

Peter McGillen  
Burgage  
Blessington  
Co Wicklow

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

<b>Decision Order Number:</b>	<b>1226</b>	<b>Date of Decision:</b>	03-Oct-2022
<b>Register Reference:</b>	SD22A/0327	<b>Date:</b>	08-Aug-2022

**Applicant:** David Fallon

**Development:** Change of house plans of two storey private dwelling in side garden of existing family home; Re-Arrangement of existing entrance to provide required access to public road; Installation of waste water treatment system to required detail as granted under Reg. Ref. SD20A/0200; Building of private garage - floor area 49sq.m on western side of proposed dwelling.

**Location:** Baldonnell Road, Baldonnell Upper, Dublin 22

**Floor Area:**

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

**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 2022 - 2028 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. The development is in accordance with submitted plans and details and shall otherwise be carried out in accordance with parent permission SD20A/0200 including the related conditions.
3. Prior to commencement of development, the applicant shall submit to the Planning Authority:
  - (i) revised visibility splay drawing which accurately shows the 2.4m/90m splay in both directions from the proposed relocated entrance.
  - (ii) photomontage which clearly demonstrates the required driver sightlines in both directions.

Conditions as follows:

1. 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.
  2. No vehicular access point shall exceed a width of 3.5 meters.
  3. Any gates shall open inwards and not outwards over the public domain.
  4. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.
  5. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.  
All items and areas for taking in charge shall be undertaken to a taking in charge standard.
  6. Prior to commencement of development, the applicant shall submit a Traffic Management Plan for the written agreement of the Planning Authority for any works that will be carried near or at the public road.
4. The wastewater treatment systems proposed to be installed shall be located as per the site layout plan and installed in accordance with:
1. The Environmental Protection Agency's Code of Practice Wastewater Treatment and disposal systems serving single houses.
  2. All setback distances shall be observed as per the EPA Agency's Code of Practice Wastewater Treatment and disposal systems serving single houses.

3. The effluent treatment systems must be certified to EN 12566-3 and S.R 66 standard.
4. The location and install of the WWTS and polishing filters must comply with the EPA code of practice 2009 and all manufacturers' specification.
5. The drinking water supply to the proposed properties must be a new connection to the public mains as detailed in the planning application form.
6. The applicant shall enter into an on-going maintenance contract with an appropriately qualified person for the lifetime of the waste water treatment systems to ensure the wastewater treatment systems are working effectively at all times.
7. The installation must be supervised by a suitably qualified person/contractor and a completion report must be prepared to include photographic evidence of the completion of works.
8. Site Assessor's recommendations:

Given a T value of 33.47 and a P value of 26.69 the location and installation of the WWTS and polishing filter must comply with EPA code of Practice 2009 and all manufacturers' specifications.

The proposed Percolation System recommended for installation is a Tertiary Sand Filter. All site specific conditions contained in the report must be followed.

The WWTS must be SR-66 certified.

Only grey and foul water from the house and garage are to enter the WWTS. All storm water is to be diverted to separate soak pits.

Alternative solutions which comply with EPA code of Practice 2009 along with the results of this percolation test may also be acceptable. A suitable qualified person must certify any recommendations to the proposed design.

#### Noise

9. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting any noise sensitive location.

10. No heavy construction equipment/machinery (to include excavators, dump trucks, compressors, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

#### Dust

11. During construction of the proposed development, all necessary steps to contain dust arising from any works shall be taken so as to prevent a nuisance being caused. This may include covering skips, slack heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. There must be compliance with British Standard B.S. 5228 Noise Control on Construction and Open Sites.

12. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give

reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity. 13. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance

5. Prior to the commencement of development, the applicant shall submit revised drawings for the garage reducing its footprint by 50% for the written agreement of the Planning Authority and thereafter shall implement the permission in accordance with the agreed revised garage drawings.

REASON: In the interests of maintaining the rural character of the landscape.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €7,675.83 (Seven thousand, six hundred and seventy five euro and eighty three 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 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](mailto: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 requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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.

*Pamela Hughes*  
for **Senior Planner**

**05-Oct-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.

### **(A) 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).
1. 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:
  2. 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 commercial development 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 commercial development 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