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**NOTIFICATION OF DECISION TO GRANT RETENTION & REFUSE RETENTION  
PLANNING AND DEVELOPMENT ACT 2000 (as amended) and PLANNING  
REGULATIONS THEREUNDER.**

<b>Decision Order No:</b> 1194	<b>Date of Decision:</b> 21-Sep-2022
<b>Register Reference:</b> SD22B/0346	<b>Date:</b>

**Applicant:** Pat & Therese Monks

**Development:** Retention for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level; Retention for single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works.

**Location:** 5, Willington Court, Templeogue, Dublin 6w

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

**Additional Information Requested/Received:** /

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

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County of South Dublin, did by Order dated as above make a **DECISION TO GRANT RETENTION & REFUSE RETENTION** in respect of the above proposal, as detailed on the following pages.

A decision to **Grant Retention** for the single storey pitched roof open plan extension to rear of existing house (39.83sq.m) with ridge height at 3.955m above ground level complete with new Velux rooflight over; internal alterations and associated site works subject to the Conditions and Reasons specified in Schedule 1.

## **SCHEDULE 1**

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.  
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is 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.  
(ii) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.  
(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.  
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 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. Sustainable Urban Drainage Systems (SuDS) and Landscaping

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features. Within 6 months of the date of final grant of permission, the applicant shall submit the following:

a) a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development, for the written agreement of the Planning Authority.

The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following: Rain Gardens , Planter boxes with overflow connection to the public surface water sewer.

- Permeable Paving
- Grasscrete
- Green Roofs
- Rain gardens

- Swales
- Permeable Paving
- Grasscrete
- Channel Rills
- Planter Boxes
- Water Butts
- Other such SuDS

b) A summary, in a digital format, quantifying and detailing the following:

- tree and hedgerow removal;
- tree and hedgerow retention;
- new tree and hedgerow planting.

The applicant should reference the SDCC Sustainable Drainage Explanatory Design & Evaluation Guide prior to submission.

REASON: To ensure the adequate provision of SuDS

4. Access Gate

The rear access gate opening from the application site onto the River Poddle shall be removed in its entirety and omitted from all plans associated with the proposed Development for retention. The rear boundary wall shall not include any gate access to the river.

REASON: In the interests of proper planning and sustainable development of the area.

5. Replanting Schedule

The applicant shall confirm what trees and indigenous hedgerows were removed from the River Poddle bank within 6 months of the date of final grant of permission and the applicant shall submit the following:

- A landscape plan and associated planting plan to the Planning Authority. The Landscape Plan shall include details of any trees and hedgerow removed. The Landscape Plan shall be implemented in full, within the first planting season following completion of the development. The Landscape Plan shall include a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should contain pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020).

REASON: In the interest of sustainable development.

6. Split

The retention of rear extension under Schedule 1 shall be granted and the garden room under Schedule 2 shall be refused.

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

7. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €4,114.82 (Four thousand, one hundred and fourteen euro and eighty-two cent), 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 Act 2000 (as amended). This

contribution is to be paid on receipt of Final Grant of Permission.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

A decision to **Refuse Retention** for previously constructed detached single storey pitched roof garden/games room structure across end of rear garden (77.70sq.m) with ridge height at 3.380m above ground level for the Reason(s) specified in Schedule 2.

## SCHEDULE 2

### Reasons

1. The garden room for retention was built within a Riparian Corridor - Secondary GI Link L13 River Poddle as identified in the Green Infrastructure Strategy Map (South Dublin County Development Plan 2022-2028) and is therefore not consistent with GI3 Objective 3 of the South Dublin County Development Plan 2022 - 2028. To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site. The proposed garden room for retention is therefore contrary to the proper planning and sustainable development of the area.

The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council

**Register Reference: SD22B/0346**

*Pamela Hughes* 22-Sep-2022  
*for Senior Planner*