

Ross Somers  
26a, Maywood Lawn  
Raheny  
Dublin 5

**NOTIFICATION OF DECISION TO GRANT PERMISSION & REFUSE PERMISSION  
PLANNING AND DEVELOPMENT ACT 2000 (as amended) and PLANNING  
REGULATIONS THEREUNDER.**

<b>Decision Order No:</b> 1492	<b>Date of Decision:</b> 18-Nov-2021
<b>Register Reference:</b> SD21B/0435	<b>Date:</b>

**Applicant:** Ruth Byrne & Des Condon  
**Development:** Construction of two storey rear extension and attic conversion with rear and side dormers along with associated alterations to the profile of the existing roof.  
**Location:** 38, Templeroan Park, Dublin 16  
**Time extension(s) up to and including:**  
**Additional Information Requested/Received:** 29-Sep-2021/21-Oct-2021  
**Clarification of Additional Information Requested/Received:**

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County of South Dublin, did by Order dated as above make a **DECISION TO GRANT PERMISSION & REFUSE PERMISSION** in respect of the above proposal, as detailed on the following pages.

A decision to **Grant Permission** for the ground and first floor extension to the rear of the existing dwelling, subject to the Conditions and Reasons set out in the First Schedule hereto

**SCHEDULE 1**

**Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application and further information submitted on 21/10/2021, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Revised Drawings.  
Prior to the commencement of development the applicant shall submit revised drawings showing the omission of the attic conversion, side and rear dormers. The revised drawings shall be agreed in writing with the Planning Authority, prior to the commencement of development.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
3. External Finishes.  
All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 38 Templeroan Park, Dublin 16.  
REASON: In the interest of visual amenity.
4. SuDS.  
The applicant shall include Water Butts as part of the Sustainable Drainage Systems (SuDS) measures for the proposed development.  
REASON: To ensure compliance with the Sustainable Drainage Systems (SuDS)
5. Separation of Foul and Surface Water Drainage.  
Complete separation of Foul and Surface Water Drainage shall be maintained throughout the entire site.  
REASON: In the interests of health and safety.
6. Drainage.  
All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.  
REASON: To ensure compliance with the Greater Dublin Regional Code of Practice for Drainage Works.
7. Minimise Air Blown Dust.  
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.  
REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.
8. Construction Noise and Hours.  
To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays,

Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

1. NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.
2. NOTE: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

The Applicant is advised to ensure that all works comply with the requirements of the Building Regulations Technical Guidance Document Part H - Drainage and Water Disposal.

A decision to **Refuse Permission** for the attic conversion, 2 side dormers and rear dormer for the Reason(s) specified in Schedule 2.

## **SCHEDULE 2**

### **Reasons**

1. The proposed attic conversion, side and rear dormer windows will significantly alter the existing roof profile of the dwelling and by reason of the awkward relationship between the proposed dormers and the

existing roof, the excessive mass, width and poor overall architectural design would fail to integrate and respond to the subject site and the surrounding context and would result in a visually incongruous feature that would detract from the visual amenity and character of the area, and would, if granted, seriously injure the residential and visual amenities of property in the vicinity of the subject site. The proposed attic conversion, (side and rear dormers) would be contrary to the policies and objectives of the South Dublin County Council Development Plan 2016-2022 and the South Dublin County Council House Extension Design Guide (2010) and would therefore be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council

**Register Reference:           SD21B/0435**

*Brian Connolly* 19-Nov-2021  
*for Senior Planner*

## NOTES

### **(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION**

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

### **(B) APPEALS**

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.**
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION 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 any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal..... €110.00
  - (f) Appeal following a grant of leave to appeal..... €110.00
  - (g) Referral ..... €220.00
  - (h) Reduced fee (payable by specified bodies) ..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100