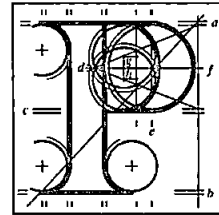


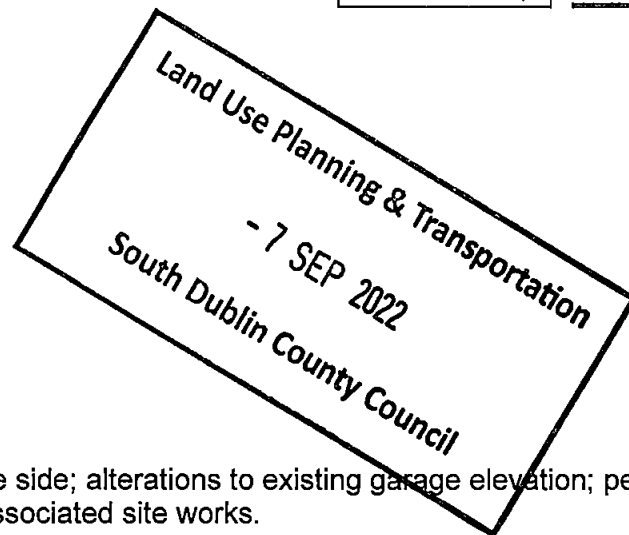
Our Case Number: ABP-314537-22

Planning Authority Reference Number: SD21B/0618



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 07 September 2022

Re: Two storey, one bedroom family flat to the side; alterations to existing garage elevation; pedestrian access gate to the side garden wall; all associated site works.
279, Orwell Park Grove, Dublin 6w

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	Tel	(01) 858 8100
Glaio 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) Certified 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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D01 V902	D01 V902

Michael O' Connor Associates

18 Lissadel Wood,
Swords Road
Malahide Co. Dublin
Tel/Fax 01-8455860
Mobile 087-7577664
email: michaeloconnor_ock@yahoo.ie

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

30 of August 2022

Appellant: Hugh Feighery

Address: 279 Orwell Park Grove, Dublin 6w

Agent: Michael O Connor

Address: 18 Lissadel Wood, Malahide, Co. Dublin

Subject: Planning Permission for (1) a two storey one bedroom family flat to the side (2) alterations to existing garage elevation (3) pedestrian access gate to the side garden wall and all associated site works at 279 Orwell Park Grove, Templeogue, Dublin 6w

Location: 279 Orwell Park Grove, Dublin 6w

Planning Authority: South Dublin City Council

Reg. Ref: SD21B/0618 Decision Order No. 0194

Appeal

We confirm that we act for Hugh Feighery and on his instruction, we wish to first party appeal the decision Reg. Ref. SD21B/06 18 made by South Dublin City Council.

Our client applied for Planning Permission for (1) a two storey one bedroom family flat to the side (2) alterations to existing garage elevation (3) pedestrian access gate to the side garden wall and all associated site works at 279 Orwell Park Grove, Templeogue, Dublin 6w in December 2021.

We received an Additional Information request dated 16th of February 2022. My client engaged the Services of a drainage engineer to address the drainage issues contained within the Additional

AN BORD PLEANÁLA	
LDG-	<u>056905 - 22</u>
ABP-	_____
05 SEP 2022 o.k	
Fee: €	<u>220</u> Type: <u>cash</u>
Time:	<u>13.09</u> By: <u>hand</u>

Information Request. Items A, B, C, D, and E (enclosed) Initial contact was made with Irish Water in March 2022.

We note that as per Irish Waters request our client arranged that an inspection trench be opened to identify the exact location of the relevant services. This trench was inspected by an Irish water inspector.

A response to the Additional Information request was lodged with South Dublin County Council on the 19th of July 2022. This response included our engineer's response to items A, B, C, D, and E. (enclosed). Items F and G where also addressed within this response.

We highlight the letter received from Irish Water dated 11th of July 2022 (appendix A). The letter clearly states that **subject to valid agreements being put in place, the proposed build near can be facilitated.**

It is our opinion that the above was not fully taken on into account when the Decision to Refuse permission was Issued.

We would respectfully request that An Bord Pleanala overturn the Decision Refuse Permission Reg.Ref. SD21B/0618. This would allow my client who is elderly to create a multi- generational family home for himself his wife and his immediate family.

Regards

Michael O' Connor

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

Michael O Connor
18, Lissadel Wood
Malahide
Co. Dublin

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 0194	Date of Decision: 14-Feb-2022
Register Reference: SD21B/0618	Registration Date: 10-Dec-2021

Applicant: Hugh Feighery
Development: Two storey, one bedroom family flat to the side; alterations to existing garage elevation; pedestrian access gate to the side garden wall; all associated site works.
Location: 279, Orwell Park Grove, Dublin 6w
Application Type: Permission

Dear Sir /Madam,

With reference to your planning application, received on 10-Dec-2021 in connection with the above, I wish to inform you that before the application can be considered under Section 33 of the Planning & Development Act 2000, six copies of the following **ADDITIONAL INFORMATION** must be submitted.

1. The applicant is requested to submit the following information:
 - (a) The proposed development is approximately 1.7m from a 6 inch uPVC public watermain located to the east of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance from a main of this size. The applicant is requested to engage with Irish Water's diversions section to assess feasibility of existing design and an alternative design which accommodates Irish Water's minimum required separation distances from public infrastructure. The outcome of this engagement with Irish Water's diversions should be submitted to the planning authority as a response to Request for Further Information.
 - (b) The applicant has not submitted foul water drainage plans for the proposed development. The

applicant is requested to submit 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 should include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing should clearly show that the foul and surface water systems are discharging to separate pipe networks.

(c) South Dublin County Council records show that there is an existing 300mm public surface water sewer to the east of the site. The proposed dwelling extension is located too close to this sewer (Closest distance approx. 1.7m). The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed extension and the existing 300mm surface water sewer. The drawings should also show the invert levels of the existing surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all proposed structures and the existing surface water sewer.

(d) The applicant has not submitted surface water drainage plans for the proposed development. The applicant is requested to submit 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 should include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing should 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@sdublincoco.ie

(e) The applicant is requested to submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development.

(f) The proposed side gate is not acceptable to the Planning Authority as it would directly access the public park. The applicant is requested to submit an alternative access to the family flat via the existing house bearing in mind that the family flat should be easily integrated with the dwelling when no longer required as a family flat.

(g) The applicant is requested to submit a floor plan stating the proposed use of the room which contains the stairwell. All rooms shall comply with minimum room sizes.

NOTE: The applicant should note that any submission made in response to the above will be examined and MAY be deemed to be SIGNIFICANT ADDITIONAL INFORMATION by the Planning Authority. In this event the applicant(s) will be subsequently notified and requested to publish a notice in an approved newspaper and erect or fix a site notice on the land or structure to which the further information relates and to submit copies of the both the newspaper and site notices to the Planning Authority in accordance with Article 35 (1) (a) and (b) of the Planning and Development Regulations 2001 (as amended).

Note: The applicant must submit the Further Information within **6 months** of the **date of decision**. If the information is not received within this period the planning authority shall declare the application to be withdrawn.

Please ensure that your reply to this Request for Additional Information is accompanied by a covering letter marked "ADDITIONAL INFORMATION" and that the Planning Register Reference Number given above is quoted on the covering letter.

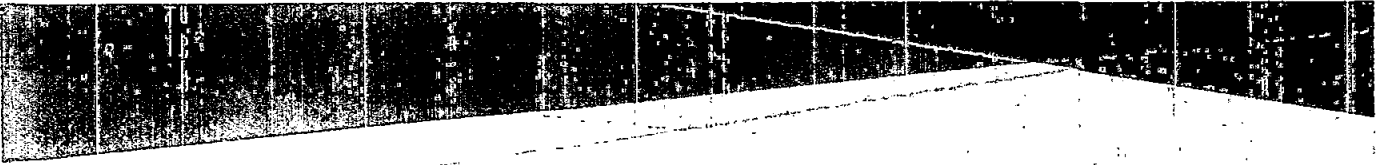
Signed on behalf of South Dublin County Council

Register Reference: SD21B/0618

Date: 16-Feb-2022

Yours faithfully,


for Senior Planner



RESPONSE TO REQUEST FOR
ADDITIONAL INFORMATION
REG. REF. SD21B/0618

1. The applicant is requested to submit the following information:

Item (a)

The proposed development is approximately 1.7m from a 6 inch uPVC public watermain located to the east of the site. Irish Water Standard Details for water Infrastructure require 3m clear distance from a main of this size. The applicant is requested to engage with Irish Water's diversions section to assess feasibility of existing design and an alternative design which accommodates Irish Water's minimum required separation distances from public infrastructure. The outcome of this engagement with Irish Water's diversions should be submitted to the planning authority as a response to Request for Further Information.

Response:

It is noted that the existing dwelling in its current condition consist of a boundary wall with a height of c. 1.8m which is already deemed as a significant structure. Irish Water's Diversion Section has been contacted in this regard, IW Diversion Reg. Ref. DIV22060. The following works have been conducted as part of this liaising process.

The client's contractor met with the local Irish Water Field Engineer on site and performed a slit trench through said public footpath next to the house. The exact location of the uPVC watermain is located 1.25m from the proposed works area. Irish Water has confirmed that the proposed "Build-Near" can proceed if the section of watermain traversing along the boundary of the property where construction is due to take place is replaced with a PE watermain and the footing of the foundation is deeper than the newly installed watermain.

Please refer to the letter received from Irish Water Diversion Division in Appendix A, as well as a detailed section of the existing vs. proposed works on Drawing P100 in Appendix B.

Item (b)

The applicant has not submitted foul water drainage plans for the proposed development. The applicant is requested to submit 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 should include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing should clearly show that the foul and surface water systems are discharging to separate pipe networks.

Response:

Please refer to Drawing P120, in Appendix C for the proposed drainage layout. It is noted that all of the private drains will fully comply with the Building Regulations Part H. The building materials which will be used will be determined at construction stage, however, as previously noted, it will fully comply with all relevant standards.

It is proposed that the foul sewer will drain via gravity into a new Inspection Chamber immediately outside of the proposed extension. From there the foul sewer will tie into the existing house wastewater in the back garden which further drains via the back gardens of the neighbours in a westward direction. It is not proposed to change the outfall sewer.

Item (c)

South Dublin County Council records show that there is an existing 300mm public surface water sewer to the east of the site. The proposed dwelling extension is located too close to this sewer (Closest distance approx.. 1.7m). The applicant is requested to submit a drawing in plan and cross-sectional views showing the distance between the proposed extension and the existing 300mm surface water sewer. The drawings should also show the invert levels of the existing surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all proposed structures and the existing surface water sewer.

Response:

A detailed section of the boundary section can be seen on Drawing P100 in Appendix B. It is noted that the existing 300mm surface water pipes are generally 2.040m deep all along the boundary and as part of the construction works, all necessary precautions will be in place in order to protect the existing surface water pipe.

Item (d)

The applicant has not submitted surface water drainage plans for the proposed development. The applicant is requested to submit 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 should include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing should 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@sdublincoco.ie

Response:

Please refer to Drawing P120, in Appendix C for the proposed drainage layout. It is noted that all of the private drains will fully comply with the Building Regulations Part H. The building materials which will be used will be determined at construction stage, however, as previously noted, it will fully comply with all relevant standards.

It is proposed that the surface water will be routed along the roof to outfall into the existing inspection chambers in the back garden. The existing surface water is routed through the back garden in a westward direction via the neighbours back gardens. It is not proposed to change the outfall surface water arrangement.

It is noted that a back garden soakaway is not feasible in this instance due to the proximity to existing structures in the close vicinity, however, the use of alternative SuDS measures such as water butts / rain gardens at the rainwater down pipe outfall are to be provided.

Item (e)

The applicant is requested to submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development.

Response:

The use of stock standard waterbutts and rain gardens is proposed as part of the drainage strategy as the back garden has insufficient offset from existing/proposed structures. It is noted that at least 5m is required from any structure and 3m from the property boundary.

Appendix A – Irish Water Letter



Andy Kotze,
167 Clifden Court,
Ellis Quay,
Dublin 7

11 July 2022

UISCE ÉIREANN
Box 100 448
Carrigrohane
Carrigrohane
Dublin 14

Irish Water
PO Box 448
South City
Delivery Office,
South City

www.water.ie

Dear Andy,

Re: DIV22060 RE: 279 Orwell Park Grove Planning Reg. Ref. SD21B/0618.

Irish Water has reviewed your enquiry in relation to a build near of Irish Water's water main as part of the proposed Development at 279 Orwell Park Grove, Templeogue, Dublin 6W, D6WC795 as indicated on drawing no. 22-001 P100.

Based upon the details you have provided with your enquiry and as assessed by Irish Water, we wish to advise you that, subject to valid agreements being put in place, the proposed build near can be facilitated.

Irish Water and South Dublin County Council Water Services will be happy with applicant proposal, but the below conditions are required to be addressed by applicant.

- Applicant/customer has to replace the existing 6in uPVC water main section being near to the building with a new PE water main.
- The proposal foundation building will need to be deeper than the existing 6in water main invert level:

You are advised that this correspondence does not constitute an agreement in whole or in part to provide a diversion or to build near any Irish Water infrastructure and is provided subject to a build near agreement being executed at a later date. You are advised to make contact with the diversions team at diversions@water.ie once planning permission has been granted and prior to any works commencing on site in order to enter into a build near agreement with Irish Water.

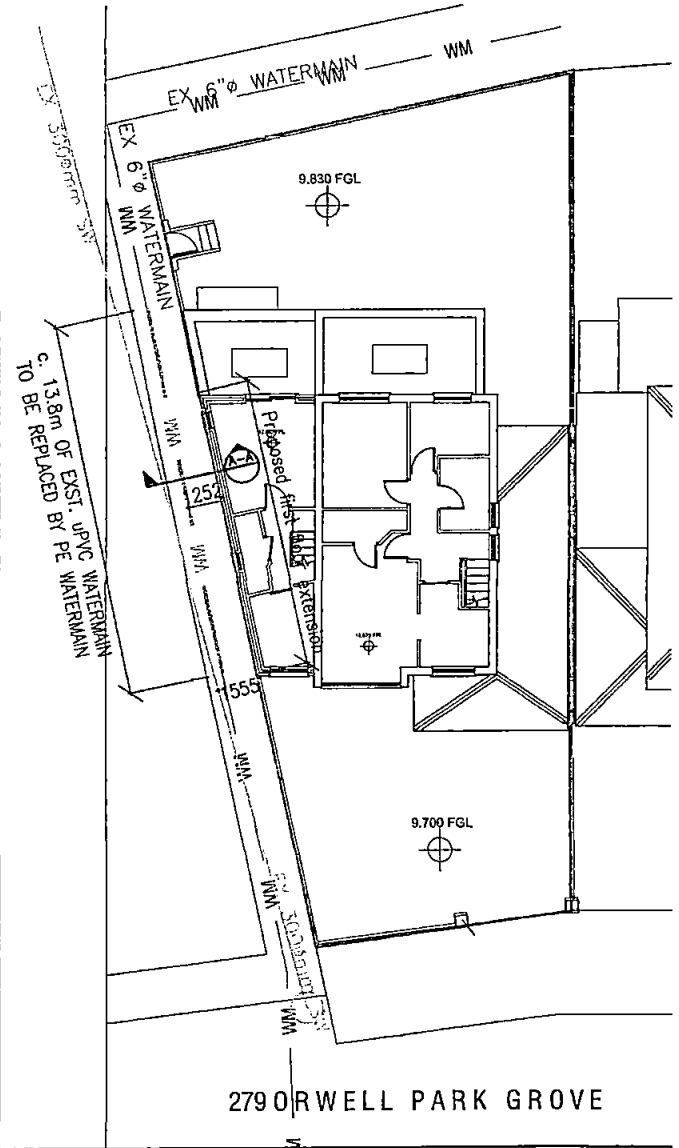
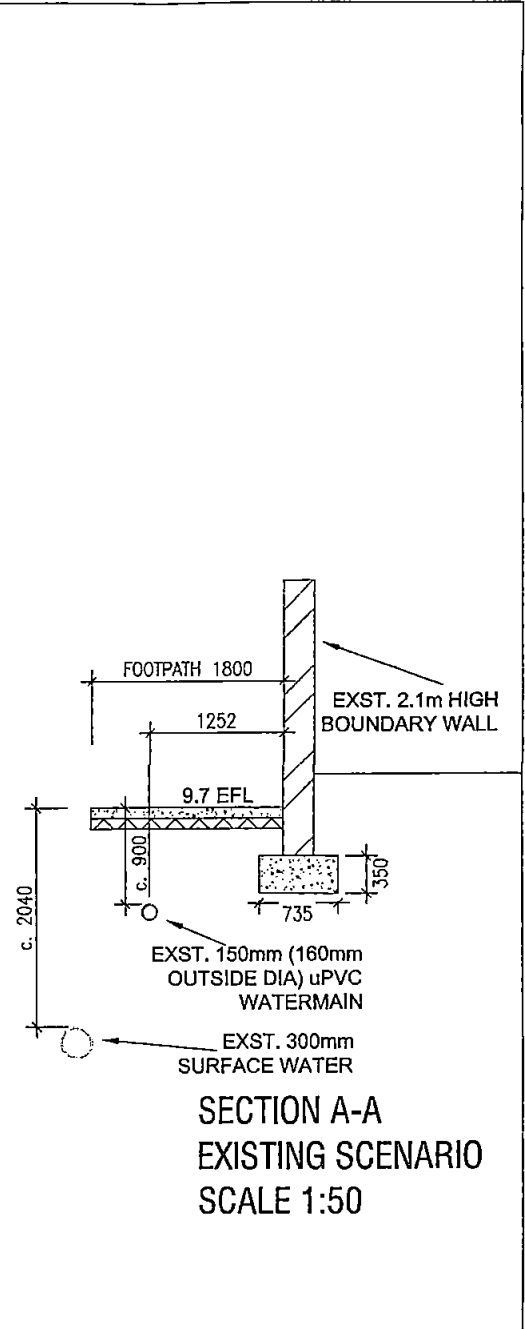
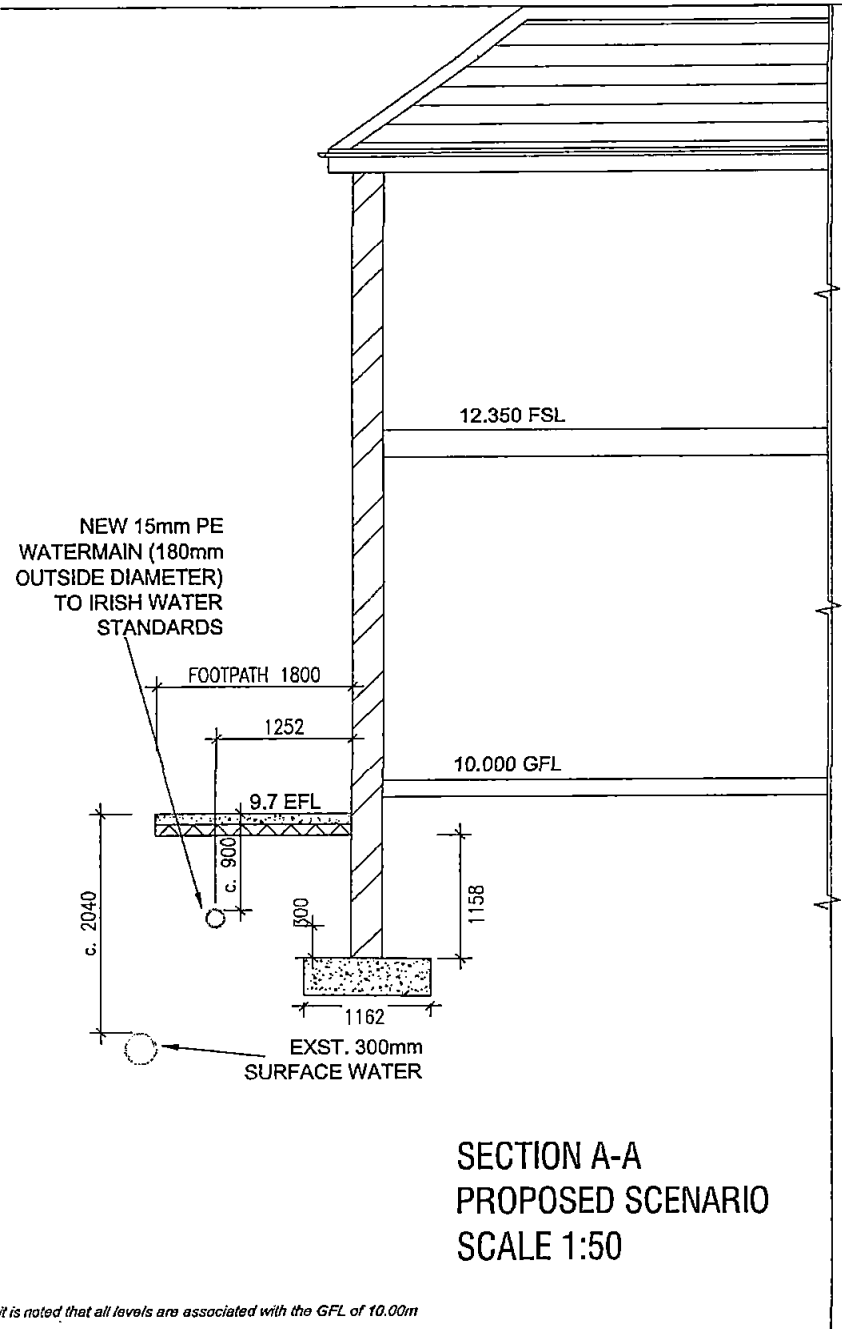
If you have any further questions, please contact Paul Roche from the diversions team on 086 3018137 or email proche@water.ie. For further information, visit www.water.ie/connections.

Yours sincerely,

Yvonne Harris
Head of Customer Operations

Appendix B – Drawing P100 Cross Section Through Boundary Wall

- LEGEND:
- SUBJECT SITE BOUNDARY
 - NEW 6" PE WATERMAIN
 - EXISTING 6" uPVC WATERMAIN
 - EXISTING 300mm SURFACE WATER



it is noted that all levels are associated with the GFL of 10.00m

DRAWN: A.KOTZE BENG (Civ) MIEI

279 ORWELL PARK GROVE

DRAWING NO - 22-001 P100
PROPOSED SECTION THROUGH WALL

REV 00
DRAWING SCALE:
1:100

Appendix C – Drawing P120 Proposed Drainage Layout

