



Design Services

**The Secretary**

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01V902  
11/1/2022

AN BORD PLEANÁLA  
LDG- 04724222  
ABP- \_\_\_\_\_  
13 JAN 2022  
Fee: € 220 Type: PMO  
Time: \_\_\_\_\_ By: Post

**PLANNING APPEAL ADDRESS: 35, Johnsbridge Walk, Lucan, Co. Dublin**

**Planning Application Reference: SD21B/0465**

**Owner: Orla Maguire, 35, Johnsbridge Walk, Lucan, Co. Dublin**

**Agent: Carol Forbes, 4bes Design Services, 38 Larkfield Avenue, Lucan, Co. Dublin.**

**To whom it may concern:**

We would like to appeal the conditions relating to the planning permission - ***Planning Application Reference: SD21B/0465***

**Planning Conditions and reasons:**

2. Prior to the commencement of development, revised southern elevational drawings and ground and first floor plans and revised southern boundary treatments shall be submitted for the written agreement of the Planning Authority clearly providing a dual frontage onto Griffeen Avenue. The drawings shall be amended as follows:

(a) Four additional windows of equal size and proportions (the proportions of which shall match the proportions and size of the south-western first floor bedroom window in the existing front elevation) shall be provided in the southern elevation of the extension in accordance with Items b) and c).

(b) Two windows shall be provided at ground floor level, and shall be provided as follows:

(i) An additional window ope shall be created for the family room

(ii) An additional window ope shall be created for the office room

(c) Two windows shall be provided at first floor level, and shall be provided as follows:

- (i) An additional window opening shall be created for the bedroom
- (ii) An additional window opening shall be created for the wardrobe-room

(d) The southern boundary wall shall be lowered to a maximum height of 1.2m for the length of the boundary from the rear building line to the front (western) boundary and topped with a 0.6m high railing unless otherwise agreed.

REASON: In the interests of providing a dual frontage design, to comply with County Development Plan policy and in the interests of proper planning and sustainable development.

**Comments:**

2 (a): *The current front bedroom window is 1200mmx1000mm (h).*

*It is our opinion that four gable windows of this size will be out of keeping with all other gable windows in the estate and other estates adjacent to Griffeen Avenue. The existing gable window at first floor is 900mmx1000mm (h) and at ground floor is 600mmx1000mm.*

2 (b)(i): *The addition of a window in the gable of the family room limits the use of this room and the positioning of furniture etc. we also feel that this is both a privacy issue and a security issue.*

2 (b)(ii): *The addition of a window in the gable of the office room limits the use of this room and the positioning of furniture etc. we also feel that this is both a privacy issue and a security issue.*

2 (c)(i): *The addition of a window in the gable of the bedroom limits the use of this room and the positioning of furniture etc. We also feel that this is a privacy issue having a bedroom window in a gable wall.*

2 (c)(ii): *We currently have a window in the proposed wardrobe room to the rear. Two windows in this space will limit its use and reduce the amount of storage that can be provided.*

2 (d): *It was never our intention to interfere with the existing boundary wall, railing and screen planting. We currently have a full height boundary wall that runs halfway along our side entrance at which point this changes to a lower wall and railing which is bordered by screen planting. We feel that removing the full height wall section as far as the rear of our property will lead to serious privacy and security issues. This is a constantly used public road and footpath and there is also a bus stop very close by.*

*We have looked at similar planning applications in the area that are adjacent to a public road /footpath, and these are listed below with comments:*

**SD03B/0072** - this has no upper floor windows but has a ground floor window.

**SD19B/0364** - this has an upper floor window but has no ground floor window or door.

**SD03B/0388** - this has no upper floor windows but has a ground floor side door.

In conclusion, we are extremely happy that our planning application was granted but we feel that the conditions called for are quite onerous and not fully in keeping with the rest of the area.

Please find attached a full set of the drawings submitted and the additional information drawings submitted prior to the decision by South Dublin County Council.

Please do not hesitate to contact me if you require any further information.

Regards

A handwritten signature in black ink, appearing to read "Carol Forbes", written in a cursive style. The signature is enclosed within a hand-drawn oval shape.

**Carol Forbes**

**4bes Design Services**

An Rannóg Talamhúsáide, Pleanála agus Iompair  
Land Use, Planning & Transportation Department  
Telephone: 01 4149000 Fax: 01 4149104 Email: [planning.dept@sdublincoco.ie](mailto:planning.dept@sdublincoco.ie)

Carol Forbes,  
4bes Design Services  
38, Larkfield Avenue  
Lucan  
Co. Dublin

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

<b>Decision Order Number:</b> 1573	<b>Date of Decision:</b> 08-Dec-2021
<b>Register Reference:</b> SD21B/0465	<b>Date:</b> 11-Nov-2021

**Applicant:** Orla Maguire

**Development:** Construction of a new two storey extension to the side of existing dwelling comprising of family room and office at ground floor level and bedroom c/w en-suite at first floor level.

**Location:** 35, Johnsbridge Walk, Lucan, Co. Dublin

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 27-Oct-2021 /11-Nov-2021

**Clarification of Additional Information Requested/Received:**

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions

being as set out in the said Second Schedule and the said decision is subject to the said conditions.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **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 as amended by Further Information received on 11th November 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. Prior to the commencement of development, revised southern elevational drawings and ground and first floor plans and revised southern boundary treatments shall be submitted for the written agreement of the Planning Authority clearly providing a dual frontage onto Griffeen Avenue. The drawings shall be amended as follows:
  - (a) Four additional windows of equal size and proportions (the proportions of which shall match the proportions and size of the south-western first floor bedroom window in the existing front elevation) shall be provided in the southern elevation of the extension in accordance with Items b) and c).
  - (b) Two windows shall be provided at ground floor level, and shall be provided as follows:
    - (i) An additional window ope shall be created for the family room
    - (ii) An additional window ope shall be created for the office room
  - (c) Two windows shall be provided at first floor level, and shall be provided as follows:
    - (i) An additional window ope shall be created for the bedroom
    - (ii) An additional window ope shall be created for the wardrobe-room
  - (d) The southern boundary wall shall be lowered to a maximum height of 1.2m for the length of the boundary from the rear building line to the front (western) boundary and topped with a 0.6m high railing unless otherwise agreed.  
REASON: In the interests of providing a dual frontage design, to comply with County Development Plan policy and in the interests of proper planning and sustainable development.
3. Use as Single Dwelling.  
The existing house and new two storey extension shall be used as a single dwelling only and shall not be subdivided.  
REASON: In the interests of proper planning and sustainable development.

4. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 35 Johnsbridge Walk, Lucan, Co. Dublin.

REASON: In the interest of visual amenity.

5. 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).

6. Foul and Surface Water Drainage.

The applicant shall ensure that there is complete separation of Foul and Surface Water Drainage for the proposed development.

REASON: In the interests of health and safety.

7. 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.

8. Environmental Noise Pollution.

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.

9. Dust Prevention.

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.

10. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4,221.88 (four thousand two hundred and twenty one euros and eighty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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.

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.

NOTE: The Applicant or Developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on

adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

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, as amended.

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

Signed on behalf of the South Dublin County Council.

*Brian Connolly*  
for Senior Planner

08-Dec-2021



## 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, 2001 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