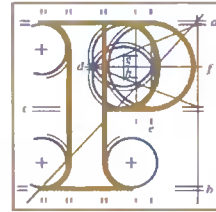


Our Case Number: ABP-312556-22

Planning Authority Reference Number: SD21B/0268



An  
Bord  
Pleanála

F.C.

LAND USE, PLANNING  
& TRANSPORTATION DEPT.

26 JAN 2022

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24

Date: 25 January 2022

Re: Extension to side, widening of driveway and pavement dish to front, new access gates and pavement dish to side and associated site works.  
1, Sundale Close, Dublin 24

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,

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Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(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

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

#### **Copies of I-plan sheets are not adequate.**

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

#### **Contingency Submission**

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

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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- \_\_\_\_\_) the request at 1 on page 1 of this letter has been forwarded.

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

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

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

Yours faithfully,



Liam Halpin  
Direct Line: 01-8737280

BP07

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The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1.

AN BORD PLEANÁLA	
LDG-	0476 29-22
ABP-	
21 JAN 2022	
Amount	220 Type: CHQ
Time:	1630 By: HAND

21st January 2022,

**Re: 1<sup>st</sup> party appeal of decision of South Dublin County Council to condition a grant of planning permission at 1 Sundale Close, Tallaght, Dublin 24. Planning register reference no. SD21B/0268. Decision order No. 1624..**

Dear Sir / Madam,

On behalf of my client Ewa Berthold of 1 Sundale Close, Tallaght, Dublin 24, I wish to appeal against condition No.2 of the grant of permission from South Dublin County Council requesting amendments to the plans for the above planning application. Please find enclosed a cheque for €220 to cover the fee.

Condition No. 2 attached to this grant of permission is a little confusing as it requests amendments to the plans but then states 'unless otherwise agreed with the Planning Authority in writing'. It was the planning authority that made the decision to include this condition, but may be open to changing this condition if agreed is a bit confusing. My client's preference is to agree with the planning authority that this condition isn't necessary and we have contacted the planning authority seeking this but as yet we haven't received a reply and as time is running out to appeal, we have no option but to appeal this condition. Should an agreement be reached with South Dublin County Council that this condition need not apply then this appeal would not be required.

Having read through the managers orders & report for this planning application, it appears that the design as proposed is acceptable as stated in the managers orders'

*'Overall, the proposed extension would be acceptable, as it would not have such a detrimental impact as to be seriously injurious to adjoining properties or the residential character of the area.'*

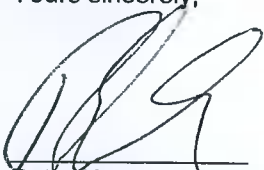
The only reason for this condition is due to the location of a drain in the adjoining footpath. As part of the planning application we submitted a letter of agreement from Irish Water stating what we are proposing is acceptable as has been the case with many other similar planning applications close to public drains, one of which was pointed out with our planning application (2 Ashfield Park, Templeogue – Reg ref SD17A/0385.) and another example of an extension granted planning permission close to the public water services can be found at 74 Hillcrest Heights, Lucan. Reg Ref. SD21B/0116. However despite approval from Irish Water it now appears that this is not an Irish Water drain and is in fact belonging to South Dublin Co Co. Notwithstanding who owns the drain, one would assume that the same restrictions and requirements would apply whether it's a foul drain or a surface water drain and given that our proposal would be acceptable if it were a foul drain then surely its acceptable for a surface water drain as the same amount of space is required for 'maintenance access purposes'.

Condition No. 4 (c) also states; 'Drainage - Irish Water. (i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.'. Irish Water have approved our proposal and this is a condition of the grant of permission so we feel that condition No.2 shouldn't apply.

As stated above my client is hopeful that agreement may be reached directly with South Dublin County Council regarding condition no. 2, however in the absence of this we request that An Bord Pleanála find that this condition should be omitted.

I trust you will consider our appeal acceptable and after reading through the above that you will agree that condition No.2 should be omitted from the grant of permission.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PK', written over a horizontal line.

Peter Kavanagh  
[www.Dublinplanning.ie](http://www.Dublinplanning.ie)  
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m. 087 6668016