides in the main house 'Chilham' which adjoins the factory site, and the site of the application is a vacant site to the rear of Chilham and the factory.

The site is zoned Objective C in the County Development Plan which is a broad commercial type zoning and would allow expansion of our client's factory premises. However he now wishes to establish a residential use on the site which he feels would be

Contd/...

more in keeping with the existing apartment development nearby at the Laurels. Such a residential infill should therefore be encouraged and would help the general liveliness and security of the Village Centre.

We therefore request that your Board should give a favourable decision on this appeal and grant Outline Permission as requested subject to any appropriate conditions considered necessary.

Yours faithfully,

Manahan

MANAHAN & ASSOCIATES.

COMHAIRLE CHONTAE ATHA CLIATH

Tel.: 724755
Ext. 268/269

Planning Department,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

Your Ref.: PL6/51 86745
Our Ref.: 91A-1069

20.09.91

An Bord Pleanála,
Blocks 6 and 7,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

Proposal: 25 apartments, open space, car
parking and access at rear 'Chilham'
old Butterfield Avenue, Rathfarnham.
Applicant: J. + B. Walsh.

Dear Sir,

With reference to your letter dated 11.09.91 I enclose
herewith:-

(1) & (2) A copy of the application which indicated the applicant's
interest in the land or structure.

(3) A copy of the public notice given, i.e
IRISH PRESS 21.06.91

(4) The plan(s) received from the applicant on 27.06.91

(6) & (7) A certified copy of Manager's Order P/3935/91

DATED, 23.08.91 together with technical reports in
connection with the application.

(8)

Yours faithfully,

M. Murtagh.

for Principal Officer.
Encls.

Our Ref: PL 6/5/86745
Your Ref: 91A/1069

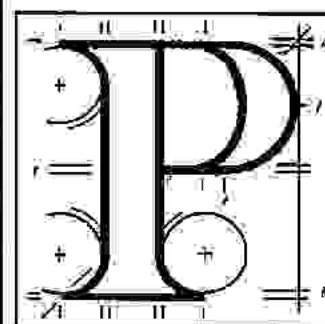
The Secretary,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

13. SEPT 91

PK
16/9

Date: 11th September 1991.

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

Planning authority decision re: 25 apartments, open space, car parking and access at rear of "Chilham", Old Butterfield Avenue, Rathfarnham, County Dublin.

Dear Sir/Madam,

Enclosed is a copy of an appeal under the Local Government (Planning and Development) Acts, 1963 to 1990, in relation to the above-mentioned decision. So that consideration of the appeal may proceed, you are requested to forward to the Board within two weeks:

- (1) The application made to the planning authority.
- (2) Particulars of the applicant's interest in the land or structure, as supplied to the planning authority.
- (3) A copy of the public notice, whether published in a newspaper or on the site.
- (4) Any drawings, maps, particulars, information, evidence or written study received or obtained from the applicant, including the ordnance survey number.
- (5) Copies of requests (if any) to the applicant for further information relating to the application under appeal and copies of reply and documents (if any) submitted in response to such requests.
- (6) A certified copy of the relevant Manager's Order.
- (7) Copies of any technical or other reports relevant to the decision on the application.
- (8) Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development close by.

Please note that the other party/parties to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of this letter. It would be appreciated if parties could be facilitated in this regard.

Copies of the representations or observations made to the planning authority in relation to the application should not be sent to the Board. It is assumed that the planning authority has notified observers of the decision made and of the right of appeal.

The planning authority may make to the Board, in writing, such observations on the appeal as it thinks fit. Where practicable, any such observations should be submitted with the documents listed above but the furnishing of the documents should not be held up until observations are available. In any event, to ensure that they will be taken into account in the determination of the appeal, any such observations should be furnished within one month of the date of this letter.

Please quote the above appeal reference number in any further correspondence.

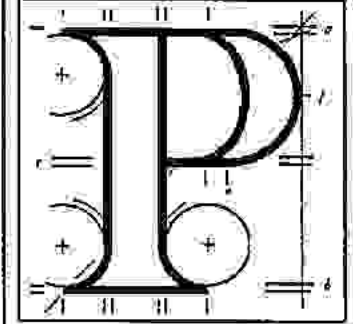
Yours faithfully,

Suzanne Lacey
Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

**MANAHAN &
ASSOCIATES**
Chartered Town Planners

38 Dawson Street, Dublin 2.
Tel (01) 6799094, Fax (01) 6799284.

9th, September, 1991.

The Secretary,
An Bord Pleanála,
Irish Life Centre,
Lower Abbey Street,
DUBLIN 1.

RE : 25 NO. RESIDENTIAL APARTMENTS WITH ANCILLARY OPEN SPACE,
CARPARKING AND ACCESS ROAD AT SITE AT REAR OF "CHILHAM",
OLD BUTTERFIELD AVENUE, OFF MAIN STREET, RATHFARNHAM,
DUBLIN 14, FOR JOHN AND BARBARA WALSH.
PLAN NO. 91A/1069.

Dear Sir,

On behalf of our clients, John and Barbara Walsh, we wish to appeal against the decision of the Dublin County Council to refuse permission for the above proposal. The date of the decision was the 23rd August 1991. The Reg. Ref. is 91a/1069. We enclose a cheque for £100.00 to cover the appropriate fee.

This application was an application for outline permission. It was refused permission for 3 reasons. We will comment in brief on each of the 3 reasons.

1(a) It is claimed that there is insufficient carparking on site for the 25 apartments. The lodged drawings showed 30 spaces. It is submitted that this is an adequate number of spaces for this proposal. If however extra spaces are required there is room within this site to place extra spaces for the visitors to these apartments.

1(b) The County Council maintain that there is inadequate open space and no public open space. We would submit that in an apartment scheme the open space is not normally split into private and public open space and that there is as presently proposed sufficient open space to serve this proposal.

Contd/...

2. The County Council maintain that the access arrangements are inadequate for the anticipated number of traffic movements emanating from the site. We would not agree with this. It is our view that the access road within the site is of sufficient standard and gives access to a lightly trafficked section of the Old Butterfield Avenue. The proposal would not lead to extra traffic within Rathfarnham Village.
3. The County Council maintain that the 3-storey apartment block is likely to be visually obtrusive on this sensitive elevated site and would thereby seriously injure property in the vicinity. It should be noted that this is an outline application and it would be possible in a full application to do a scheme which would be sensitive to this height issue. The County Council concede that a 2-storey height would be acceptable on this site.

Further more detailed submissions will be made when the confidential planning reports on this file have been researched.

Yours faithfully,



MANAHAN & ASSOCIATES.

Encl.

-9 SEP 1991

Building Control Department,
Liffey House,
Tara Street,
Dublin 1.
Telephone: 773066



Block 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1069

Date : 28th June 1991

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

Dear Sir/Madam,

DEVELOPMENT : 25 no. residential apartments with ancillary open space, car parking and access road

LOCATION : Rear Chilham, Old Butterfield Avenue, off Main Street, Rathfarnham

APPLICANT : John and Barbara Walsh

APP. TYPE : OUTLINE PERMISSION

With reference to above, I acknowledge receipt of your application received on 27th June 1991.

Yours faithfully,

.....
for PRINCIPAL OFFICER

Anthony Manahan & Associates,
38 Dawson Street,
Dublin 2.



PLEASE READ INSTRUCTIONS AT BACK BEFORE COMPLETING FORM. ALL QUESTIONS MUST BE ANSWERED.

1. Application for Permission Outline Permission Approval Place in appropriate box.
Approval should be sought only where an outline permission was previously granted. Outline permission may not be sought for the retention of structures or continuances of uses.

2. Postal address of site or building Site at rear of Chillam, Old Butterfield Avenue, slip road
(If none, give description sufficient to identify) off main Street, Rathfarnham, Dublin 14

3. Name of applicant (Principal not Agent) John & Barbara Walsh
Address Chilham, Old Butterfield Avenue, Dublin 14 Tel. No. _____

4. Name and address of Cantrell Joyce Architects, 10 Clanwilliam Square, Dublin 2
person or firm responsible for preparation of drawings Tel. No. 618899

5. Name and address to which Anthony Manahan & Associates
notifications should be sent 38 Dawson Street, Dublin 2 Tel.: 6799094

6. Brief description of proposed development 25 number 2-bedroomed apartments

7. Method of drainage Public Sewer 8. Source of Water Supply Mains

8. In the case of any building or buildings to be retained on site, please state:
(a) Present use of each floor or use when last used. _____
(b) Proposed use of each floor _____

£600 27/6
N 41389

10 Does the proposal involve demolition, partial demolition or change of use of any habitable house or part thereof? No

11.(a) Area of Site .8 acres 3380m² Sq. m.
(b) Floor area of proposed development 1,250 m² Sq. m.
(c) Floor area of buildings proposed to be retained within site _____ Sq. m.

12.State applicant's legal interest or estate in site (i.e. freehold, leasehold, etc.) Freehold

13.Are you now applying also for an approval under the Building Bye Laws?
Yes No Place in appropriate box.

14.Please state the extent to which the Draft Building Regulations have been taken in account in your proposal:

15.List of documents enclosed with application Covering letter, 4 copies of drawing No. 90425509A, Newspaper advert and cheque for £60.00

CG. DUBLIN outline permission is sought for 25 No. residential apartments with ancillary open space, car parking and access road on site at rear of Chillam, Old Butterfield Avenue, off Main Street, Rathfarnham, Dublin 14 for John and Barbara Walsh.

16.Gross development (See back) 1250 m² (25 units) Sq. m.

No of dwellings proposed (if any) 25 Class(es) of Development I

Fee Payable £600 Basis of Calculation 24 x 25 = £600.00
If a reduced fee is tendered details of previous relevant payment should be given

Signature of Applicant (or his Agent) Manahan Date 27-6-91

Application Type OUTLINE FOR OFFICE USE ONLY

Register Reference 91A/1069

Amount Received £2,800

Receipt No. _____ Date 22-6

RECEIVED
27 JUN 1991
REG. SEC.

*Irish
press
21/6/91*

COMHAIRLE CHONTAE ATHA CLIATH

DUBLIN COUNTY COUNCIL
46/49 UPPER O'CONNELL STREET,
DUBLIN 1.

Issue of this receipt is made

PAID BY
CASH
CHEQUE

Numbered in the presence of
N-41389

Received this 24 day of 19

from Mahon Assoc
38 Dublin Street D2

the sum of Five hundred Pounds

Pence being 00

James application of Min Street, Rathfarnham

Michael O'Neil
Cashier

S. CAREY
Principal Officer (29 rows)

**MANAHAN &
ASSOCIATES**
Chartered Town Planners

38 Dawson Street, Dublin 2.
Tel (01) 6799094, Fax (01) 6799284.

24th, June, 1991.

The Principal Officer,
Dublin County Council,
Planning Department,
Irish Life Centre,
Lower Abbey Street,
DUBLIN 1.

DUBLIN COUNTY COUNCIL
Planning Dept. Res. & Dev. Section
APPLICATION No. 91A/1069

27 JUN 1991

RES No. 91A/1069
APPLICATION TYPE
NO L D S

RE : MAIN STREET, RATHFARNHAM.

Dear Sir,

On behalf of our clients, John and Barbara Walsh, we wish to apply for outline permission for 25 number two-bedroomed apartments on a site at rear of Chilham which is situated off the Old Butterfield Avenue Slip Road off Main Street, Rathfarnham.

Our client owns and operates the existing factory at Rathfarnham of J. C. Walsh & Co. The Company manufacture rosary beads, other craft goods and marble souvenirs and has been operating from these premises for a considerable number of years. Our client also owns and resides in the main house "Chilham" which adjoins the factory site. The site of the application is a vacant site to the rear of Chilham and the factory.

The site of the proposed development is zoned Objective C in the County Development Plan which is designated 'to protect and improve town or district centre facilities'. These lands are therefore available for the expansion of the factory premises. However our client wishes to now establish a residential use on the site which he feels would be in keeping with the existing apartment development nearby.

The site is 0.8 acres in area. The provision of 25 number 2-bedroomed apartments would be in accordance with the provisions of the Dublin City Development Plan 1980 which would permit a density of 40 number 1-bedroomed apartments, 27 2-bedroomed or 16 number 3-bedroomed apartments. It is proposed to provide an access roadway through the existing side and rear garden of Chilham. This access roadway would be taken off the Old Butter-

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field Avenue Slip Road and would be to the standards of the Dublin County Council Roads Department. In addition a new 2 metres high boundary wall would be constructed at the side boundary of the Chilham property and would be suitably capped and rendered. Parking for the proposed development is to be accommodated on site as shown to County Council standards. Amenity open space will be provided to Development Plan standards.

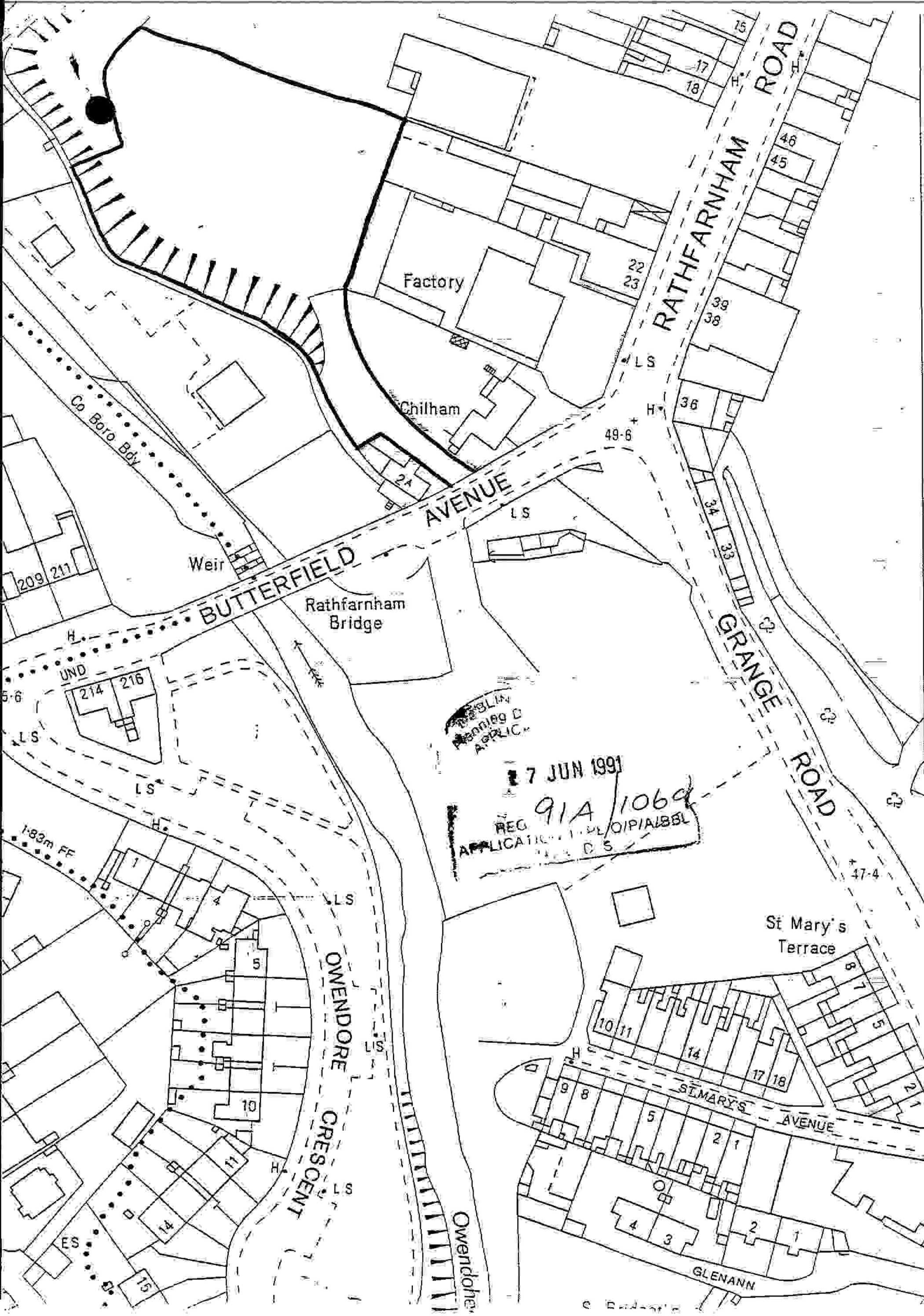
This application is accompanied by a completed application form, 4 copies of the relevant drawings, a statutory newspaper advertisement and a cheque for the required amount. The drawings were prepared by Cantrell Joyce Architects. Any queries should be addressed to the undersigned firm.

Yours faithfully,

Fiona O'Connell

MANAHAN & ASSOCIATES.

Encls.



DUBLIN
Planning &
APPLIC.

7 JUN 1991

REG 91A/1069
APPLICATION NO. 10/PIA/1881

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GRANGE ROAD

47-4

St Mary's
Terrace

10 11

14

17 18

ST. MARY'S
AVENUE

9 8

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4 3

2 1

GLENANN

Factory

Chilham

Weir

Rathfarnham
Bridge

BUTTERFIELD
AVENUE

OWENDORE
CRESCENT

Owendore

Co. Boro. Bdy

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