

Joe Fallon Architectural Design Ltd.
1A, Ryland Street
Bunclody
Co. Wexford

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

Decision Order Number:	1264	Date of Decision:	11-Oct-2022
Register Reference:	SD22A/0334	Date:	17-Aug-2022

Applicant: Raymond & Marie Leonard

Development: Two storey, three bed detached dwelling of approx. 110sq.m in the side garden of the existing dwelling; new vehicular entrance to the side of the site; new pedestrian entrance to the front of the site and all associated site works.

Location: 16, Fairways, Rathfarnham, Dublin 14, D14XR40

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 OUTLINE 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. No Development Shall Take Place Until an Application for Permission Consequent to the Grant of Outline Permission.
No development shall take place until an application for permission consequent on the grant of outline permission, has been granted permission in respect of details relating to layout, siting, height, design, external appearance and means of access thereto.
REASON: In the interests of the proper planning and development of the area.
2. No Development Shall Take Place Until an Application for Permission Consequent to the Grant of Outline Permission.
No development shall take place until an application for permission consequent on the grant of outline permission, has been granted permission in respect of details relating to layout, siting, height, design, external appearance and means of access thereto.
REASON: In the interests of the proper planning and development of the area.
3. Requirements for Surface Water Drainage, Water Supply and Foul Drainage.
In the application for permission consequent of this outline permission the applicant shall submit the following:
 - (a) a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
 - (b) a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i) At least 5m from any building, public sewer, road boundary or structure.
 - ii) Generally, not within 3m of the boundary of the adjoining property.
 - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v) Soakaways must include an overflow connection to the surface water drainage network.
4. In the application for permission consequent to this outline permission the applicant shall submit details of the following:
 1. The applicant shall submit details of discussions with Parks in resolving Tree conflict with access point.
 2. The vehicular access points shall be limited to a width of 3.5 meters for both existing and proposed dwellings.
 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
 4. The boundary walls and gates 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.
 5. Any gates shall open inwards and not out over the public domain.

5. Requirements for the Parks and Public Realm.

In the application for permission consequent of this outline permission the applicant shall submit the following;

1. Landscape Boundary Plan

The site shall be landscaped in accordance with a comprehensive scheme of landscaping which includes boundary planting; details of which shall be submitted to the Planning Authority. **CONDITION**

REASON: In the interests of visual amenity and integrating the development into the landscape

2. Tree Management Plan

No development works shall commence on site in connection with the development including the proposed new vehicular entrance until a Tree Management Plan has been submitted by the applicant for the approval of the Public Realm Section, which clearly sets out how the existing mature street tree in the adjacent grass margin will be retained and protected from the proposed construction works. No development or other operations shall take place except in complete accordance with the approved tree management plan.

REASON: To ensure the continued wellbeing of the protected species and habitats and in the interests of the amenity and environmental quality of the locality.

3. Construction works within Root Protection area.

No operations shall commence on site in connection with the development including the proposed new driveway entrance; until a detailed design and construction method statement of the proposed vehicular driveway has been submitted in writing and approved by the Planning Authority. Every effort shall be made by the applicant to minimise the encroachment of the proposed driveway into the root protection area (RPA) of the existing mature street. The design and construction must:

- a) Be in accordance with the recommendations of BS5837:2012.
- b) Include details of existing ground levels, proposed levels and depth of excavation.
- c) Include details of the arrangements for the implementation, supervision and monitoring of the works.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

4. Tree Bond

A tree bond of €1,500 (one thousand five hundred euros) shall be lodged with the Planning Authority to ensure the protection of the existing mature street tree in the grass margin during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

5. Protection of Street Tree in Grass Margin

In order to ensure the protection of the existing street tree adjacent to this proposed development, suitable tree protection fencing should be installed in order to protect the

existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing street trees.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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**

11-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