

Comhairle Chontae Atha Cliath Theas

PR/0503/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0526 **Application Date:** 13-Oct-2021
Submission Type: Additional **Registration Date:** 22-Mar-2022
Information

Correspondence Name and Address: iStruct Consulting Engineers 16, Oakcourt Park,
Palmerstown, Dublin 20

Proposed Development: Demolition of existing shed attached to the rear;
replace with extension to existing 2 storey dwelling;
adjustment to existing first floor; 'Velux' roof
windows on southeast elevation to new dormer style
storey and a half roof and windows; additional high
level 'Velux' windows to northwest elevation roof.

Location: 16, Oakcourt Park, Palmerstown, Dublin 20

Applicant Name: Dáire & Romaine Nolan

Application Type: Permission

(SW)

Description of Site and Surroundings:

Site Description

The application site contains a semi-detached bungalow situated within a predominantly residential area. The property has front and rear gardens. The ground level of the site is higher than dwelling sites located to the east.

Site Area: 0.0340 Ha. (Stated)

Proposal:

- Demolition of an existing single-storey shed attached to the rear of the existing house.
- The construction of a two storey extension to the rear of the existing dwelling on the site of the demolished single-storey shed.
- Adjustment to existing first floor to provide a revised roof element comprising 4 large viewing-windows at first floor level;
- Additional high level 'Velux' windows to northwest elevation roof.

Consultations:

Water Services: No objection, subject to conditions.

Irish Water: No objection, subject to conditions.

Parks: No comments.

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Submissions/Observations /Representations

None received to date.

Relevant Planning History

Application Site:

SD07B/0336 Single storey extension with an attic conversion containing skylights to the rear of the building, a front porch, and conversion of roof over the front bay window to a pitched 'A' roof. **Permission Granted.**

Other Sites:

SD17B/0062 Retention of a dormer window to rear and alterations to window at front. **Retention Permission Granted.**

SD16B/0072 A single storey flat roof extension to side and rear, and alterations to existing roof to include raising a section of the side wall to facilitate access to converted attic store room. **Permission Granted** (*proposal includes side dormer with pitched roof, materials match existing dwelling – 20 Oakcourt Park*)

SD06B/0053 Single storey extension to the rear with pitched gable end roof, attic conversion and dormer window to the side and all associated works. **Permission Granted** (*proposal includes side dormer with flat roof, materials match existing dwelling – 8 Oakcourt Park. It is not apparent that this has been constructed*)

Relevant Enforcement History

S5441 Alleged non-compliance with SD07B/0336 re window & trees **Closed**

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan 2016-2022

Section 2.4.1 Residential Extension

Policy H18 Residential Extension

Objective 1

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 7.1.0 Water Supply & Wastewater

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Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.7.2 Energy Performance in new Buildings

Section 11.8.0 Environmental Assessment

South Dublin County Council House Extension Design Guide, 2010

The House Extension design guide contains the following guidance on house extensions, including in particular rear extensions and dormer windows (considered relevant in this case):

- *Respect the appearance and character of the area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties;*
- *Conserve water and save energy where possible;*
- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*

For rear extensions:

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat-roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*
- *Do not create a higher ridge level than the roof of the main house.*
- *The roofline of large extensions to the rear of single storey bungalows should not be visible from public view to the front or to the side of the bungalow.*

Attic conversions and dormer windows:

- *Use materials to match the existing wall or roof materials of the main house;*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape;*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch;*
- *Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);*

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- *Relate dormer windows to the windows below in alignment, proportion and character;*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*
- *Do not obscure the main ridge and eaves features of the roof, particularly in the case of an extension to the side of a hipped roof.*
- *Avoid extending the full width of the roof or right up to the gable ends – two small dormers on the same elevation can often be a suitable alternative to one large dormer.*
- *Avoid dormer windows that are over-dominant in appearance or give the appearance of a flat roof.*
- *Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.*

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional, Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.

'Section 5 – Dublin Metropolitan Area Strategic Plan', in Regional, Spatial and Economic Strategy 2019 – 2031.

Quality Housing for Sustainable Communities: Best Practice Guidelines, Department of the Environment, Heritage and Local Government (2007).

The Planning System and Flood Risk Management: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009), as supplemented by 'Planning Circular 02/2014 Flood Risk Management', Department of the Environment, Community and Local Government (2014).

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Visual impact and residential amenity;
- Services and drainage;
- Environmental impact assessment; and
- Appropriate assessment.

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Zoning and Council Policy

A residential development is permitted in principle under the land-use zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to compliance with the relevant provisions of the South Dublin County Development Plan 2016 - 2022 and the South Dublin County Council House Extension Design Guide 2010.

Residential Amenity and Visual Impact

In terms of visual amenity, the rear extension, on its own, would not generally be visible in the streetscene.

Demolition of existing shed attached to the rear and replace with extension to existing 2 storey dwelling

The existing shed measures 5.295m x 3.28m (internal). The shed has a lean-to roof approx. 2.85m at max height, dropping to 2.6m, where it adjoins no.268.

The proposed extension would have a ground floor (measuring 5.87m x 3.6m) and first floor element (measuring approx. 4.9m x 5.3m) and an overall height of 5.2m (representing an increase of 2.6m at this location on the site). This is concerning to the Planning Authority because the existing site slopes downwards in an easterly direction and the dwellings located to the east are set a significant level below the level of the subject site. The proposed ridge height of 5.2m would read as much higher from adjacent properties and may be considered to be overbearing, especially considering that the structure would be constructed right to the boundary with no. 268. The Planning Authority considers that this element should be pulled back from the eastern boundary by a minimum of 1m. ADDITIONAL INFORMATION.

**Note: It is also noted that the shed, to be demolished, appears to be constructed at a different level than the existing dwelling (slightly higher). It is unclear if the two-storey structure to replace the shed will be constructed at the original level of the shed or if it will require cut and fill at this part of the site. In particular, the cross-sectional drawings do not appear to reflect the southern elevational drawing. This should be clarified, ADDITIONAL INFORMATION.

The proposal would provide a living room at ground floor – this would have a width of 3.6m. There would be other internal re-organisation at ground floor but no other changes. At first floor, an additional bedroom would be provided. The new bedroom would measure 5.4m x 3.7m. These measurements, even with the required 1m reduction in length, are in keeping with the relevant guidelines.

There would be no change to rear amenity space provision as a result of the proposal, which replaces an existing shed.

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Creation of a full two-storey element by removing existing roof windows on southeast elevation and constructing a large first floor element comprising 4 large-scale viewing windows.

The applicant describes the development as a dormer structure. However, the Planning Authority considers that the proposed development represents a full first floor element, where the southern façade runs flush with the existing ground floor façade; the windows are not considered to be dormer. The proposed design does not comply with the minimum standards required in the South Dublin House Extension Design Guide, which recommends that dormers:

- are set at least 100mm from the ridge of the roof,
- Are set at least 3 tile courses from the eaves, and
- sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Does not obscure the main ridge and eaves features of the roof.
- extending the full width of the roof or right up to the gable ends should be avoided,
- dormer windows that are over-dominant in appearance or give the appearance of a flat roof should be avoided.

Based upon the above guidance, the Planning Authority considers that the proposed extension does not comply with policy and objectives as stated in the current Development Plan and supplementary house extension guidance. Furthermore, the overly large windows at first floor level (located between approximately 1.5m and 4.7m from the adjoining boundary to the south) may give rise to increased and unnecessary overlooking of existing rear residential amenity. A redesign of the proposed development, that mitigates the impact on neighbouring properties, particularly to the south and east should be sought by way of Additional Information. A dormer extension may be acceptable at this location where the windows are placed in the roof (as roof lights) and not in the side façade, as proposed.

In order to address these concerns, the applicant should be requested to submit revised plans which:

Demonstrate compliance with County Development Plan policy and objectives and meet minimum standards for house extensions as laid out in South Dublin House Extension Guidance. ADDITIONAL INFORMATION.

The proposed rooflight windows on the northern side of the roof and to the west (front) and providing light to a hallway, landing and stairwell are generally acceptable and would not give rise to unnecessary overlooking of adjacent properties.

Water Services

Irish Water and the Environmental Services Department have recommended standard conditions.

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Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Considerations

Development Contributions

Extension – 46sq.m.

Previous extensions – 51.7sq.m (extension and attic conversion)

40sq.m exemption

The assessable area is 46sq.m

SEA Monitoring

Building Use Type Proposed Residential – extension

Floor Area (sq.m) 46

Land Type Brownfield/Urban Consolidation

Site Area (Ha.) 0.034

Conclusion

In conclusion it is considered that the proposed extensions are not acceptable and modifications are required to ensure that they development would accord with the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

Recommendation

Request additional information.

Additional information requested: 7 December 2021

Additional information received: 22 March 2022

Consultations:

None.

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Item 1:

The proposed design of the first floor 'dormer' element does not comply with the minimum standards required in the South Dublin House Extension Design Guide, which recommends that dormers:

- are set at least 100mm from the ridge of the roof,
- Are set at least 3 tile courses from the eaves, and
- sit below the ridgelines of the existing roof and matches the materials used in the main house.
- do not obscure the main ridge and eaves features of the roof.
- extending the full width of the roof or right up to the gable ends should be avoided,
- dormer windows that are over-dominant in appearance or give the appearance of a flat roof should be avoided.

Having regard to the above guidance, the Planning Authority considers that the proposed extension does not comply with policy and objectives as stated in the current Development Plan and supplementary house extension guidance. Furthermore, the overly large windows at first floor level (located between approximately 1.5m and 4.7m from the adjoining boundary to the south) may give rise to increased and unnecessary overlooking of existing rear residential amenity. The applicant is requested to submit a redesign of the proposed development, that is designed to mitigate the impact on neighbouring properties, particularly to the south and east and also comply with Development Plan policy. In order to address these concerns, the applicant should be requested to submit revised plans which demonstrate compliance with County Development Plan policy and objectives and meet minimum standards for house extensions as laid out in South Dublin House Extension Guidance.

Note: A dormer extension may be acceptable at this location where the windows are placed in the roof (as roof lights) and not in the side façade, as proposed.

Applicant's response:

The applicant has redesigned the proposed development and is now proposing a roof extension, rather than a dormer extension. The roof will project 300mm horizontally beyond the existing side wall of the dwelling. The proposal is now described as a 2 storey rear extension. Proposed materials are contemporary.

Highest point of the extension will be 100mm below existing ridge.

2 storey roof profile is set back from the new rear gable so it is not overdominant from the rear and to allow original roof profile to still read clearly.

Re: overlooking to No17 – only very minimal overlooking possible from existing velux due to 3m high hedge – distances are further than indicated by planning authority and are 3.8m to 8.1m from boundary.

Windows have been redesigned to further mitigate against overlooking – angled windows are part opaque

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Assessment:

The Planning Authority note the distance of the proposed structures from the boundary and also the orientation of the windows and the opaque elements. The presence of the high hedge is also noted, however, it is not within the applicant's control and as such, should not be considered as mitigation for overlooking. Notwithstanding this, it is considered the mitigation the applicant is proposing is sufficient given the distance to the adjacent dwelling.

It is noted that the proposal meets the ridge of the rear element but not the original dwelling. The proposal is now a roof extension / alteration, and it is therefore not bound by the same design considerations as a dormer window.

Overall, it is considered the design of the roof extension to the side is acceptable, as is the impact on neighbour amenity.

Item 2:

(a) The proposed rear extension would have an overall height of 5.2m (representing an increase of 2.6m at this location on the site). This is concerning to the Planning Authority because the existing site slopes downwards in an easterly direction and the dwellings located to the east are set a significant level below the level of the subject site. The proposed ridge height of 5.2m would read as much higher from adjacent properties and may be considered to be overbearing, especially considering that the structure would be constructed right to the boundary with No. 268. The Planning Authority requests that revised proposals (to include revised floor plans, site layout plan and elevational plans) be submitted that pulls the rear extension back from the eastern boundary by a minimum of 1m.

(b) It is also noted that the shed, to be demolished, appears to be constructed at a different level than the existing dwelling (slightly higher). It is unclear if the two-storey structure to replace the shed will be constructed at the original level of the shed or if it will require cut and fill at this part of the site. In particular, the cross-sectional drawings do not appear to reflect the southern elevational drawing. The applicant is requested to clarify this matter and submit revised drawings accurately notating what development, including proposed levels, is proposed.

Applicant's response:

The applicant contends that the proposal is acceptable as originally proposed and has submitted a letter of support from the occupant of No. 268. The offset from this neighbour is already established at 650mm average. The reduction proposed by the Planning Authority would make unduly penalise the objectives of the extension (extra bedroom and living space).

Spot levels are now included on all plan view drawings. Site naturally falls from the front to the rear. The garden has been landscaped to a higher level, tying into the side gate access onto the driveway. The existing shed floor ties into the same higher level for practical reasons and its level was raised during the works undertaken in 2008/2009. Access to the house from the garden is by the external steps next to the kitchen.

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Assessment:

The letter of support and desire to extend is noted, however, the Planning Authority must consider the proposal in light of the relevant guidance. As such, a condition is recommended to reduce the rear projection of the first-floor gable extension by 1m.

Other Considerations

Development Contributions

Extension – 46sq.m. – proposed to be reduced by approx. 6sq.m via condition

Previous extensions – 51.7sq.m

40sq.m exemption

The assessable area is 40sq.m

SEA Monitoring

Building Use Type Proposed Residential – extension

Floor Area (sq.m) 46

Land Type Brownfield/Urban Consolidation

Site Area (Ha.) 0.0340

Conclusion

In conclusion, subject to conditions, it is considered that the principle of the proposed extension is acceptable, however, additional information is required to ensure the proposal would have an acceptable impact in terms of overbearing and would accord with the 'RES' land-use zoning, would not seriously injure the amenities of the area, and would accord with the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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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 conditions set out hereunder in the Second Schedule is hereby 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 22 March 2022, 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. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.

(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.
 - (i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water. All works are to comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.
 - (ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
 - (iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
 - (iv) The applicant shall include Water Butts as part of additional Sustainable Drainage Systems (SuDS) features for the proposed development.

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(v) All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(d) 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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place 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

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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.

3. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) The eastward projection of the first floor of the proposed rear extension shall be reduced by 1m

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4,179.60 (four thousand one hundred and seventy nine euros and sixty 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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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.

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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 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.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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REG. REF. SD21B/0526

LOCATION: 16, Oakcourt Park, Palmerstown, Dublin 20

Colm Harte

**Colm Harte,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date:

19/4/22



Eoin Burke, Senior Planner