

FILE DISCUSSED AT COUNCIL/COMMITTEE MEETING

FILE REF: 91A/1065

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
Belgard 24/9/91	Cllr M Muldoon		NDB

919/1065

CERTIFICATE NO: 25790

Retain use

79 Fairways Rathbarney

O'Neill

1 DWELLINGS/AREA LENGTH/STRUCT	2 RATE	3 AMT. OF FEE REQ.	4 AMOUNT LOGGED	5 BALANCE DUE	6 BALANCE DUE	7 DATE/ RECEIPT
Dwellings	19.00	40	33.25	6.75		

*[Signature]*

DHT

1/7/91

*[Signature]*

1/7/91

Copies 2, 3, 4, 5, 6 & 7 Enclosed. Signed:

Copies 2, 3, 4, 5, 6 & 7 Enclosed. Signed:

LOCALITY GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF.: 91A/1065

CVT. REF.:

SERVICES INVOLVED: WATER/POUL SEWER/SURFACE WATER

SEA OF SITE:

FLOOR AREA OF PRESENT PROPOSAL: 205 <sup>sq</sup>

MEASURED BY:

CHECKED BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

MANAGER'S CHECKED NO: 5 /  
DATE

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRATE

J.S.  
11/7/91



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/1065

Date : 2nd July 1991

Dear Sir/Madam,

Development : Retain structure at side for use as a Beauty Salon

LOCATION : 77 Fairways, Rathfarnham

Applicant : T. O'Neill

App. Type : PERMISSION

Date Recd : 26th June 1991

Your application in relation to the above was submitted with a fee of 33.25 .

On examination of the plans submitted it would appear that the appropriate amount should be 40.00 .

I should be obliged if you would submit the balance of 6.75 as soon as possible as a decision cannot be made on this application until the correct fee is received.

Yours faithfully,

.....  
for PRINCIPAL OFFICER

Mr D. McCarthy & Co.,  
Lynwood House,  
Ballinteer Road,  
Dublin 16.

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

BELGARD

FINANCIAL CONTRIBUTION :-

AMOUNT & N<sup>o</sup>

F/NOT CONDITIONED

Proposal to retain structure at side of 77 Fairways, Rathfarnham for use as a beauty salon for T. O'Neill. By order P/3919/91 dated 22nd August 1991 the Council made a decision to refuse permission for this proposal. On Appeal, An Bord Pleanála made the following order on 9th March, 1992:-

PL6/5/86855

P/1382/92

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1065

APPEAL by Teresa O'Neill care of D. McCarthy and Company of Lynwood House, Ballinteer Road, Dublin against the decision made on the 22nd day of August, 1991 by the Council of the County of Dublin to refuse permission for the temporary continuance of use of a structure as a beauty salon at the side of 77 Fairways, Rathfarnham, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, it is hereby decided, for the reason set out in the First Schedule, to grant permission for continuance of use of the structure as a beauty salon in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.

### FIRST SCHEDULE

Having regard to the location and floor area of the structure and the nature and scale of the business, it is considered that, subject to compliance with the conditions set out in the Second Schedule, continued use of the structure for a short period would be consistent with the proper planning and development of the area.

### SECOND SCHEDULE

The use of the premises as a beauty salon shall cease on or before the 31st day of December, 1996 unless prior to that date permission for continuance of the use shall have been granted either by Dublin County Council or An Bord Pleanála on appeal.

Reason: In the interest of residential amenity.

P. D'uffy

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

Dated this 9<sup>th</sup> day of March 1992.

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

- 2 -

P / 1382 / 92


PL 6/5/86855

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1065

Order Noted: <u>LD</u>	
Dated: <u>20<sup>th</sup> March 92</u>	<u>ASST. COUNTY MANAGER</u>
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated: <u>10<sup>th</sup></u> day of <u>FEBRUARY</u> 19 <u>92</u>	

**APPEALS CHECK LIST**

REG. REF. NO. 91A 1065

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN PLANAPS: I.E.:	✓
	Appeal Decision: A.P	✓
	Appeal Date: 9/3/92	✓
5	COPY OF DECISION FOR WEEKLY LIST (LAURA/MARY)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	
7	IC L. DOYLE FOR NOTING	

**CHANGE STATUS IN PLANAPS:**

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

## COMHAIRLE CHONTAE ÁTHA CLIATH

### Record of Executive Business and Manager's Orders

Proposed to retain structure at side of 77, Fairways,  
Rathfarnham for use as a Beauty Salon for T. O'Neill.

D. McCarthy & Co.,  
Lynwood House,  
Ballinteer Road,  
Dublin 16.

Reg. Ref.	91A-1065
Appl. Rec'd:	26.06.1991
Floor Area:	18.8 sq. m.
Site Area:	700 sq. m.
Zoning:	A

Report of the Dublin Planning Officer, dated 19 August 1991

This is an application for PERMISSION to retain structure at side of No. 77, Fairways, Rathfarnham for use as a beauty salon. The applicant is T. O'Neill who is stated to be the owner of the site.

The site is zoned 'A' in the 1983 County Development Plan, where it is the objective of the Local Authority "to protect and/or improve residential amenity."

There is no record of any previous planning applications on this site.

The site is located at the end of a cul de sac. A small area of open space separates the site from Dodder Park Road.

The site has been the subject of enforcement proceedings (Enf. 7974). A warning notice dated 14th June, 1991, has been served on the applicant in relation to the unauthorised use as a beauty salon and the display of advertising signs on this site.

The floor area of the proposed structure which it is proposed to retain as a beauty salon is stated to be 18.8 sq. m. It is located in the side rear garden.

The applicant informed me while on site (2nd August, 1991) that the salon has not been in operation since last March. It had been operating for approximately 18-24 months prior to this.

An existing sign "Terasas Beauty Salon" has been erected on the front elevation of the house, although it is not included in this application for retention.

In a covering letter submitted as part of this application, it is stated on behalf of the applicant that permission is being sought for a temporary period of time.

It is further stated that the structure is used as a beauty salon on a part times basis for 3 or 4 mornings per week.

The Roads report dated 31st July, 1991, recommends refusal on the grounds that its position adjacent to Dodder Road, which is part of the "Ferry Ring" route, would result in kerbside parking on this

(Continued)



# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

Proposed to retain structure at side of 77, Fairways, Rathfarnham for use as a Beauty Salon for T. O'Neill.

(Continued)

heavily trafficked road, which would endanger public safety by reason of traffic hazard.

While a beauty salon is not listed as a land use in the current Development Plan, it is probably a use which may be "open for consideration" in a residential area such as this.

The proposed development, however, is considered unacceptable on the grounds that its position so close to Dodder Park Road would result in kerbside traffic on this very busy route which would endanger public safety by reason of traffic hazard.

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

1. The proposed development located beside Dodder Park Road, would generate traffic stopping movements and kerbside parking on this heavily trafficked road. The proposed development would endanger public safety by reason of traffic hazard.

h/c  
(MOS/DK)

Z. Gordon  
For Dublin Planning Officer

Endorsed:- [Signature]  
For Principal Officer

4371

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 ( / ) reasons set out above and PERMISSION is REFUSED accordingly.

Dated: 7th August, 1991.

[Signature]  
Approved Officer.

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

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1065.  
DEVELOPMENT: Retain structure at side for use as a Beauty Salon.  
LOCATION: 77, Fairways, Rathfarnham.  
APPLICANT: T.O'Neill.  
DATE LODGED: 26.6.91.

---

This application is retain structure at side for use as a Beauty Salon at 77 Fairways, Rathfarnham.

The structure comprising of 18m<sup>2</sup> of floor area requires 1 on site parking space in accordance with development plan parking standards. Therefore, together with the two parking spaces required for domestic use; a total of 3 on site car spaces together with turning area is required. The house is located on a turning area of a cul-de-sac and consequently on-street parking is undesirable. Roads acknowledge that it is a quiet area.

It is, however, located adjacent the Dodder Road which is part of the "Ferry Ring." Roads, therefore, could not recommend permission be granted as the generation of kerbside parking on this heavily trafficked route would endanger public safety by reason of traffic hazard.

MA/BMcC  
30.7.91.

SIGNED: Michael Arthur  
DATE: 30-7-91

ENDORSED: E. W. O'Leary  
DATE: 31<sup>st</sup> July 91

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1065.  
DEVELOPMENT: Retain structure at side for use as a Beauty Salon.  
LOCATION: 77, Fairways, Rathfarnham.  
APPLICANT: T.O'Neill.  
DATE LODGED: 26.6.91.

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This application is retain structure at side for use as a Beauty Salon at 77 Fairways, Rathfarnham.

The structure comprising of 18m<sup>2</sup> of floor area requires 1 on site parking space in accordance with development plan parking standards. Therefore, together with the two parking spaces required for domestic use; a total of 3 on site car spaces together with turning area is required. The house is located on a turning area of a cul-de-sac and consequently on-street parking is undesirable. Roads acknowledge that it is a quiet area.

It is, however, located adjacent the Dodder Road which is part of the "Ferry Ring." Roads, therefore, could not recommend permission be granted as the generation of kerbside parking on this heavily trafficked route would endanger public safety by reason of traffic hazard.

MA/BMcC  
30.7.91.

SIGNED: Michael Arthur

ENDORSED: E. W. O'Leary

DATE: 30-7-91

DATE: 31<sup>st</sup> July 91

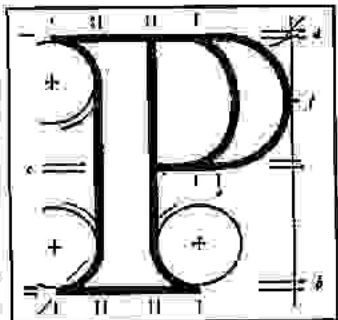
Our Ref: PL 6/5/86855  
P.A. Ref: 91A/1065

*ZON*

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

DUBLIN COUNTY COUNCIL  
PLANNING DEPT.  
RECEIVED  
11 MAR 1992

An Bord Pleanála



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

Date: 09 MAR 1992

Appeal re: Retention of structure for use as a  
beauty salon at side of 77 Fairways, Rathfarnham,  
County 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

DEVELOPMENT  
13 MAR 1992  
CONTROL

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1065

**APPEAL** by Teresa O'Neill care of D. McCarthy and Company of Lynwood House, Ballinteer Road, Dublin against the decision made on the 22nd day of August, 1991 by the Council of the County of Dublin to refuse permission for the temporary continuance of use of a structure as a beauty salon at the side of 77 Fairways, Rathfarnham, County Dublin in accordance with plans and particulars lodged with the said Council:

**DECISION:** Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, it is hereby decided, for the reason set out in the First Schedule, to grant permission for continuance of use of the structure as a beauty salon in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.


FIRST SCHEDULE

Having regard to the location and floor area of the structure and the nature and scale of the business, it is considered that, subject to compliance with the conditions set out in the Second Schedule, continued use of the structure for a short period would be consistent with the proper planning and development of the area.

SECOND SCHEDULE

The use of the premises as a beauty salon shall cease on or before the 31st day of December, 1996 unless prior to that date permission for continuance of the use shall have been granted either by Dublin County Council or An Bord Pleanála on appeal.

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

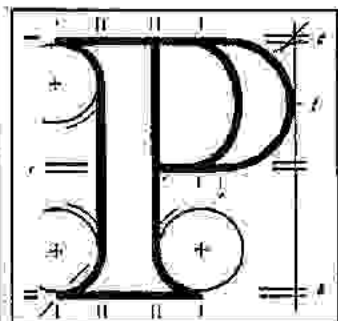
  
P. P. Duffy  
Member of An Bord Pleanála duly  
authorised to authenticate the  
seal of the Board.

Dated this 9<sup>th</sup> day of March 1992.

Our Ref: PL 6/5/86855  
P.A. Reg. Ref: 91A/1065

*LDH*

An Bord Pleanála



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

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

Date: 2nd March 1992.

Appeal re: Retain structure as beauty salon at 77  
Fairways, Rathfarnham, 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*  
Suzanne Lacey

05 MAR 92

*obs*

Encl.  
BP 555

DEVELOPMENT  
- E. ...  
CONTROL

# D. McCarthy & Company

Consulting Engineers

Telephone: 984147, 988244

Fax: 951773

Lynwood House,  
Ballinteer Road,  
Dublin 16.

2nd March 1992.

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



Re: Appeal Ref: PL 6/5/86855  
Retain structure as Beauty Salon at 77 Fairways,  
Rathfarnham, Dublin 14.

Dear Sir,

Further to your notice dated 12th February 1992 in connection with the above appeal, stating that "the continued use of part of the site as a beauty salon might contravene materially" the stated objective for which the site is zoned, I wish to have the following further grounds of appeal taken into account.

It will be noted that under Table 3.1 (copy enclosed) of the County Development Plan there are sixteen other uses listed as being "open for consideration". It would appear that the purpose of including uses as being "open for consideration" is to provide the Planning Authority and indeed An Bord Pleanala with the flexibility of permitting uses other than those listed as being "Permitted" without materially contravening the Development Plan.

It should be noted that the Planning Authority, in its wisdom, did not consider that the use of a beauty salon would constitute material contravention as it did in deciding an application for a Nursing Home at 39 Fairways. In that particular case the Board reversed the Planning Authority's decision and so at least the Board at that time did not feel obliged to conform rigidly with the Development Plan zoning for the area. Surely the use of a beauty salon would be comparable to such "open for consideration" uses as Doctor/Dentist or Health Centre.

In its Draft Review of the County Development Plan the Planning Authority has gone further to adopt an even more flexible approach to uses other than those which would be regarded as being "Permitted" uses. Under Table 3.3 of the 1991 Draft Review of the County Development Plan, the Planning Authority has increased the number of uses to be considered as being "open for consideration" from sixteen to thirty, which includes "Home Based Economic Activities", a use which would be applicable to the proposal under appeal.

continued:-

D.A. Terry B.E., M.I.E.I., F. Finnegan, B. O'Flanagan.

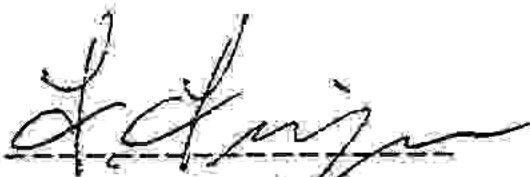
It is obvious from examination of uses stated to be "open for consideration" in the 1983 County Development Plan and more particularly in the 1991 Review of the County Development Plan that the Planning Authority is endeavouring to accommodate, to a reasonable degree of course, mixed uses in the 'A' zoning.

This attempt to accommodate mixed uses in this area is supported by the fact that the Planning Authority has already permitted development of a more intensive nature than that which it is now proposed to retain. The Planning Authority has permitted a Veterinary surgery in the vicinity of the appeal site. Also in the vicinity of the appeal site is a Doctor's surgery and an Optician's premises. The Planning Authority's comment on the status i.e. whether authorised or unauthorised, of those uses would be welcomed.

In conclusion, I respectfully submit that if the proposal under appeal was to be considered as being a material contravention of the County Development Plan, then the uses listed above which have already been permitted/established would also have been a material contravention of the Development Plan. In the case of the retention of the Veterinary surgery, the Planning Authority was obviously satisfied that the development proposed was not a material contravention of the Development Plan because if it had been deemed to be in material contravention of the Development Plan, the procedure prescribed under Section 26 (3) (a) of the Local Government (Planning & Development) Act 1963 (as amended) would have applied.

On the basis of established precedent, therefore, I submit that the continued use of part of the site as a beauty salon should not be considered to contravene materially the zoning objective of the County Development Plan.

Yours faithfully,



D. McCarthy & Co.







TABLE NO. 3.3  
ZONING OBJECTIVE 'A'

"TO PROTECT AND/OR IMPROVE RESIDENTIAL AMENITY"

USE CLASSES RELATED TO ZONING OBJECTIVE

PERMITTED  
IN PRINCIPLE

Halting Sites, Open Space, Public Services,  
Residential, Retirement Home,

OPEN FOR  
CONSIDERATION

Bed & Breakfast, Betting Office, Carpark,  
Caravan Park-Residential, Cemetery, Church,  
Community Facility, Creche/Nursery School,  
Cultural Use, Doctor/Dentist etc. Education,  
Enterprise Centre, Funeral Home, Garden  
Centre, Guest House, Health Centre, Home Based  
Economic Activities, Household Fuel Depot,  
Industry-Light, Offices less than 100m<sup>2</sup>, Petrol  
Station, Public House, Recreational Buildings  
(Commercial), Recreational Facility/ Sports Club,  
Service Garage, Refuse Transfer Station,  
Residential Institution, Restaurant, Shop-Local,  
Shop-Neighbourhood, Veterinary Surgery.

NOT PERMITTED

Abattoir, Advertisements and Advertising  
Structures, Agricultural Buildings, Aerodrome/  
Airfield, Boarding Kennels, Caravan  
Park-Holiday, Cash & Carry/Wholesale Outlet,  
Concrete/Asphalt etc. Plant in Quarry, Dance  
hall/Discotheque, Heavy Vehicle Park Hospital,  
Hotel/Motel, Industry-Extractive,  
Industry-General, Industry-special, Motor Sales  
Outlet, Offices 100m<sup>2</sup> - 1,000m<sup>2</sup>, Offices over  
1,000m<sup>2</sup>, Refuse Landfill/Tip, Retail Warehouse,  
Rural Industry-Cottage, Rural Industry-Food,  
Scrap Yard, Shops-Major Sales Outlet, Transport  
Depot, Warehousing.

**DUBLIN  
COUNTY  
DRAFT  
DEVELOPMENT  
PLAN REVIEW  
1980**



comhairle chontae atha cliath

TABLE 3.1

ZONING OBJECTIVE 'A'

"TO PROTECT AND/OR IMPROVE RESIDENTIAL AMENITY"

USE CLASSES RELATED TO ZONING OBJECTIVE

---

PERMITTED

Residential, Private Garage, Open Space, Public Services, Education, Church, Cemeteries.

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OPEN FOR  
CONSIDERATION

Residential Institution, Doctor/Dentist, Health Centre, Community Hall, Sports Club, Recreational Buildings, Cultural Uses, Guest House, Restaurant, Shops-Neighbourhood, Hospital, Embassy, Car Park, Garden Centre, Industry-Light, Caravan Park-Residential.

---

NOT PERMITTED

Dance Hall/Discotheque, Private Club, Hotel, Public House, Shops-Other, Offices-Neighbourhood, Offices-District, Offices-Other, Service Garage, Petrol Station, Motor Sales Outlet, Heavy Vehicle Park, Advertising/Advertising Structures, Wholesale Outlet, Cash and Carry Outlet, Industry-General, Industry-Special, Warehousing, Scrap Yard, Extractive Industry, Concrete/Asphalt etc. plant in/adjacent to quarry or mine, Abattoir, Rural Industry-Food, Rural Industry-Cottage, Caravan Park-Holiday, Airfield/Aerodrome, Boarding Kennels, Private Tip, Commercial Recreational Undertakings.

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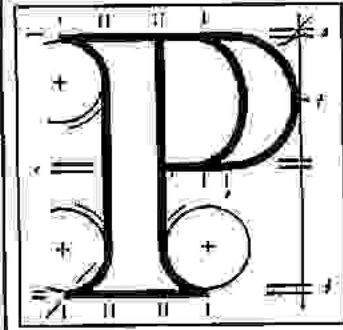
Our Ref: PL 6/5/86855  
P.A. Reg. Ref: 91A/1065

OK

The Secretary,  
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: 14th February 1992.

Appeal re: Retain structure as beauty salon at 77  
Fairways, Rathfarnham, County Dublin.

Dear Sir/Madam,

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

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

Yours faithfully,

*Suzanne Lacey*  
Suzanne Lacey

Encl.

BP 554



Our Ref: PL 6/5/86855  
P.A. Reg. Ref: 91A/1065  
Your Client: T. O'Neill

D. McCarthy & Co.,  
Lynwood House,  
Ballinteer Road,  
Dublin 16.

Date: 12th February 1992.

Appeal re: Retain structure as beauty salon at 77  
Fairways, Rathfarnham, County Dublin.

Dear Sirs,

I have been directed by An Bord Pleanála to refer further to the above-mentioned planning appeal. In considering the appeal, the following new issue has arisen which relates to the proper planning and development of the area:-

Under the provisions of the 1983 Dublin County Development Plan, the site is located in an area zoned 'A' - "to protect and/or improve residential amenity". It is considered that the continued use of part of the site as a beauty salon might contravene materially this objective.

While it is not necessary for you to comment on the foregoing, any observations you may wish the Board to take into consideration in determining the appeal should be forwarded within fourteen days of the date of this letter.

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

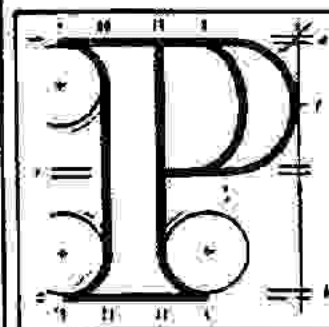
Yours faithfully,

  
Kevin Carleton  
Executive Officer

BP 558

Registered Post

An Bord Pleanála



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

COMHAIRLE CHONTAE ATHA CLIATH

Tel: 724755  
Ext. 268/269

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

Your Ref.: PL6/5/86855  
91A-1065

03.10.91

Our Ref.: \_\_\_\_\_

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: Retain structure at side of  
77 Fairways, Rathfarnham, for  
use as a Beauty Salon  
J O'Neill.

Applicant: \_\_\_\_\_

Dear Sir,

With reference to your letter dated 24.09.91 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 26.06.91
- (4) The plan(s) received from the applicant on 26.06.91
- (6) & (7) A certified copy of Manager's Order P/3919/91  
22.08.91  
DATED, \_\_\_\_\_ together with technical reports in connection with the application.

(8)

Yours faithfully,

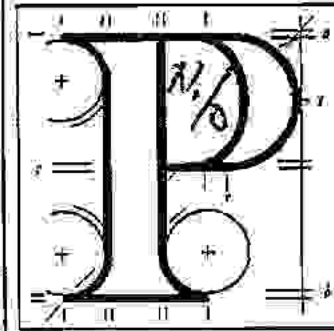
M. Murtagh

for Principal Officer.  
Encls.

Our Ref: PL 6/5/86855  
 Your Ref: 91A/1065

PA

An Bord Pleanála



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

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

27/9  
 5:57 91

Date: 24th September 1991.

**Planning authority decision re:** Retain structure as beauty salon at 77 Fairways, 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.

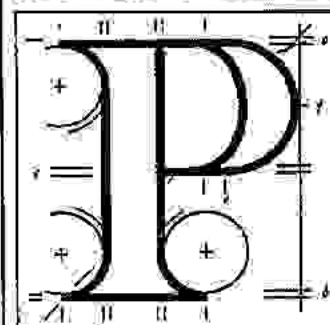
Yours faithfully,

*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

# D. McCarthy & Company

Consulting Engineers

Telephone: 984147, 988244

Fax: 951773

Lynwood House,  
Ballinteer Road,  
Dublin 16.

Our Ref: J393/FF

26th August 1991.

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

Re: Retain structure at side of 77 Fairways, Rathfarnham for use  
a beauty salon - T. O'Neill  
Reg. Ref: 91-1065

Dear Sir,

I enclose herewith copy of Planning Authority's Decision to  
Refuse Permission for the above proposal. Also enclosed is appeal  
fee of £100.

The reason given for refusal of Permission is based on a traffic  
objection from the Roads Department. The premises 77 Fairways is  
situated at the end of a cul-de-sac in a residential area. Surely  
it is reasonable that the Planning Authority should address its  
consideration of the proposal to the road (which is an estate  
road) fronting the appeal site. It is unfair that the applicant  
in this particular instance should be penalised because of car  
parking habits which prevail along the adjoining Dodder Park  
Road. The use of Dodder Park Road for kerbside parking stems from  
the popularity of Dodder Park as a local amenity and would not,  
as alleged, be affected or increased by the generation of traffic  
stopping movements and kerbside parking.

Judging from the Planning Authority's reason for refusal the use  
which it is proposed to retain is not an issue. In other words,  
the Planning Authority do not object to the principle of the  
use. I wish to draw attention to the letter which  
accompanied the application, where it was emphasised that the use  
as a Beauty Salon is very much low key and purely on a part-time  
basis.

LA
Received 20/9/91
Fee: £100.00
32494

continued:-

D.A. Terry B.E., M.I.E.I., F. Finnegan, B. O'Flanagan.

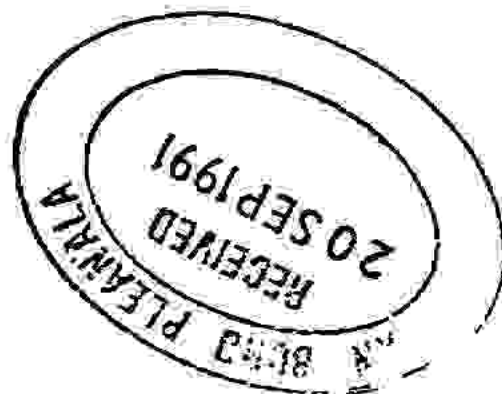
As the use of the structure as a Beauty Salon is on such a low key basis it is a neighbourhood facility and due to its size and scale would not have the capacity to generate the type of traffic stopping movements and kerbside parking which is suggested in the reason for refusal.

Pending comments on the reports attached to the Planning Authority's file, I request that consideration of this appeal be deferred.

Yours faithfully,



D. McCarthy & Co.



# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

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

## NOTIFICATION OF A DECISION TO REFUSE:

~~CONFIDENTIAL~~ PERMISSION: ~~CONFIDENTIAL~~

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

To: D. McCarthy & Co., ..... Register Reference No. 91A-1065  
Lynwood House, ..... Planning Control No. ....  
Ballinteer Road, ..... Application Received 26.06.1991  
Dublin 16. ..... Additional Information Received .....  
Applicant T. O'Neill. .....

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order, P/ 3919/91 dated 22.08.1991 decided to refuse:

~~CONFIDENTIAL~~ PERMISSION ~~CONFIDENTIAL~~

For to retain structure at side of 77, Fairways, Rathfarnham for use as  
a beauty salon.  
for the following reasons:

1. The proposed development located beside Dodder Park Road, would generate traffic stopping movements and kerbside parking on this heavily trafficked road. The proposed development would endanger public safety by reason of traffic hazard.

Signed on behalf of the Dublin County Council .....

*Rose Hanrahan*  
for PRINCIPAL OFFICER

Date .....

22.08.1991

### IMPORTANT:

NOTE: (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. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of appeal and should be addressed to An Bord Pleanala, Irish Life Centre, Lower Abbey Street, Dublin 1. An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36. (Thirty-six pounds). (2) A party to an appeal making a request to An Bord Pleanala for an oral hearing of an appeal must, in addition to (1) above, pay to An Bord Pleanala a fee of £36. (Thirty-six pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten pounds) to An Bord Pleanala in relation to an appeal. When an appeal has been duly made and has not been withdrawn, An Bord Pleanala will determine the application for permission as if it had been made to them in the first instance.

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



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/1065

Date : 27th June 1991

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

Dear Sir/Madam,

DEVELOPMENT : Retain structure at side for use as a Beauty Salon

LOCATION : 77 Fairways, Rathfarnham

APPLICANT : T. O'Neill

APP. TYPE : PERMISSION

With reference to above, I acknowledge receipt of your application received on 26th June 1991.

Yours faithfully,

.....

FOR PRINCIPAL OFFICER

Mr D. McCarthy & Co.,  
Lynwood House,  
Ballinteer Road,  
Dublin 16.



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 77 FAIRWAYS RATHFARNHAM  
(If none, give description sufficient to identify) DUBLIN 14.

3. Name of applicant (Principal not Agent) MRS. T O'NEILL  
Address 77 FAIRWAYS DUBLIN 14. Tel. No. \_\_\_\_\_

4. Name and address of D. MC CARTHY + CO. LYNWOOD HOUSE  
person or firm responsible for preparation of drawings DUBLIN 16 Tel. No. 988244

5. Name and address to which notifications should be sent AS & ABOVE.

6. Brief description of proposed development RETAIN USE

7. Method of drainage MAINS 8. Source of Water Supply MAINS

9. 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 \_\_\_\_\_

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

*Irish Press 26/6/91*  
11. (a) Area of Site 700 Sq. m.  
(b) Floor area of proposed development 18.8 Sq. m.  
(c) Floor area of buildings proposed to be retained within site 33.25 Sq. m.  
N41376

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

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

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

15. List of documents enclosed with 1. DETAIL PLAN 2. BLOCK PLAN 3. SITE LOCATION MAP & NEWS ADVERT.  
app CO DUBLIN Temporary permission is being sought to retain structure at side of 77 Fairways, Rathfarnham, for use as a Beauty Salon. Signed T. O'Neill

16. Gross floor space of proposed development (See back) \_\_\_\_\_ Sq. m.  
No of dwellings proposed (if any) \_\_\_\_\_ Class(es) of Development \_\_\_\_\_  
Fee Payable € 33.25 Basis of Calculation 19 M<sup>2</sup> @ 1.75 P.S.M.  
If a reduced fee is tendered details of previous relevant payment should be given

Signature of Applicant (or his Agent) [Signature] Date 26/6/91

Application Type P FOR OFFICE USE ONLY: 2.12.0  
Register Reference 91A/1085

Amount Received € \_\_\_\_\_  
Receipt No 22-6

Date \_\_\_\_\_



26/6

**HAIRLE CHONTAE ÁTHA CLIAH**

DUBLIN COUNTY COUNCIL

46/49 UPPER O'CONNELL STREET,

DUBLIN 1.

RECEIPT CODE

no receipt is not an issue of

is the prescribed application

- CASH
- CHEQUE
- M.O.
- B.L.
- I.T.

N 41376

£33.25

Received this 26th day of June 1991

from Frank Nancy Finnan

the sum of thirty three Pounds

twenty five Pence, being fee for planning

application of 77 farms

Michael O'Keefe Cashier

S. CAREY  
Principal Officer  
Class

# COMHAIRLE CHONTAE ÁTHA CLATH

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

- CASH
- CHEQUE
- M.O.
- B.L.
- I.T.

Issue of this receipt is not an  
acknowledgment that the fee  
indicated is the prescribed application  
fee. N 41376

E33-25

Received this 26th day of June 1991

from Franks Nancy Finnegan

the sum of £ thirty three — Pounds  
twenty five Pence, being fee for planning

application at 77 Fairways

Michael O'H...

Cashier

S. CAREY  
Principal Officer  
Class



# D. McCarthy & Company

Consulting Engineers  
Telephone: 984147, 988244  
Fax: 951773

Lynwood House,  
Ballinteer Road,  
Dublin 16.

25th June 1991.

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

26 JUN 1991

REG No. 91A/1068  
APPLICATION TYPE O/P/A/B/L  
No. L D 5

Re: Application for temporary Permission to retain structure at side of 77 Fairways, Rathfarnham for use as a Beauty Salon.

Dear Sir,

I enclose herewith in quadruplicate, together with completed application form and newspaper advertisement, details of the above proposal.

On behalf of the applicant, Mrs. Teresa O'Neill, Planning Permission is being sought for a temporary period of time. Such temporary period, if permitted, to be determined by the Planning Authority. The use which it is proposed to retain, though not specifically mentioned in Table 3.1. of the County Development Plan, is most closely related to that of Doctor/Dentist which is categorised as "open for consideration". The structure is used as a Beauty Salon on a part time basis for three or four mornings per week. If permitted, the applicant is agreeable to accepting a condition to control the hours of use.

This application is being submitted following service of a Warning Notice dated 14th June 1991, which has been issued in connection with the unauthorised use.

Yours faithfully,

  
D. McCarthy & Co.

D.A. Terry B.E., M.I.E.L., F. Finnegan, B. O'Flanagan.

530

1.807

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020

COUNCIL ACTION RECEIVED

26 JUN 1991

91A/1065

REG N APPLICATION

BBBL

Rathfarnham Bridge

Dunfirch

Butterfield House

AVENUE

175

B.M. 175.1

Old Orchard

BUTTERFIELD

BUTTERFIELD

Mongnaool

St Mary's

GLENBROOK

PARK

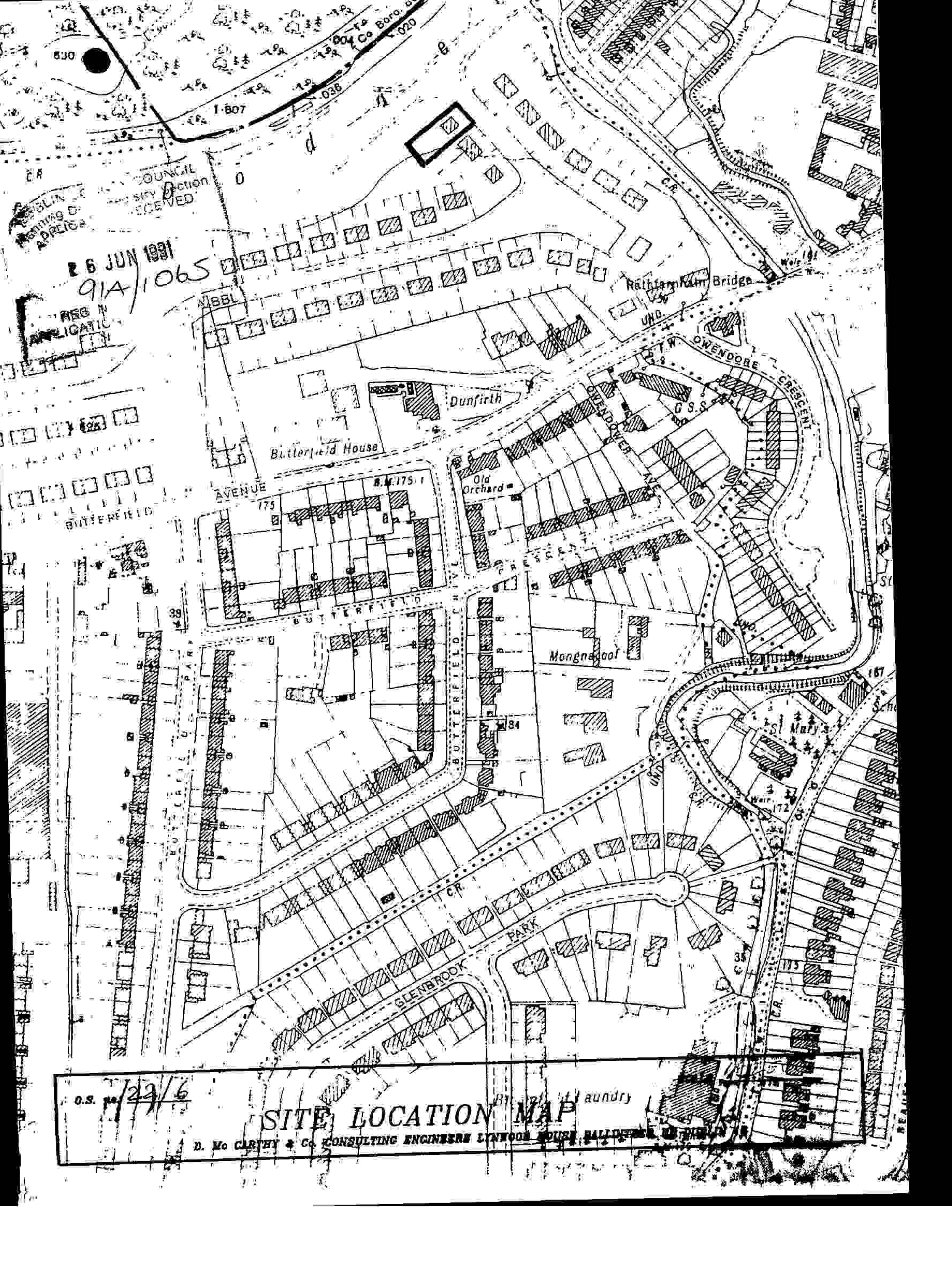
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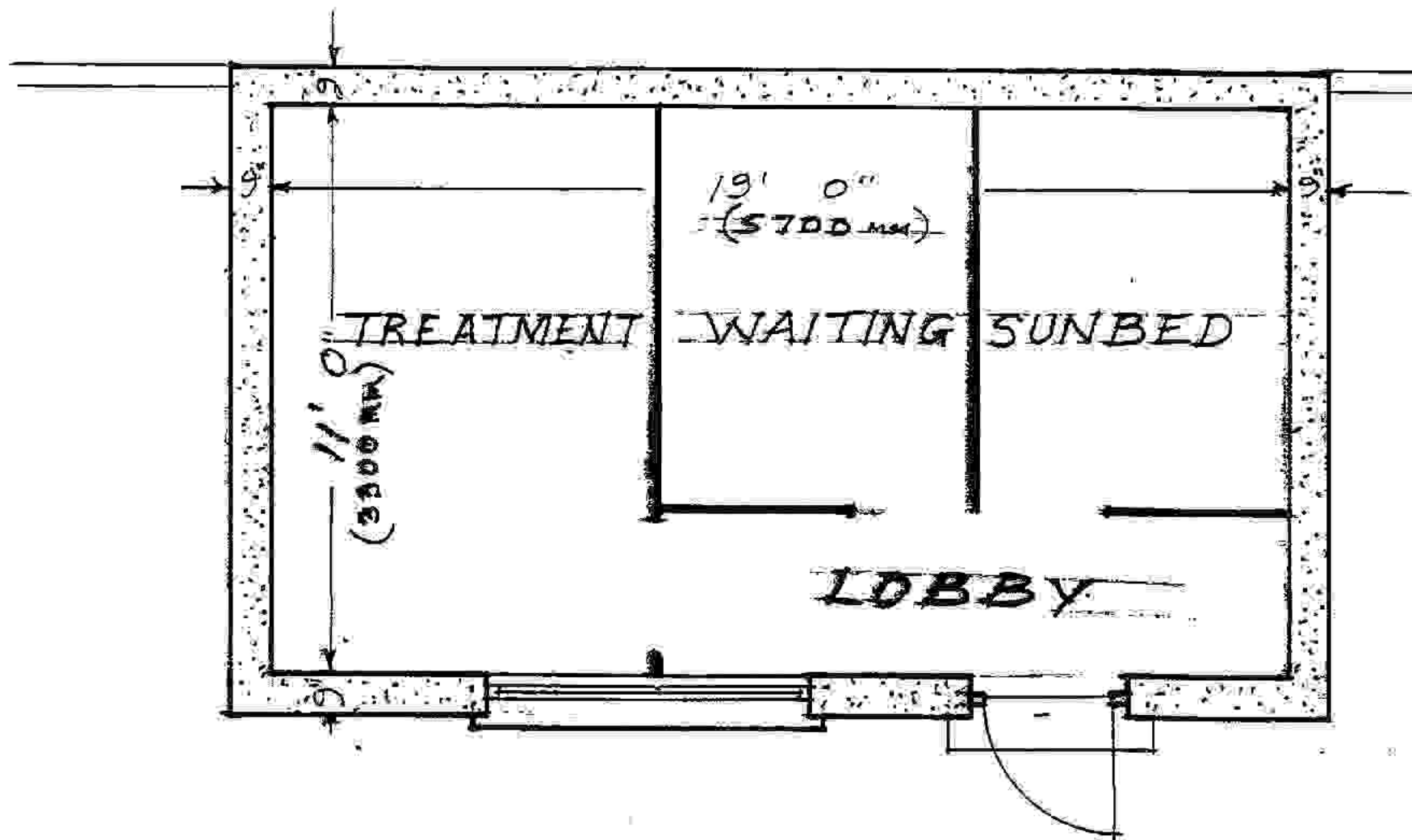
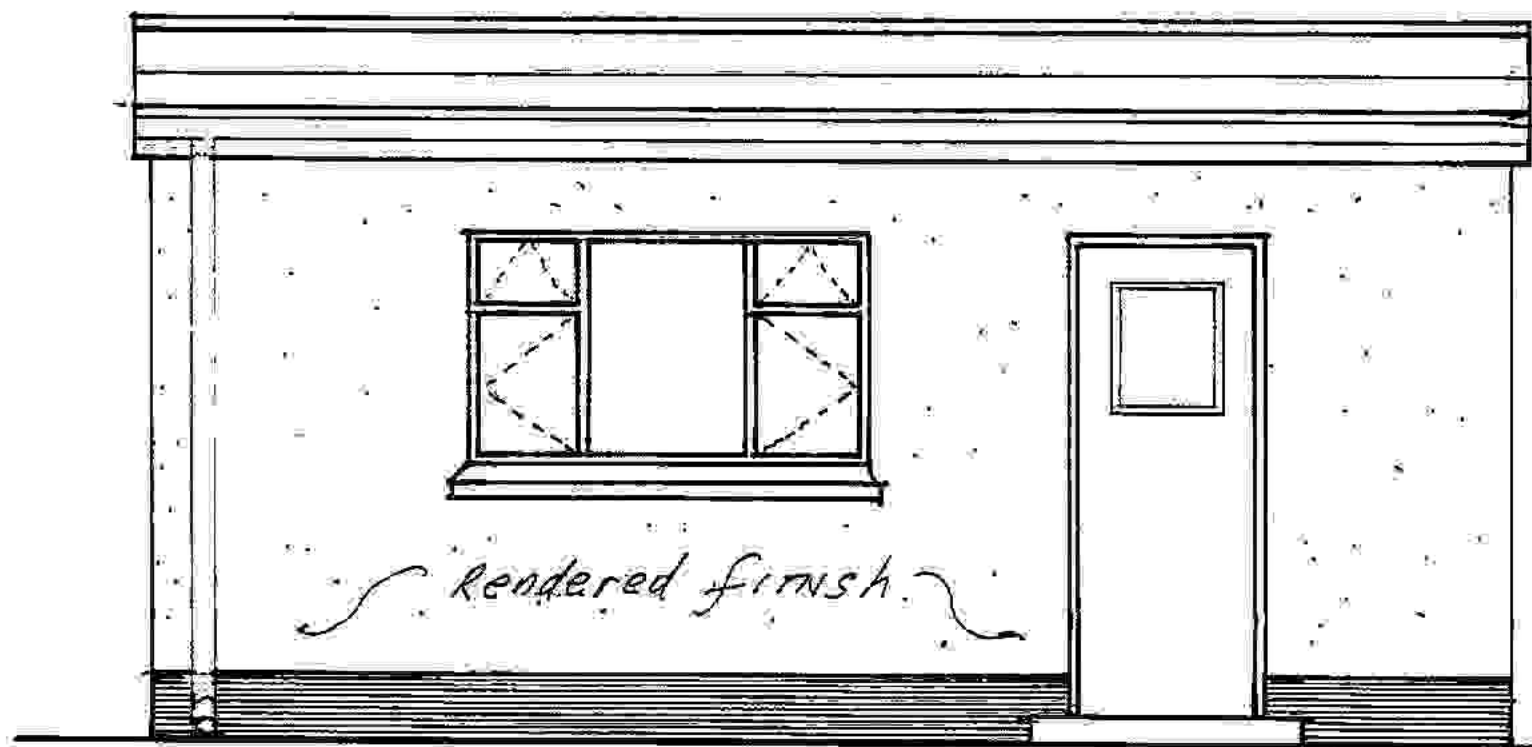
22/6

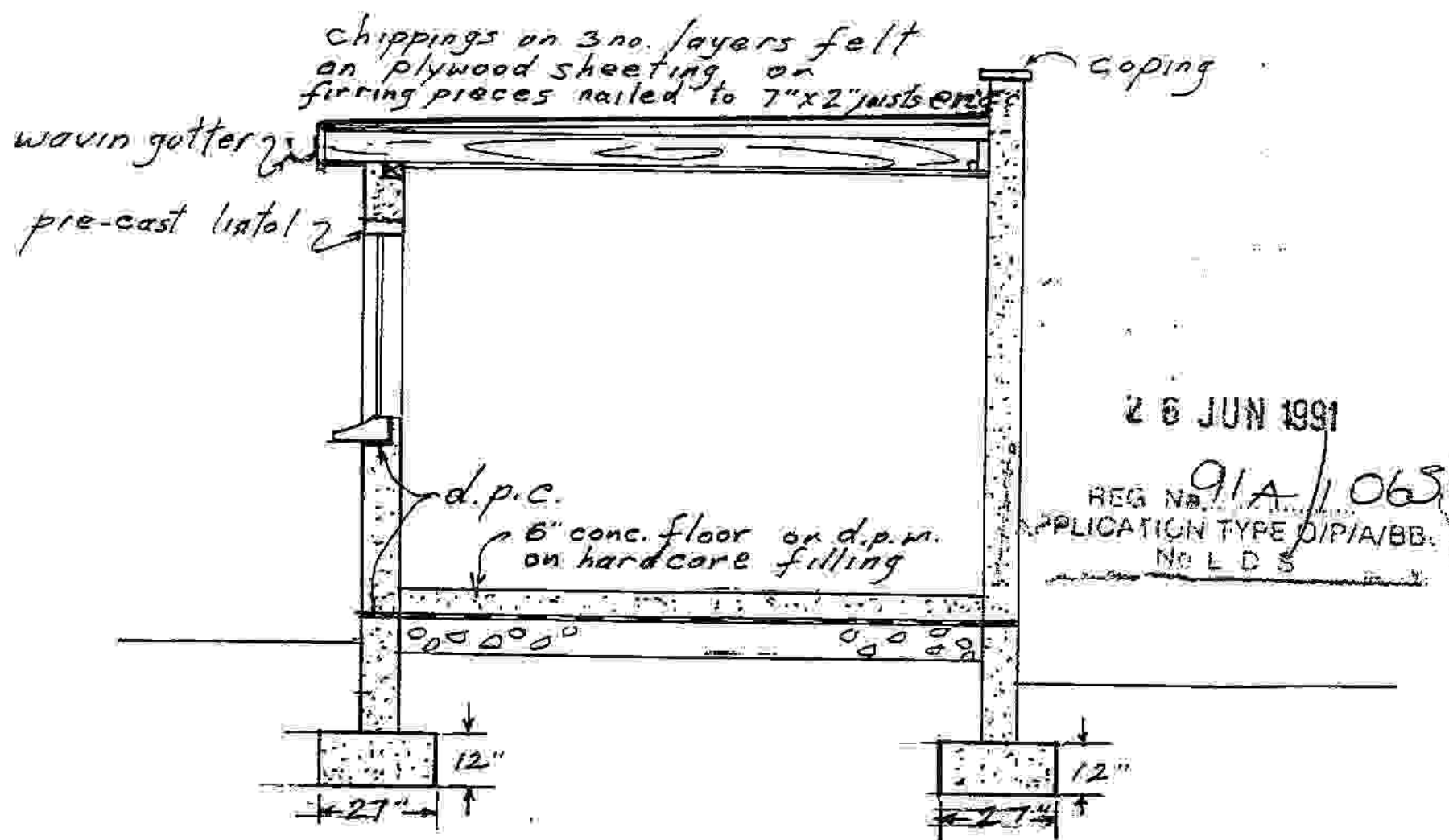
# SITE LOCATION MAP

D. Mc CARTHY & Co. CONSULTING ENGINEERS LYNWOOD HOUSE BALLINACRE BOULEVARD

laundry







DETAILS OF BEAUTY SALON AT SIDE

OF 77 FAIRWAYS RATHFARNHAM

DUBLIN 14 FOR T. O'NEILL

SCALE 4 FT TO 1"

DRG. NO. E 295/1

D. McCARTHY & Co. Consulting Engineers Lynwood HSE Dublin 16

