APPEALS DECISIONS

APPEALS CHECK LIST



REG. REF. NO. 914 1577

Ĩ	ENTERED IN OBJECTORS BOOK	
2	ENTERED IN BLUE FOLDER	
3	ENTERED IN APPEALS BOOK	
4	ENTERED IN PLANAPS: I.E.:	 ,
3	APPEALS DECISION Q.P.	y :
	CHANGE STATUS 55	
	APPEALS DATE 26/5/92	
5	COPY OF DECISION FOR WEEKLY LIST (MARY/LAURA)	
6	DECISION CIRCULATED TO LISTED PERSONS	
7	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	- I
8	TO L. DOYLE FOR NOTING	
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CHANGE STATUS IN PLANAPS:

REFUSAL	5
GRANT	2
WITHDRAWN5	
CONDITIONS5	3

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NEW APPEALS

APPEALS CHECK LIST

REG. REF. NO. 91A 157

1	ENTERED IN OBJECTORS REGISTER	
2	ENTERED IN BLUE FOLDER	
3	ENTERED IN APPEALS REGISTER	
4	ENTERED IN APPEALS INDEX	
5	ENTERED IN PLANAPS: I.E.:	
	Appeal Notified:	1
2	Appeal Type/Appellant Type:	1
	Bord Pleanal Ref:	1
	DOCS SENT TO AN BORD: (CHANGE STATUS TO 52)	
6	WRITTEN UP ON WEEKLY LIST FOR MARY/LAURA	V
7	OBJECTORS NOTIFIED	*
.8	BREAKDOWN OF CALCULATIONS REQUIRED - YES/NO	

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PLANNING APPLICATION FEES

Reg. F	Ref. 91A 1577			Cert	. No	A The section
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2	Domestic,	@£16	one service and the control of the c	Sa⊟a S es DE e com=ses	ASER S PARTIE	= 9 # 55975
3:	Agriculture	050p per m2 in excess of 300m2. Min. £40				
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7	x .1 hect.	0£25 per .1 hect. or £100				
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Dublin County Council Comhairle Chontae Atha Cliath

Planning Department



Bloc 2, Ionad Bheatha na hEi 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/1577

Date : 7th October 1991

Dear Sir/Madam,

Development : Retention and use of lock-up garage to rear

LOCATION : 36 St. Anthonys Crescent, Greenhills

Applicant : Robert Reilly

App. Type : PERMISSION

Date Recd : 1st October 1991

With reference to above proposal I wish to inform you that under Section 10(2)(A)(b) of the Local Government(Planning and Development)Act,1982 the Planning Authority is precluded from deciding this application until the correct fee has been received. The statutory two month period for dealing with the application will not begin to run until the correct fee is received.

The correct fee for the above mentioned application is 143.50. Please quote the Register Reference No. stated above when submitting the fee.

Yours faithfully,

for PRINCIPAL OFFICER

Robert Reilly, 36 st. Anthony's Crescent, Greenhills, Dublin 12.

LOCATION CONTRACTO (FLANTING AND DEVELOPMENT) ACTS, 1983 TO: 1982

ASSESSED OF FRANCIAL CONTRIBUTION

ES. EF.: 918/1577

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N BORD PLEANÁLA

FINANCIAL
CONTRIBUTION:AMOUNT & NILL
FREE WEST

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

County Dublin

Planning Register Reference Number: 91A/1577

APPEAL by Robert Reilly of 36 Saint Anthony's Crescent, Dublin against the decision made on the 13th day of November, 1991 by the Council of the County of Dublin to refuse permission for development comprising continuance of use of lock-up garage to rear of 36 Saint Anthony's Crescent, Greenhills, Dublin for the repair of motor vehicles:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the said continuance of use for the reasons set out in the Schedule hereto.

SCHEDULE

- The site is located in an area which has a zoning objective 'A' or "to protect and/or improve residential amenity" as indicated in the current County Dublin Development Plan. The indicated in the current County Dublin Development Plan. The retention and use of the lock up garage for the repair of cars would contravene materially the development plan objective which is considered reasonable. The development would accordingly be contrary to the proper planning and development of the area.
- The proposed retention and use of the lock-up garage for the repair of cars would generate traffic, noise and general disturbance in this residential area. The proposed development would, therefore, seriously injure the residential amenities of the area and depreciate the value of property in the vicinity.

Darong La. non My

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

Dated this 26 day of May

1992.

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1577

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Order Noted: レシ	1 1	A ~		
Dated: June	R ASST	Count	MAN PS	ACER
to whom the appropria	ate powers have	e been del	egated by	order
of the Dublin City and		<u>ине </u>	19 9.	V
Dated	day of			

COMHAIRLE CHONTAE ATHA CLIATH

TO: N. Prendergast, S.E.D.C.

REG. REF. 91A/1577

attach for your observations om An Bord Pleanala. ease reply before: 26th Feb. 9292 98 SERVATIONS:	oruary, 1		
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COMHAIRLE CHONTAE AT	HA CLIATH LIGHT
TO: N. Prendergast, S.E.D.C.	REG. REF. 91A/1577
RE: Retention and use of lock-up gara Crescent, Greenhills for Robert Re	ge to rear of 36 St. Anthonys
I attach for your observations memo/let from An Bord Pleanala.	ter dated 12th December, 1991
Please reply before: 30th January, 199	for Principal Officer
	DATED: 16 January 1992
OBSERVATIONS:	int at This Time
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Signature of person	Countersigned:(S/E.D.C.)
DATE:	DATE:

AN)

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P | 5219 |91

COMHAIRLE CHONTAE ATHA CLIATH

Record of Executive Business and Manager's Orders

Register Reference : 91A/1577

Date Received : 1st October 1991

Correspondence : Robert Reilly,

Name and : 36 St. Anthony's Crescent,

Address Greenhills,

Dublin 12.

Development : Retention and use of lock-up garage to rear

Location : 36 St. Anthonys Crescent, Greenhills

Applicant : Robert Reilly.

App. Type : Permission

Zoning

Floor Area : 80 Sq.metres ff

NOB (NOB/BB)

Report of Dublin Planning Officer dated 11th November, 1991.

This is an application for PERMISSION for the retention of lock-up garage at the rear of 36 St. Anthony's Crescent, Clondalkin.

The site is located in an area subject to the zoning objective "to protect and/or improve residential amenity".

The lock-up garage is located in the rear garden of an end of terrace dwelling on St. Anthony's Crescent. Access is via a rear laneway serving St. Anthony's Crescent and St. James' Road. The existing use of the garage is for a motorcar repair business. At the time of inspection 3 vehicles were being worked on inside the garage while the lane outside was partially blocked by parked vehicles and a van awaiting service and supplying the garage. There are current enforcement proceedings being followed in this instance.

There are a number of garages with access onto the lane. Most are clearly domestic garages only while others may involve use for a commercial trade or business. A "service garage" is a use indicated as "not permitted" within the use classes associated with the development plan objective for the area. The scale of the existing motor service operation is significant and would not be consistent with the development plan objective.

Roads Department report socomments be garage be used for donatic

Chief Medical Officer recommends a noise limitation condition in any

COMHAIRLE CHONTAE ATHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/1577

Page No: 0002

Location: 36 St. Anthonys Crescent, Greenhills

permission.

I recommend that a decision to REFUSE PERMISSION be made under the Local Government (Planning and Development) Acts, 1963-1990 for the following (Reasons:-

REASONS FOR REFUSAL

- Of the site is located in an area subject to the zoning objective "to protect and/or improve residential amenity". The proposed retention of the garge used for the repair of cars would contravene materially this to be development plan objective indicated in the County Development Plan and the would therefore be contrary to the proper planning and development of the area.
 - 02 The proposed retention of the garage use for the repair of cars would seriously injure the amenities and depreciate the value of properties in the vicinity of this residential area.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref:	91A/	1577
**		/E 3 3 5

Rage No: 0003

Location: 36 St. Anthonys Crescent, Greenhills

Muleral	Romi
for Dublin Planning Officer	Endorsed:
	for Principal Officer
(Planning and Development) Acts,	ection 26(1) of the Local Government 1963-1990 to REFUSE PERMISSION (1) reasons set out above is hereby made.
Dated November 1991	/ len N -
Dated :	A
	SSISTANT COUNTY MANAGER/APPROVED OFFICER
to whom the appropriate powers b	have been delegated by order of the Dublin
City and County Manager dated	6 th November 1991.

DUBLIN COUNTY COUNCIL

REG. REF:

91A/1577.

DEVELOPMENT:

Ret. Garage.

LOCATION:

36 St. Anthony's Crescent, Greenhills.

APPLICANT:

Robert Reilly.

DATE LODGED:

10.10.91.

The proposal is for the retention of a garage with access from the laneway to the rear of St. Anthony's Crescent. The proposal is undesirable as it would lead to additional vehicular movements on a substandard laneway.

If permission is being granted it should be subject to:-

 The garage to be used for domestic purposes only and shall not be used for commercial purposes.



GC/BMcC 1.11.91.

	_ENDORSED:	de Jen
SIGNED:	THINDOWSED .	1
DATE:	DATE:	1/1/9/

nian O'Byrne. PLANNING DEPT. DEVELOPMENT CONTROL SECT Register Reference : 91A/1577 Development: Retention of Use: : 36, st. anthony's Creocent, Secentillo, D. 22 Robert Rielly. : Permission Planning Officer; Wiell O. Byerl Date Recd. : 01/10/91, Attached is a copy of the application for the above development . Your report would be appreciated within the next 28 days. The more process is not acceptable to the DEPL for the pollinging response Y THERE IS no senteny accommodation provided - adequate means of ventilation in orea not provided. 31 Contons bouldies - 62 a log roon not proveded for the use of the staff, - There is madelinated supply provided. es adoppinte masons of healthy is not provided in the is toleground preconnect to prevent acid spray or him is sometime perem summitted them with blowning in every or Smoother on the per

Entremental Health Offices. 33, Sugainer Blace Bublish 1.

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Fled Jer John O Rolly SEHO

76/5/2 Chelons 31/10/21

36 ST ANTHONY'S CRESCENT

GREENHILLS, D22

PLAN REF: REG: 91A/1577

It is required that the noise level from within the boundaries of the development shall not exceed 55DB(A) rated sound level at any point outside the boundary between the hours 0800 - 1800 hours Monday - Friday (inclusive) but excluding Bank Holidays. At all other times, including Bank Holidays, the noise level shall not exceed 35DB(A) rated sound level subject to the same recommendations as stated above for noise levels between 0800 - 1800 Monday - Friday.

For the purpose of determining compliance with the above, test procedures must be approved before tests take place.

John Hall

John Healy, Environmental Health Officer.

1 November 1991



DUBLIN COUNTY COUNCIL

REC. REF:

91A/1577.

DEVELOPMENT:

Ret. Garage.

LOCATION:

36 St. Anthony's Crescent, Greenhills.

APPLICANT:

Robert Reilly.

DATE LODGED:

10.10.91.

The proposal is for the retention of a garage with access from the laneway to the rear of St. Anthony's Crescent. The proposal is undesirable as it would lead to additional vehicular movements on a substandard laneway.

If permission is being granted it should be subject to:-

1. The garage to be used for domestic purposes only and shall not be used for commercial purposes.



GC/EMcC

SIGNED:	ENDORSED: Ju 70	1
DATE:	DATE: 1/1/9/	Į

Our Ref: PL 6/5/87564 P.A. Ref: 91A/1577 EOH

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

Date: 27 MAY 1992

An Bord Pleanála

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

Appeal re: Retention and use of lock-up garage to rear of 36 Saint Anthony's Crescent, Greenhills, Dublin 12.

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

CONTROL STATE

DUBLIN COUNTY COUNCIL PLANNING DEPT.

2 9 MAY 1992

RECEIVED

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1577

APPEAL by Robert Reilly of 36 Saint Anthony's Crescent, Dublin against the decision made on the 13th day of November, 1991 by the Council of the County of Dublin to refuse permission for development comprising continuance of use of lock-up garage to rear of 36 Saint Anthony's Crescent, Greenhills, Dublin for the repair of motor vehicles:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the said continuance of use for the reasons set out in the Schedule hereto.

SCHEDULE

- The site is located in an area which has a zoning objective 'A' or "to protect and/or improve residential amenity" as indicated in the current County Dublin Development Plan. The retention and use of the lock up garage for the repair of cars would contravene materially the development plan objective which is considered reasonable. The development would accordingly be contrary to the proper planning and development of the area.
- The proposed retention and use of the lock-up garage for the repair of cars would generate traffic, noise and general disturbance in this residential area. The proposed development would, therefore, seriously injure the residential amenities of the area and depreciate the value of property in the vicinity.

Danoug La. my Ly

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

Dated this 26 day of may. 1992.

Our Ref: PL 6/5/87564 P.A. Reg. Ref: 91A/1577

2911

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

FER 197

Date: 26th February 1992.

Appeal re: Retention and use of lock-up garage at rear of 36 St. Anthony's Crescent, Greenhills, County Dublin.

Dear Sir/Madam,

Enclosed for your information is a copy of a letter received by the Board in relation to the above-mentioned appeal.

Yours faithfully,

Suzanne Lacey

Encl.

BP 555

An Bord Pleanála

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

An Bond Pleanala 16 St genands fels Dell 1 6/87564 - Dan '92 Ref Robart Aciding 36 RC Anthonys Prin. I a recont Comicillar Dule En ?. Would like to Ass my Support to his application for retention of his hierkshop I have lined in the sistate for 35 years and Lech Je on Sprant do The Anea in guestion. I live close to the applicant and if he was causing a problem I am Siene it would have hear brough to my Notice. I believe residents and therefore I infound une commission he gratited.

The family and well known to me and land very well nespected. If Formission is Not granted the Flates lies, Emigration/ thromplayed. I would suggest formusen he quantel with conditions but I Chronod and the compitions he tompound as strangout consitions, taking tule coms dans tien the size of the openation would be equal to a refuser. He rement the protection is preparted to compay with down lias but It would ask you to lake the Fourt made Asono unto Consideration There are a Number of similar sponations in the onea proving a service and Employment. I want of each fatty

Our Ref: PL 6/5/87564 P.A. Reg. Ref: 91A/1577

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

Date: 26th February 1992.

Appeal re: Retention and use of lock-up garage at rear of 36 St. Anthony's Crescent, Greenhills, County Dublin.

Dear Sir/Madam,

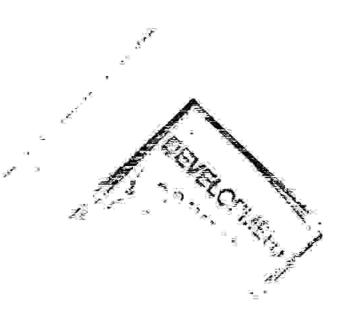
Enclosed for your information is a copy of a letter received by the Board in relation to the above-mentioned appeal.

Yours faithfully,

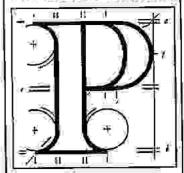
Anjako Lacey ()

Encl.

BP 555



An Bord Pleanála



Floor 3 Blocks 6 & 7 Irish Life Centre Lower Abbey Street Dublin 1 tet (01) 728011 AN Bond PLeanala 16 St. Gerands Adis Trish Life Contre 6/87564 Dull 1 Ref Robant Acilly 36 Bt Anthonys Cus. I a recont Conneillor Dubli Es ? Would like to Ass my Support to his application for retaintion of his WORKShop. I have lined in the Sitate for 35 years and feel & on Speckly or The Anea in gustean. I time close to the applicant and if he was couring a problem I can seems to would have hear brought to my Notice. I believe residents and therefore I would ungo permission he gratited.

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The family and well known to me and lane very well mespected. If Formiesion is not granted the Statistics, Emigration/Unamplayed. I would suggest formies en he granted with combitions but I Would ask the Compitions he tompound as stringent consitions, taking tule consideration the size of the operation in oned he popularate the popularate is preparted to comply with down lites but I would ask you to take the Fouls made Asson into Consideration There are a Number of similar operations There are a numum of service and in the once providing of service and southfitted the service and serv

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Our Ref: PL 6/5/87564 P.A. Reg. Ref: 91A/1577

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

Date: 6th February 1992.

Appeal re: Retention and use of lock-up garage at rear of 36 St. Anthony's Crescent, Greenhills, County Dublin.

Dear Sir/Madam,

information is Enclosed for your copy of received correspondence i n relationto 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 they will be taken into letter to ensure that consideration in the determination of the appeal.

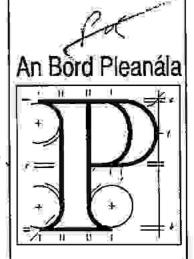
Please quote the above appeal reference number in any further correspondence.

Yours sincerely,

Suzanne Lacey

BP 553A

11/



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

967/

DEVELOPMENT 11 FEB 1931 CO.VIROL

1 0. FEB 92

An Bord Pleanala, Floor 3, Block 6 & 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

Re:

Addendum to Original Appeal. Submission against decision not to grant retention of lock-up garage to rear of no. 36 St. Anthony's Crescent, Dublin 12, by Dublin County Council.

An Bord Pleanala Ref.

By: Robert Reilly, No. 36 St. Anthony's Crescent, Dublin 12.



Having had the opportunity to inspect and view the details of the planning file regarding my small motor repair business, I have come to the opinion that certainly a conserted effort has been put in by the local authority and its offshoots i.e. the offices of the Chief Medical Health Officer and Environmental Health Officer to put my employees and myself on the dole. close down what is an insignificant, small but viable business that I run out of a purpose built small garage, a building that has shortcomings I except, but none that could not be rectified. The service lane upon which my workshop is located is a run down characterless and dimly lit lane that has not seen one Council workman to clear-up or improve since the day it was completed. I started this small business and it seems I have, if you were to accept the tone and vociferousness of the Council's reports etc., single handedly turned this boulevard into junk City. submit that if the Environmental Health Officer and the Chief Medical Officer were interested in protecting the residents, they would send out one of their rodent de-infestation teams and spend a week cleaning the lane of the rats and stray diseased cats and dogs that abound in the lane instead of trying to put an employee like me to the wall.

To turn to the Planning Officer's report in more detail, the tone of his report is damning, it doesn't give me a chance. How ironic it is to hear him maintain that my activities blocked the service lane where, as a resident of St. Anthony's Crescent, I cannot park my car outside my house if my neighbour across the road has decided to park his likewise (against the other kerb) because the through route or road is so narrow that a bicycle cannot pass between cars if so positioned.

I submit if I was doing the business that seemed to be going on and backed-up awaiting attention on the day he inspected, my small workshop would not be half big enough. Customers do not wait around in line for attention in this cut-throat business, they simply move on down the road, to someone else. There was no need to highlight that enforcement proceedings had been brought against me. It was an oversight of mine to not tackle the whole issue face on from the start but been totally ignorant of the planning laws and regulations, I did not move fast enough for advice or action. However, in the present context i.e. my original application for retention and this subsequent Appeal to An Bord it was hardly necessary to high light court proceedings that were no longer at issue and no longer had relevance to the case as it stands at this juncture.

The description given to my small lock up workshop through out the Planning Officer's report implies heavy duty motor repairs been carried on i.e. replacing engines, parts exchange, overhead works, etc. Again I re-iterate, my workshop only deals with panel beating and spraying, nothing else.

He does concede that other commercial businesses are carried on in the lane which is, as I stated in my original submission, and to close me down is to close many others like me down passing on just another burden to the state. As I submitted earlier I am a bona-fide employer quoting a VAT No. and submitting audited accounts to the Revenue Commissioners.

This report he moves on then, mentioning the Road reports which also want me closed down. How I am affecting the Road situation is beyond me, and why they should be so definite in the recommendation. Then to the Health Inspector's Report which finds more faults and reasons for closure than I am sure they could find with several meat factory controversies.

This only compounded to the style of the report and to put the nail in the coffin as it were. Each of his six (6) points can be countered:

Point 1: No sanitary accommodation.

To be quite frank with An Bord the provision of sanitary accommodation did not enter my head. The work place bounds onto my parents rear garden. Access and use of sanitary facilities are available there.

Points 2 & 5: Ventilation and Heating.

Well by the jobs nature the main security roller door is always open and clear circulation of air results likewise treating in this situation would be wasted and costly.

Point 3: All employees and myself leave the premises for lunch between one and two p.m. otherwise flasks are the order of the day.

Point 4: We get our water supply from my parents house. I did not realise this was not allowed so I did not install an independent supply.

Point 6: No acids or sprays emits from the premises to constitute a nuisance. Any stray shot of spray that does emit exists through the service door and surely would only constitute a part per billion to the atmosphere. There is no acid emissions. In other words why raise an environmental issue when none arises. I am sure An Bord no BOPAL disaster will occur here.....

Further recommendation by the Environmental Health Officer regarding noise levels is hardly required in that, as I have stated previously, we are not a heavy duty repairs workshop, merely panel beating and paint shop.

In conclusion having read the Planning Officer's report it does not take in my opinion. An expert which I am not, to see how biased and loaded the report is against me and my employees remaining in business here. A business which I have put long hours into building up and not a little money. Many of the recommendations and conditions referred to by the Planning Officer in his report were only used to bring down the tone of my enterprise and devalue it. Referred to merely because of been on the Statue Book.

That is maybe how he sees it but to me its my bread and butter, and the many signatures that accompany this Addendum in the form of a local petition confirms how many mearly see us as locals working in and for our community.

I undertake to you An Bord Pleanala that should you condition me, should you look favourably on this Appeal, to carry out any remedial works you see necessary to improve this enterprise in anyway and such conditions would be carried-out immediately.

Assuring you of my best intentions at all times, I remain yours,

Robert Reilly

36 St. Anthony's Crescent

Dublin 12

I WOULD LIKE TO LODGE THIS PETITION AS AN ADDENDUM TO OUR ORIGINAL SUBMISSION

I, Mr. Noel Cullen, of no. 48 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.
Signed: Noel Cullen.....

I, Mr. Michael Kane, of no. 46 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

signed: Wichal Kan

I, Mr. George Byrne, of no. 44 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

signed: General Bilane

I, Mr. Farrell, of no. 42 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

Signed: Manie Timelle.

I, Mr. Edward Reilly, of no. 40 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance

signed: Edward Kully

I, Mr. Edward Brien, of no. 38 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance,

I, Mr. Ray Charles, of no. 34 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

I, Mr. Albert O'Malley, of no. 32 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

signed: Ollunt O'Wally

I, Mr. Paddy Barry, no. 35 St. Anthony's Crescent, Dublin 12, householder, am familiar with the developments to rear of no. 36 St. Anthony's Crescent. I have no objection to their retention and continuance.

signed: Paddy Damy

CHONTAE

Tel.:724755 Planning Department, Took 268/269 Irish Life Centre, Lr. Abbey Street, Dublin 1. Your Ref.: PL6/5/ 87:64 Our Ref.:

An Bord Pleanala, Blocks 6 and 7, Lr. Abbey Street,

Irish Life Centre, Dublin 1. (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983 LCCAL Proposal: Applicant: Dear Sir, With reference to your letter dated ______ | n herewith:-(1) & (2) A copy of the application which indicated the applicant's interest in the land or structure. A copy of the public notice given, i.e (3) Jail Pan 20/9/91 The plan(s) received from the applicant on ______ (4) (6) & (7) A certified copy of Manager's Order Phanily ____together with technical reports in connection with the application. (8)

River the contract of the second

Yours faithfully,

Encls.

Our Ref: PL 6/5/87564 Your Ref: 91A/1577

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

- All

Date: 12th December 1991.

Planning authority decision re: Retention of use of lock-up garage at rear of 36 St. Anthony's Crescent, Greenhills, 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 <u>certified copy</u> 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.

An Bord Pleanála

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

Please note that the other party to the appeal is 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, such observations on the appeal as it practicable, any thinks fit. Where observations should be submitted with the documents listed above but the furnishing of the documents held up until observations are should not be In any event, to ensure that they will available. 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.

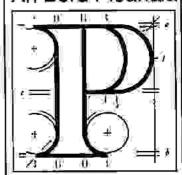
Yours faithfully,

Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



Floor 3 Blocks 6 & 7 Irish Life Centre Lower Abbey Street Dublin 1 Iel (01) 728011 An Bo Pleanala,
Floor 3,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

Re:

Appeal against decision not to grant retention of lock-up garage to rear of no. 36 St. Anthony's Crescent, Dublin 12, by Dublin County Council.

Planning Reference:

91A/1577

Dated:

1 - 10 - 91

Decision date:

13-11-91

Applicant:

Robert Reilly, No. 36 St. Anthony's Crescent,

Dublin 12.

RECEIVED 1 DEC 1991

December, 1991

AN EORD PLEANALA

Received 11 12 91

Fee: \$100 CHE

Peccipt No. BIECTE.

LETTER OF APPEAL

Introduction - Background

Dear Sir/Madam,

My name is Robert Reilly and I live in the neighbourhood where I was born and reared with my parents at No. 36 St. Anthony's Crescent, Dublin 12.

I am a panel beater, spray-painter by trade having served my time of five years all told to a local garage. I was made redundant following this period and considered emigration.

However, with encouragement and my parents help I built a garage to the rear of our garden opening onto the service lane and started up a small local business of crash repairs which has become very popular and I now employ two other panel beaters. We repair no more than two vehicles at a time with off road repairs carried out within the garage. This is a bona-fide operation and I quote a vat number of on all jobs.

With regards to the planning requirements I must plead ignorance as my defence. I did not realise a resident-owner needed permission for a lock-up garage that is not run during unsociable hours and indeed numerous similar developments exist on this service lane. I have never been approached by anyone regarding the business and was totally taken back when the Council wrote to me regarding same, considering that much more obtrusive businesses are run and exist not a stones throw away from me. I will allude more to this point with a further submission to you when I get a chance to look at the decision documents and technical reports held in the planning office.

I would now like to turn to grounds and details of appeal referring specifically to the reasons for refusal by Dublin County Council.

1. There is nothing short of opening a "sheebeen" or similar that could disimprove this lane as a residential amenity anymore than it is at present. Each resident in turn tries to keep the lane as trouble free as possible but they fight a losing battle by its nature secluded, characterless and dark, it has been the location for cider parties etc. by night and a haven and means of quick escape by criminal elements during the day i.e. house breaking, burglaries, etc.

My presence here at work during daylight hours has been welcomed by many elderly locals as giving them a sense of reassurance and security. I would know the majority by name and they me.

Coontrary to the inference to be gleaned from the county Council's primary reason for refusal my small business can hardly be regarded as major industrial activities and the

traffic generated by it are off street/lane. Small selfcontained, though viable, the business is mearly giving me and a couple others an honest living and surely by its nature does not disrupt the local residential amenities. In fact it is just in keeping with the many more similar developments that occur in the lane.

To that extent I think the Development Plans objectives should be revised in regards to when a measure that is aimed at been protective to local interests actually thwarts the local vitality and sense of self-reliance and entrepreneurism thus killing the generation in local economies. To that extent objectives that would allow but limit resident-owners develop small commercial concerns on their own properties if certain suitable conditions existed and should be encouraged.

To move on to the second reason for refusal by Dublin County Council.

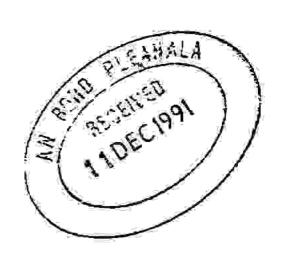
I submit I do not depreciate the value of properties in the area by the small business I carry on in my garage. It is self-contained and private and is by no means the only operation of its size existing in this location. In conclusion having regard to the above points surely this small venture falls in line with the stated objective of the 1980 Development Plan to encourage local business.

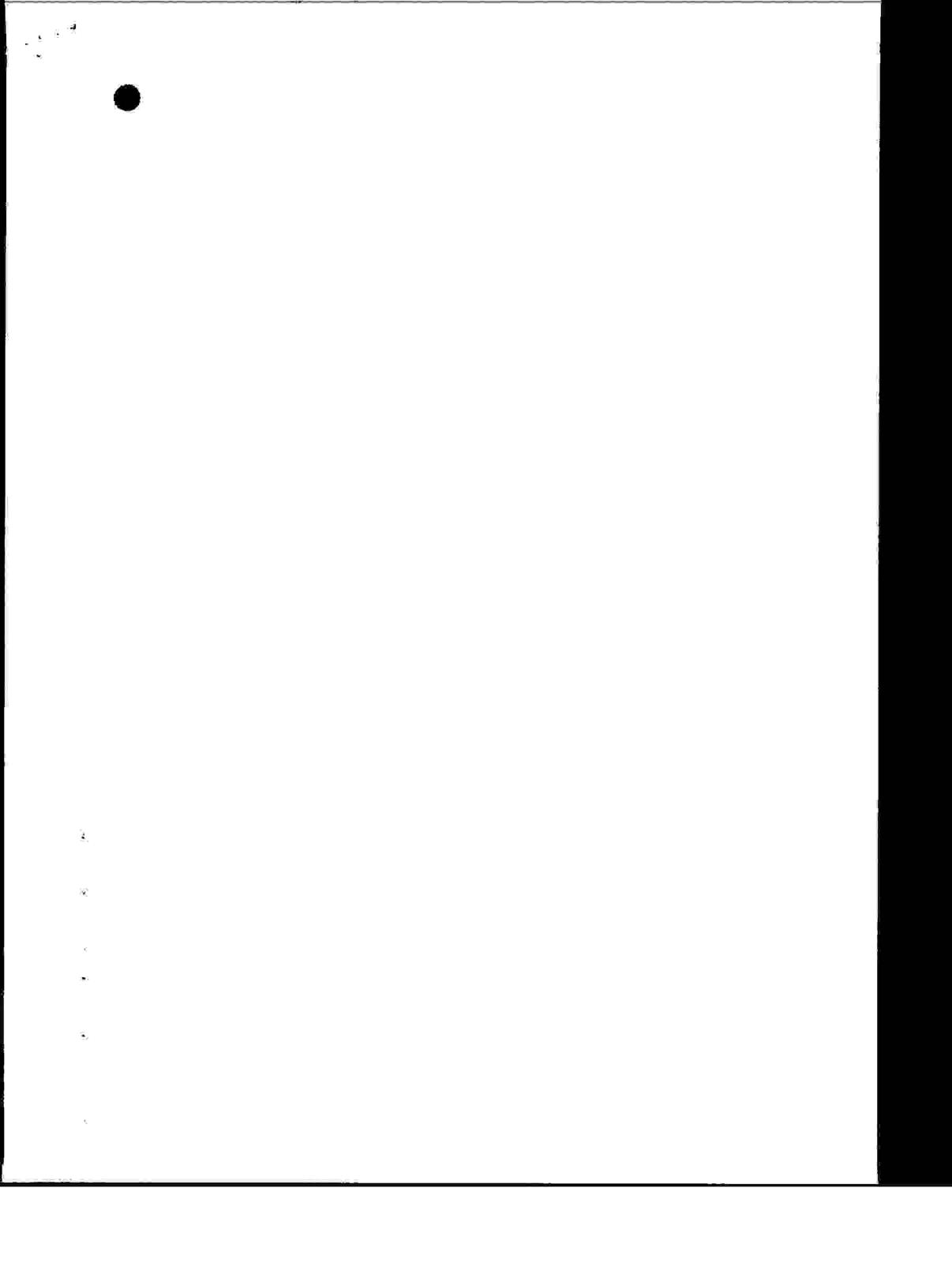
This submission is only an initial appeal to An Bord Pleanala and as I stated earlier when I can inspect the planning file details I will elaborate further on my reasons why I think the decision by Dublin County Council to refuse me retention of my small business was wrong.

Thank you for your time and I remain yours sincerely,

Robert Reilly

4th December, 1991





Dublin County Council Comhairle Chontae Atha Cliath

Planning Department



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

NOTIFICATION OF DECISION TO REFUSE PERMISSION LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963-1990.

Decision Order Number: P/ 5219 /91 Date of Decision: 13th November 1991

Register Reference: 91A/1577 Date Received: 1st October 1991

Applicant : Robert Reilly

Development : Retention and use of lock-up garage to rear

Location : 36 St. Anthonys Crescent, Greenhills

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 Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to REFUSE PERMISSION in respect of the above proposal.

For the Reasons set out on the attached Numbered Pages.

NUMBER OF REASONS: - . . ATTACHED.

Signed on behalf of the Dublin County Council

for Principa Officer

Date: 1.5.6.6.6.9.1,...

Robert Reilly, 36 St. Anthony's Crescent, Greenhills, Dublin 12.

NOTES

- 1. 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 this decision.
- 2. An appeal shall be in writing and shall state the subject matter and grounds of appeal. It should be addressed to:-

An Bord Pleanala, Blocks 6 and 7 Irish Life Centre, Lower Abbey Street, Dublin 1.

- 3.An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by the prescribed fee.
- (a) An appeal against a decision relating to commercial development by the person by whom the application was made must be accompanied by a fee of £100 (one hundred Pounds).
- "Commercial Development" means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.
- (b) An appeal other then an appeal mentioned at (a) above, including third party appeal must be accompanied by a fee of £50 (fifty pounds)
- (c) A party to an appeal making a request to An Bord Pleanala for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanala a fee of £50 (fifty pounds).
- (d) A person who is not a party to an appeal must pay a fee of £15 (fifteen pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.
- 4.If the Council makes a decision to grant permission/approval and 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 an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.
- 5. Approval of the Council under the 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.

Dublin County Council Comhairle Chontae Atha Cliath

Planning Department

Reg.Ref. 91A/1577 Decision Order No. P/ 5219 /91 Page No: 0002



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

REASONS FOR REFUSAL

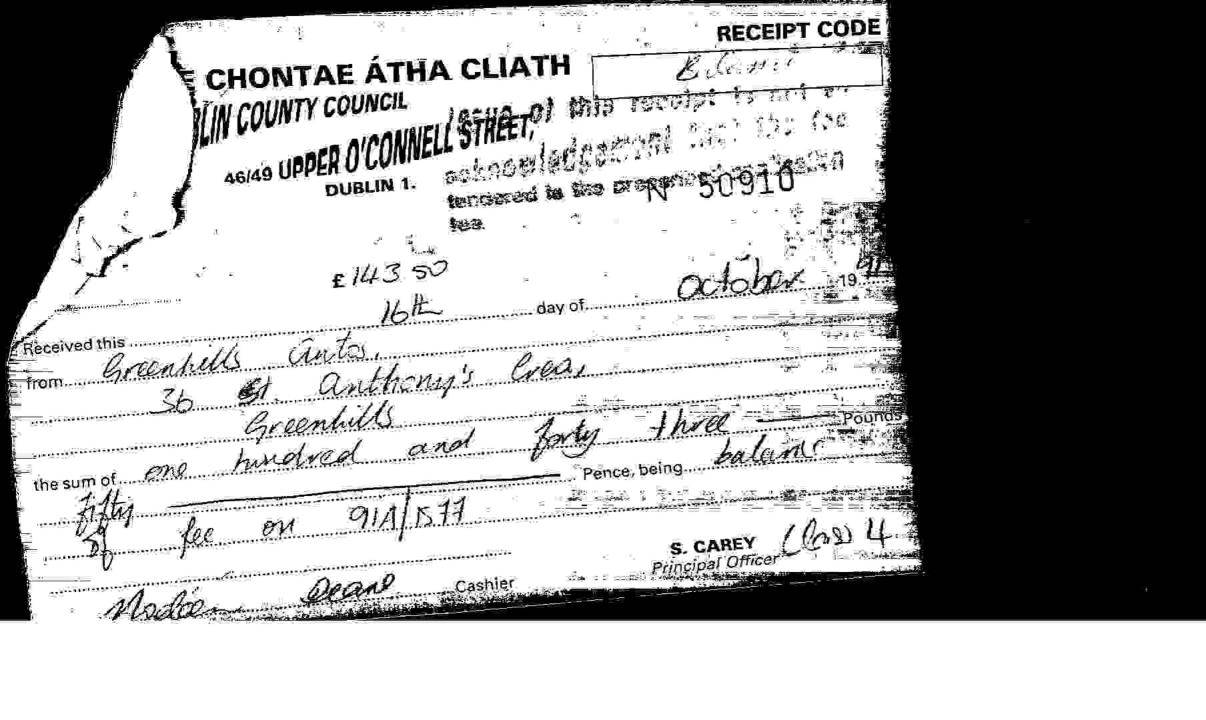
- Of the site is located in an area subject to the zoning objective "to protect and/or improve residential amenity". The proposed retention of the garge used for the repair of cars would contravene materially a development plan objective indicated in the County Development Plan 1983 for the use primarily of this area for residential purposes and would, therefore, be contrary to the proper planning and development of the area.
- 02 The proposed retention of the garage use for the repair of cars would seriously injure the amenities and depreciate the value of properties in the vicinity of this residential area.

NOTES

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Dublin County Council Comhairle Chontae Atha Cliath

Planning Department

Building Control Department, Liffey House, Telephone: 773066



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

Register Reference: 91A/1577

Date : 2nd October 1991

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

Dear Sir/Madam,

Tara Street,

Dublin 1.

DEVELOPMENT : Retention and use of lock-up garage to rear

: 36 St. Anthonys Crescent, Greenhills LOCATION

APPLICANT : Robert Reilly

APP. TYPE : PERMISSION

With reference to the above, I acknowledge receipt of your application received on 1st October 1991.

> Yours faithfully, for PRINCIPAL OFFICER

Robert Reilly, 36 St. Anthony's Crescent, Greenhills, Dublin 12.

Dublin County Council Comhairle Chontae Atha Cliath



Tetention Planning Per . notes

Planning Application Form/ Bye - Law Application Form

PLEASE READ INSTRUCTIONS AT BACK BEFORE COMPLETING 1. Application for Permission Outline Permission Approval Place	FORM. REL GOESTIONS MOOT DE ANGINEMED.
1. Application for remission [] fourtille remission [] Applovar[] ridge.	
Approval should be sought only where an outline permission was previous	ly granted. Outline permission may not be sought for t
retention of structures or continuances of uses.	
Postal address of site or building 3C ST ANTUSINGS	clescent greenfills
(If none, give description	-
sufficient to identify)	
. Name of applicant (Principal not Agent). Robert Reill	
Address 36 ST ANTHONYS CRESCENT GLEE	VH: 115 0 12 Tel. No. 508151
Name and address of PAT Helly	
person or firm responsible	(*************************************
for preparation of drawings	Tel. No
. Name and address to which	
notifications should be sent	
S. Brief description of	
proposed development focus up CAGAG	_e
	of Water Supply
9. In the case of any building or buildings to be retained on site, please stat (a) Present use of each floor	with to annie for retention
or use when last used	and use of lock-up garage to bear of 56 St Anthonys Grescent Greenfills, Dublin
	12. Robert Rellly
(b) Proposed use of each floor	
or change of use of any habitable house or part thereof?	***************************************
1.(a) Area of Site	1 00 CA WILL
CONTRACTOR CONTRACTOR CONTRACTOR SERVICES SERVICES SERVICES CONTRACTOR CONTRA	1 (828 50 65)
) (b) Floor area of proposed development	
	sol .
(c) Floor area of buildings proposed to be retained within site	
2 Passe amplicance local interest or cetate in site	
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LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 1977 to 1984.

Outline of requirements for applications for permission or Approval under the Local Government (Planning & Development) Acts 1963 to 1983. The Planning Acts and Regulations made thereunder may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2.

- Name and Address of applicant. b.
- Particulars of the interest held in the land or structure, i.e. whether freehold, leasehold, etc.
- The page of a newspaper, circulating in the area in which the land or structure is situate, containing the required statutory notice. The newspaper advertisement should state after the heading Co. Dublin.
 - (a) The address of the structure or the location of the land.
 - (b) The nature and extent of the development proposed. If retention of development is involved, the notice should be worded accordingly. Any demolition of habitable accommodation should be indicated.
 - The name of the applicant.
 - NB. Applications must be received within 2 weeks from date of publication of the notice.
- Four (4) sets of drawings to a stated scale must be submitted. Each set to include a layout or block plan, proposed and existing services to be shown on this drawing, location map, and drawings of relevant floor plans, elevations, sections, details of type and location of septic tank (if applicable) and such other particulars as are necessary to identify the land and to describe the works or structure to which the application relates (new work to be coloured or otherwise distinguished from any retained structures). Buildings, roads, boundaries and other features bounding the structure or other land to which the application relates shall be shown on site plans or layout plans. The location map should be of scale not less than 1: 2500 and should indicate the north point. The site of the proposed development must be outlined in red. Plans and drawings should indicate the name and address of the person by whom they were prepared. Any adjoining lands in which the applicant has an interest must be outlined in blue.
- In the case of a proposed change of use of any structure or land, requirements in addition to 1, 2, & 3 are:
 - (a) a statement of the existing use and the proposed use, or, where appropriate, the former use and the use proposed.
 - (b) (i) Four (4) sets of the drawings to a stated scale must be submitted. Each set to consist of a plan or location map (marked or coloured in red so as to identify the structure or land to which the application relates) to a scale of not less than 1:2500 and to indicate the North point. Any adjoining lands in which the application has an interest must be outlined in blue.
 - (ii) A layout and a survey plan of each floor of any structure to which the application relates.
 - (c) Plans and drawings should indicate the name and address of the person by whom they were prepared.
- Applications should be addressed to: Dublin County Council, Planning Department, Irish Life Centre, Lr. Abbey Street, Dublin 1, Tel. 724755.

SEPTIC TANK DRAINAGE: Where drainage by means of a septic tank is proposed, before a planning application is considered, the applicant may be required to arrange for a trialhole to be inspected and declared suitable for the satisfactory percolation of septic tank effluent. The trial hole to be dug seven feet deep at or about the sita of the septic tank. Septic tanks are to be in accordence with I.I.R.S. S.R. 6:75.

INDUSTRIAL DEVELOPMENT:

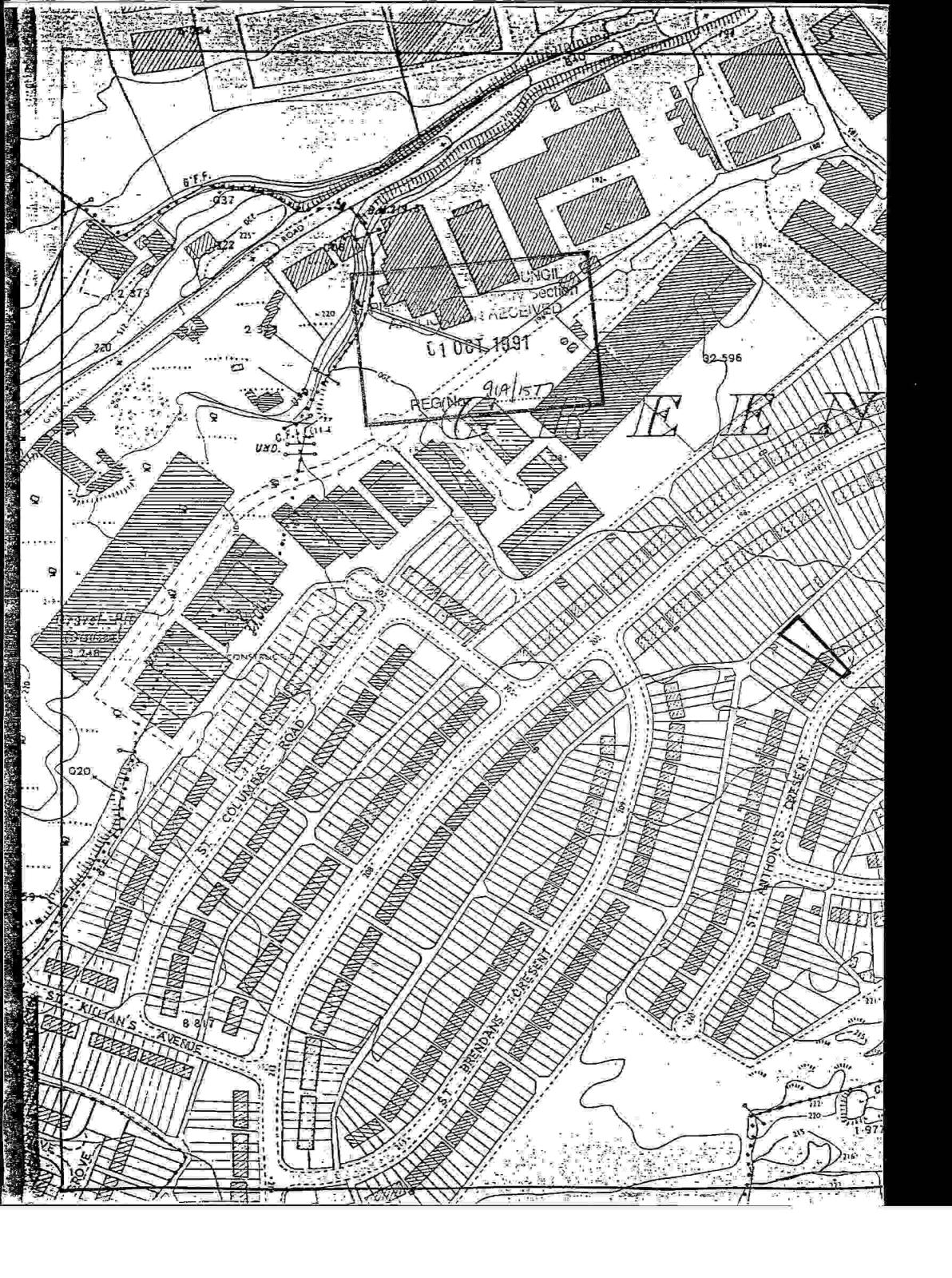
The proposed use of an industrial premises should, where possible, he stated together with the estimated number of employees, (male and female). Details of trade effluents, if any, should be submitted.

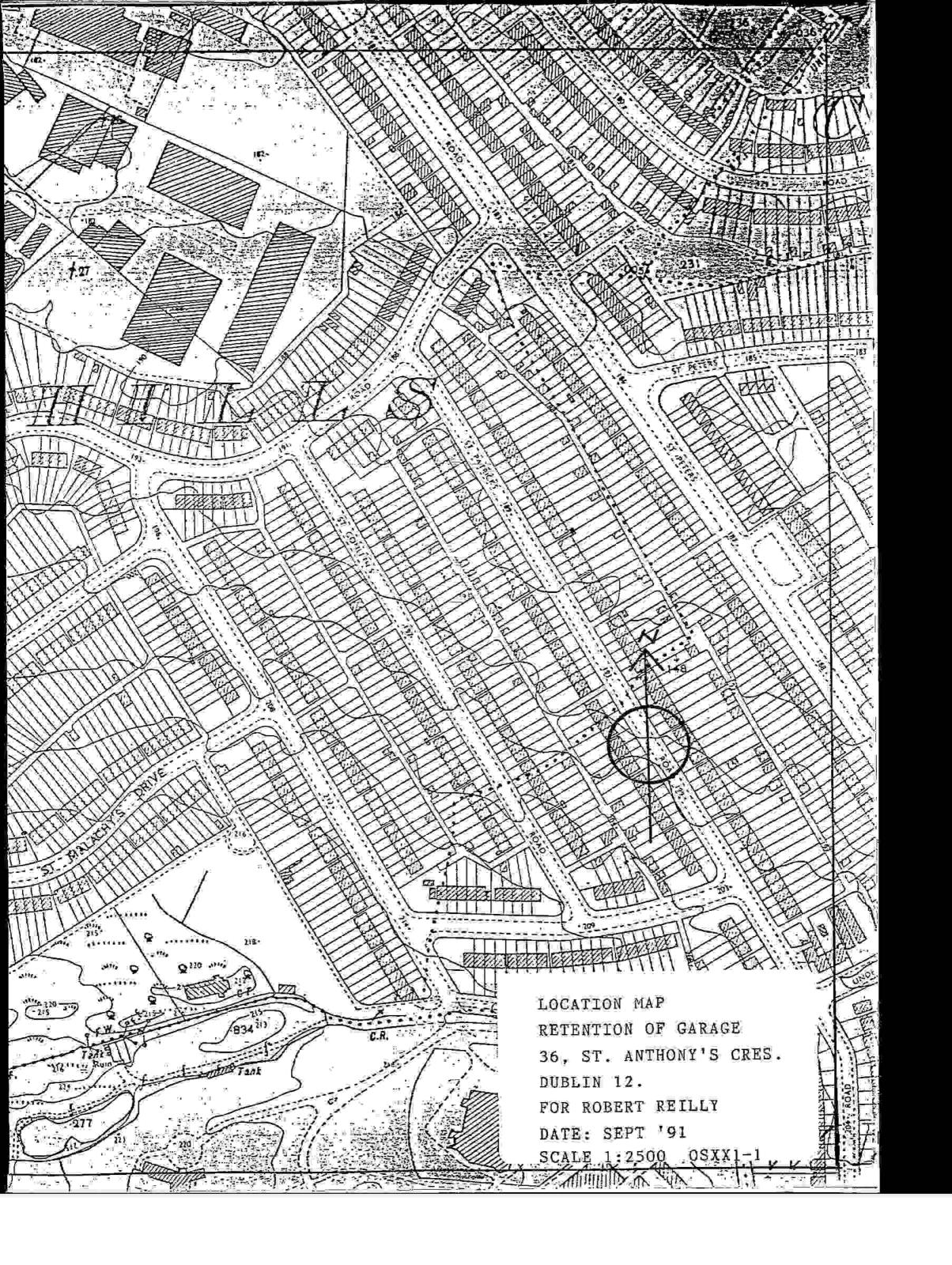
Applicants to comply in full with the requirements of the Local Government (Water Pollution) Act, 1977 in particular the licencing provisions of Sections 4 and 16.

PLANNING APPLICATIONS BUILDING BYE-LAW APPLICATIONS CLASS CLASS DESCRIPTION FEE NO. DESCRIPTION FEE NO. Dwelling (House/Flat) £55.00 each 1. 2. 3. 4. £32,00 each Provision of dwelling — House/Flat. £16.00 Domestic Extension Domestic extensions/other improvements. £30.00 each £40.00 minimum (improvement/alteration) Provision of agricultural buildings (See Regs.) £1,75 per sq. metre C £3.50 per m2 Other buildings (i.e. offices, commercial, etc.) Building - Office/ Commercial Purposes (Min. £40,00) (min. £70.00) 5. Use of land (Mining, deposit or waste) £25.00 per 0.1 ha Agricultural £1.00 per m* (Min £250.00) Buildings/Structures in excess of £25.00 per 0.1 ha 300 sq. metres 6. Use of land (Camping, parking, storage) (Min. £40,00) (min. - £70.00) Provision of plant/machinery/tank or £25.00 per 0.1 ha (Max. - £300.00) 7. ľΕ Petrol Filling Station £200.00 (Min. £100.00) other structure for storage purposes. £100.00 E Development or £9.00 per 0.1 ha Petrol Filling Station. 8. £10.00 per m2 Proposals not coming (£70.00 min.) Advertising Structures. 9, (min £40.00) within any of the £25.00 per 1,000m foregoing classes. 10. Electricity transmission lines. Min. Fee £30.00 (Min. £40.00) £5.00 per 0.1 ha (Min. £40.00) Max. Fee £20,000 11. Any other development.

Cheques etc. should be made payable to: Dublin County Council.

Gross Floor space is to be taken as the total floor space on each floor measured from the inside of the external walls. For full details of Fees and Exemptions see Local Government (Planning and Development) (Fees) Regulations 1984.





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Planning Day
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