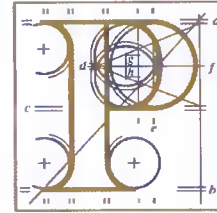


Our Case Number: ABP-313607-22

Planning Authority Reference Number: SD22B/0088



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

LAND USE, PLANNING
& TRANSPORTATION DEPT.

20 MAY 2022

Date: 19 May 2022

Re: Construction of extension. alterations to interior and all associated site works
37, Whitehall Road, Dublin 12

Dear Sir / Madam,

Enclosed is a copy of 2 appeals 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
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1890 275 175
(01) 872 2684
www.pleanala.ie
bord@pleanala.ie

64 Sráid Maoilbhride
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

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.

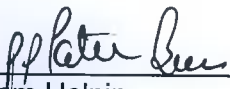
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313607-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print: (_____)

Date: _____

Yours faithfully,



Liam Halpin
Direct Line: 018737280

BP07

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel (01) 858 8100
LoCall 1890 275 175
Fax (01) 872 2684
Website www.pleanala.ie
Email bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

South Dublin County Council
 An Rannóg Talamhúsáide, Pleanála agus Iompair
 Land Use, Planning & Transportation Department
 Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdcouncil.ie

Brendan Guiden,
 BG Architectural Services
 51, Red Arches Road
 The Coast
 Baldoyle
 Dublin 13

AN BORD PLEANÁLA

LDG- _____
 ABP- _____

18 MAY 2022

Fee: € _____ Type: _____
 By: _____

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

Decision Order Number:	0526	Date of Decision:	21-Apr-2022
Register Reference:	SD22B/0088	Date:	25-Feb-2022

Applicant: Lisa and Fergal Griffin

Development: New single storey ground floor extension to the rear elevation including internal ground and first floor plan alterations; new ground and first floor extension to the front/side elevation; fenestration alterations to the front first floor landing window and ground floor entrance door; roof alterations required for first side extension including conversion of existing and proposed attic spaces with roof dormer to the rear elevation for the provision of a bedroom, ensuite bathroom and attic storage at second level and roof windows to the front elevation ; including the widening of existing vehicular entrance onto Whitehall Road and all associated site works.

Location: 37, Whitehall Road, Dublin 12

Floor Area:

Time extension(s) up to and including:

AN BORD PLEANÁLA

LDG- 053538 - 22
 ABP- _____

18 MAY 2022 *ok*

Fee: € 220 Type: cancel
 Time: 17.15 By: hanel

Additional Information /
Requested/Received:

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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. Modifications to Roof Profile.
 - (i) The proposed gable roof reconfiguration shall be redesigned from a fully pitched roof profile to a half-hipped roof profile.
 - (ii) Prior to commencement, revised elevational and cross-sectional drawings and a revised attic floor plan, shall be submitted for the written agreement of the Planning Authority. Note: The internal dimensions of the attic floor area may have to be reduced to facilitate the revised half-hipped roof profile.
REASON: In the interests of clarity and to comply with planning policy and sustainable development, and visual amenity.
3. Rear Extension.
Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:
 - (i) Revised proposals to reduce the depth of the rear extension to a maximum depth of 4m. The length measured from the rear building line of the existing dwelling.
 - (ii) Revised site layout plan/elevation/section drawing showing the changes required in Item (i).

REASON: In the interests of residential and visual amenity.

4. Surface Water.

The applicant has not submitted surface water drainage plans for the proposed development. Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(i) a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie.

(ii) a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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

5. Irish Water.

The applicant has not submitted foul water drainage plans for the proposed development. Prior to the commencement of development, the applicant/developer shall submit the following to the Planning Authority:

(i) a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie.

(ii) All development shall be carried out in compliance with Irish Water Standards codes and practices.

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.

6. Roads.

- (1) The vehicular access point shall not exceed a width of 3.5 meters.
- (2) The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.
- (3) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to

improve forward visibility for vehicles.

(4) Any gates shall open inwards and not outwards over the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area.

7. (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) 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.

(d) 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 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.

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,953.96 (one thousand nine hundred and fifty three euros and ninety six 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.

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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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.


for Senior Planner

25-Apr-2022

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 <u>commercial development</u> 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 <u>commercial development</u> 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

Lisa & Fergal Griffin
37 Whitehall Road
Dublin 12
0876099236: Fergal
0876852448: Lisa

An Bord Pleanala,
64 Marlborough Street,
Dublin 1.
18th of May 2022

Ref: **South Dublin County Council : SD22B/0088**
Decision Order Number: **0526**

To whom it may concern,

I hereby make submission to An Board Pleanala in appeal to condition no.3 attached to a decision to grant planning permission by South Dublin County Council at No 37 Whitehall Road, Dublin 12 for ourselves Lisa & Fergal Griffin of No 37 Whitehall Road, Dublin 12.

Attached with this appeal are the design proposals drawings, the planning notice and the grant notice issued by South Dublin County Council with a decision date of the 21st of April 2022

Condition 3.

Rear Extension. Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority: (i) Revised proposals to reduce the depth of the rear extension to a maximum depth of 4m. The length measured from the rear building line of the existing dwelling. (ii) Revised site layout plan/elevation/section drawing showing the changes required in Item (i).

REASON: In the interests of residential and visual amenity.

The decision to attach condition no.3 for this development by South Dublin County Council against us the applicants is considered by us to be excessive and in our opinion this condition should be overturned by An Bord Pleanala.

All other conditions attached to granting of permission we consider reasonable.

In overturning condition no.3 stipulated by South Dublin County Council the Board should take into account the following considerations:

1. The design, scale and simplicity on the single storey ground floor extension to the rear is in keeping with the architectural design of the property. The extension shall not reduce the 'Private Open Space' of the back garden to less than 25 sq. m as you can see from image 1. The current size of the garden is 36meter in length (approx.) The condition will mean that the main leaving space downstairs will be reduced from a length of 5576mm to 4000mm.
 - a. The proposed single story extension will has been carefully considered to appear well balanced and still in propostion to the rear back garden and back of the house
 - b. The simply pitched roof is in harmoeny with the existing building and adjoined dwelling which is part of this semi-detached form, mainly because the proposed features have been well consider in terms of its design and if constructed as intended to a high level of construction quality will be such that it will benefit the visual character of the building from the rear.
 - c. We feel it is not overbearing or obstructive and allows for adequate private amenity space to remain due the fact it is single storey as apposed to double.
 - d. The principle of the proposed extension due to its scale and height which will only be increased by a further 1570mm to what is current in place will not in our opinion reduce daylight to a detrimental level for our neighbours which ironically is completely over grown to the rear and front with trees and shrubbery (no. 35) which is affecting the light into this property as apposed to a proposed single storey extension.



Image 2: Area view of the current extension and length of garden

2. We believe that the new single storey extension proposal will have little or no effect on the residential and visual amenity which is the reason sited. The new proposal would mean that the current extension would only increase by 1557mm in length. Other properties on the road have been allowed to build much further into their gardens as you see from image 2 such as number 33.
3. This is consistent with the proper planning and sustainable development of the area and will not have any adverse effect on the visual amenity of the area. The extension will not be seen from the main road – Whitehall Road, Dublin 12 as you can see from image 3.



Image 3 Street view of 37 Whitehall Road and our neighbour on at 35 Whitehall Road

4. It is our commitment that if condition number 3 of the proposed development is approved it will be constructed (along with the remaining proposal granted) to a high standard which will be achieved through the selection of quality materials and through the select employment of good craftsmanship. By providing this high standard of development we will ensure the proper planning and sustainable development of the area.

In conclusion:

It is shown that the proposed development through its design, Scale and prominence will not have an effect on residential and visual amenity.

We have also demonstrated that by creating a design that is well balanced in elevation and by showing the existence of similar type developments (rear extensions which are larger) locally we believe as applicants should also benefit from this residential amenity. Image 4

Our opinion is that all of these considerations are consistent with the proper planning and sustainable development of the area and will not injure the residential amenity of our neighbours or detract adversely from the visual character. Therefore it is requested that An Bord Pleanala overturn the condition no.3 made by South Dublin County Council when granting planning permission for this development.

We await your decision.

Kind Regards
Lisa Griffin & Fergal Griffin

Lisa Griffin

Fergal Griffin



Image 4

SOUTH DUBLIN COUNTY COUNCIL

SITE NOTICE



We **Lisa and Fergal Griffin** Intend to apply for:

PERMISSION

For development at this site address:

37 Whitehall Road, Dublin 12, D12Y383.

The development will consist / consists of:

The development will consist of a new single storey ground floor extension to the rear elevation. Including internal ground and first floor plan alterations. New ground and first floor extension to the front/side elevation. Fenestration alterations to the front first floor landing window and ground floor entrance door. Roof alterations required for first floor side extension including conversion of existing and proposed attic spaces with roof dormer to the rear elevation for the provision of a bedroom, ensuite bathroom and attic storage at second floor level and roof windows to the front elevation. Including the widening of existing vehicular entrance onto Whitehall Road and all associated site works.

The planning application may be inspected or purchased at the offices of South Dublin County Council, County Hall, Town Centre, Tallaght, Dublin 24 during its public opening hours of Monday to Friday from 9:00am to 4:00pm., and may also be viewed on the Council's website – www.sdcc.ie.

A submission or observation in relation to the application may be made in writing to South Dublin County Council on payment of a fee of €20 within 5 weeks of receipt of the application by South Dublin County Council and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

Signed: _____

Agent:

Brendan Guiden RIAI (Arch Tech, DAER.

BG Architectural Services, 51 Red Arches Road, The Coast, Baldoyle, Dublin 13.

Ph: 087 6187750. email: brenguiden@gmail.com

Date of Erection of Site Notice: 25th February 2022