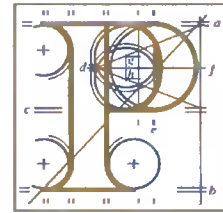


**Our Case Number:** ABP-312159-21

**Planning Authority Reference Number:** SD21B/0163



**An  
Bord  
Pleanála**

JOT



South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

**Date:** 10 December 2021

**Re:** Alterations and extensions to house together with associated site development works.  
38, Whitehall Road, Dublin 12

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter**, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a **certified** copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the **published notice** and a copy of the text of the **site notice** erected on the land or structure,

Teil (01) 858 8100  
Glao Áitiúil LoCall 1890 275 175  
Facs (01) 872 2684  
Láithreán Gréasáin Website www.pleanala.ie  
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street  
Baile Átha Cliath 1 Dublin 1  
D01 V902 D01 V902

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

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

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312159-21) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print:(\_\_\_\_\_)

Date: \_\_\_\_\_

Yours faithfully,

*PP Sinéad White*  
Patrick Buckley  
Administrative Assistant  
Direct Line: 018737167

BP07 - Xmas

Teil  
Glaó Áitiúil  
Facs  
Láithreán Gréasáin  
Riomhphost

Tel (01) 858 8100  
LoCall 1890 275 175  
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64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

36 Whitehall Road,  
Kimmage,  
Dublin D12 Y7Y2  
8<sup>th</sup> December 2021

The Secretary,  
An Bórd Pleanála,  
64 Marlborough Street,  
Dublin D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	<u>046542-21</u>
ABP-	_____
<b>09 DEC 2021</b>	
Fee: €	<u>220</u> Type: <u>CHEQUE</u>
Time: <u>11:25</u>	By: <u>HMS</u>

Dear Sir or Madam,

South Dublin County Council Planning Reference  
SD21B/0163

I'm writing to appeal the decision of South Dublin County Council to grant permission under their planning reference SD21B/0163. The grounds for my appeal are as follows;

[1] Flooding

The area in question, Whitehall Road, is prone to flooding, and water accumulates in my rear garden to a depth of 500mm in places during periods of prolonged and sustained rainfall. Photographic evidence of this was provided to South Dublin County Council (SDCC) with my submission. Nevertheless, as my previous experience with SDCC shows (SD15B/0140), when considering flooding, it would appear that account is taken only of measures to be installed in the subject (development) property, and no conditions included in the planning permission to minimize the

potential of exacerbated flooding in my property due to a development in a neighbouring property. I'm simply requesting that An Bórd Pleanála insert a provision that the developer of 38 Whitehall Road not raise their ground level, at the front or rear of their property, as this may help alleviate the damage from any possible future flooding.

## [2] Privacy

I request that during construction the privacy of my dwelling house, back yard, and rear garden, be protected, and that the potential of dust and dirt coming into my property be minimized, perhaps through installing a barrier along the side of the development property bordering mine.

As the privacy of my property in the period after construction is vitally important, I would request that conditions be imposed on the development of 38 Whitehall Road such that my privacy, whether pertaining to my dwelling house, back yard, or rear garden, not be reduced. The developer could for example be requested to install a 2,000mm high fence along their rear garden wall to provide privacy to both properties.

## [3] Sunlight

My dwelling house, back yard, and rear garden, all have a southerly aspect, and I'm most anxious that my access to sunlight and daylight not be reduced, as it's an amenity I greatly value. Therefore I request that the proposed height of both the single-storey rear extension, and the ridge of the roof on the side extension, both be reduced and/or re-designed such

that my access both to sunlight (including to the end of my rear garden) and daylight be maintained and not reduced.

[4] Timeframe

I would request that a strict time limit on construction be inserted as a condition on any planning permission granted such that the development works are completed in a timely and orderly manner, and not continue on for many months which has been my experience with previous developments resulting from grants of planning permission by SDCC. My experience has been, and I'm of the opinion that, the enforcement section of SDCC is simply not in a position to enforce their own planning conditions, and that it is necessary for An Bórd Pleanála to insert such conditions as are required.

[5] SDCC

Please note, that as of the time of writing this letter (December 8<sup>th</sup> 2021), I've received no communication from SDCC as to their decision to grant permission on this planning application on 15<sup>th</sup> November last, although I made a submission to them on 23rd April last. The decision to grant planning permission was apparently made on 15<sup>th</sup> November last, and I found out about it by chance when visiting their website. This has compromised me greatly as I've had no opportunity now to have my architect attempt to engage the developer's architect to try and reach a satisfactory agreement on the above matters, such that I must now rely on An Bórd Pleanála to protect my amenity. My attempts to seek information from the Planning Dept. in SDCC in a number of telephone calls on 6<sup>th</sup> and 7<sup>th</sup> December last proved fruitless. In my opinion this lack of



communication on the part of SDCC is unacceptable and puts into question their planning process. In this context I would also like to point out that in my submission to SDCC on 23<sup>rd</sup> April last it was pointed out that there was a delay of approximately 2 weeks between the application date for planning permission and the plans and elevations becoming available on their website. The net result of all this is that the opportunity of those who wish to make a submission and/or engage with the developer is compromised.

[6] Conclusion

I request that An Bórd Pleanála overturn the planning permission granted by SDCC, or at the very least insert the conditions I've sought above in order that my amenity be protected. My architect is willing to engage with the developer to attempt to resolve issues of concern.

A cheque for the €220.00 fee is attached.

Yours faithfully,

  
Séamus O hEalaithe.

Land Use, Planning & Transportation Department  
Telephone: 01 414 9000 Fax: 01 414 9104

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Email: [planningsubmissions@sdblincoco.ie](mailto:planningsubmissions@sdblincoco.ie)

Mr. Séamus Ó hÉalaithe  
36 Whitehall Road,  
Kimmage,  
Dublin 12.

Date: 23-Apr-2021

Dear Mr. Ó hÉalaithe,

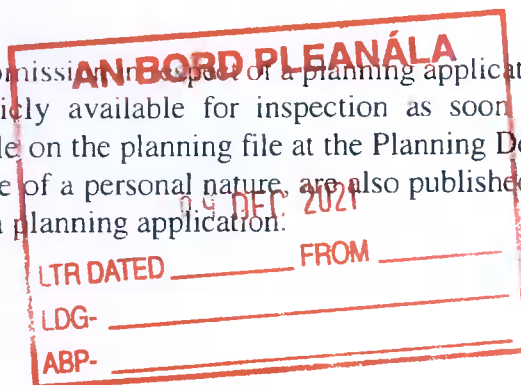
**Register Ref:** SD21B/0163  
**Development:** Erection of alterations and extensions to an existing dwelling house consisting of a single storey extension to the rear and a two storey extension (over existing garage to side) together with associated and auxiliary accommodation and site works.  
**Location:** 38 Whitehall Road, Dublin 12  
**Applicant:** Jeff & Cathy Murphy  
**Application Type:** Permission  
**Date Rec'd:** 24-Mar-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, [www.sdblincoco.ie](http://www.sdblincoco.ie).

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, [www.sdblincoco.ie](http://www.sdblincoco.ie), and when viewing an application on which a decision has not been made, you can input your email address into the box named "*Notify me of changes*" and click on "*Subscribe*". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

**Please note:** If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full content of a planning application.



Yours faithfully,

Mary Crowley  
for Senior Planner