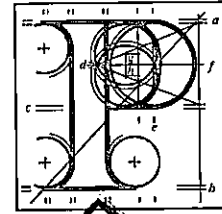


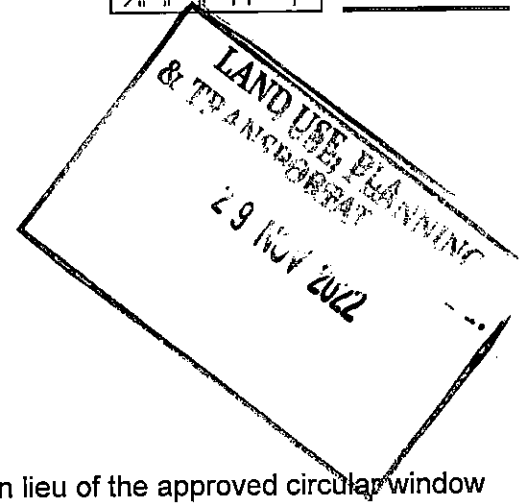
Our Case Number: ABP-315184-22

Planning Authority Reference Number: SD22B/0398



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 28 November 2022

**Re: Retention of obscure glazed screen to the north elevation in lieu of the approved circular window (SD14A/0150, PL065.244270.)
Woodley Lodge, Washington Lane, Dublin 14**

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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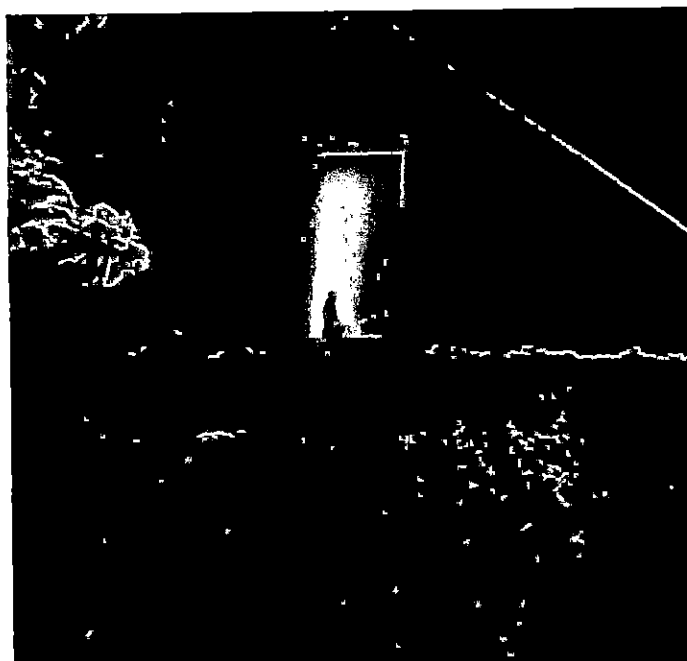


Suite 1, 20 Harcourt Street, Dublin 2, Republic of Ireland.

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

AN BORD PLEANÁLA	
LDG-	<u>059465-22</u>
ABP-	_____
24 NOV 2022	
Fee: €	<u>220</u> Type: <u>card</u>
Time:	<u>11.19</u> By: <u>hand</u>

Date: 22nd November 2022



Retention Application Window

Dear Sir/Madam,

RE: 3rd Party Objection (Planning Register Reference SD22B/0398) Permission to retain the existing obscure glazed screen to the north elevation, providing natural light to the stairwell of the existing dwelling in lieu of the approved circular window in a similar location (application SD14A/0150, PL065.244270.)

On behalf of my clients **Mr. & Mrs. David Mellon**, of Washington House, Butterfield Avenue, Rathfarnham, Dublin 14, we, **Architects Workshop Limited**, wish to lodge an appeal to the Grant Permission for Retention application of unauthorised development at Orchardstown House, Washington Lane, Rathfarnham, Dublin 14.

We enclose receipt the following:

- ~~Charge for €220.00 made payable to An Bord Pleanala~~ *Cash 6m*
- Copy of acknowledgement from South Dublin County Council to confirm observation at planning application stage
- Copy of planning authority Decision SD22B/0398

Overview

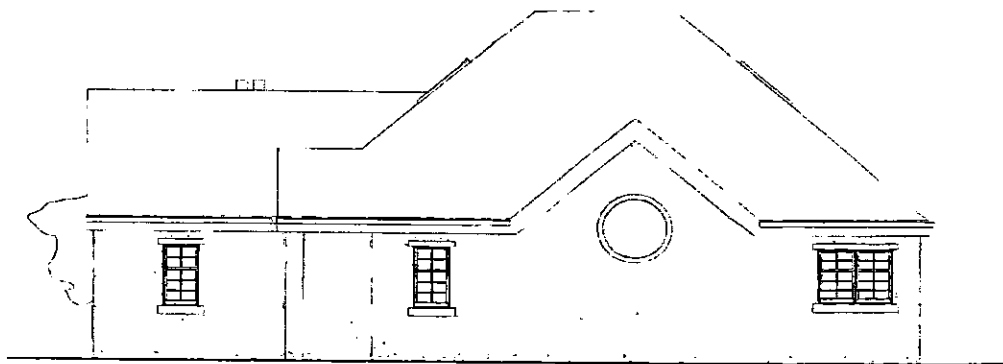
This retention application was in response to the enforcement notice S 8528 - Breach of planning at Orchardstown House which was issued on the 9th June 2022 as itemised below:

Please be advised that an Enforcement Notice pursuant to Section 154 of the Planning & Development Acts 2000 (as amended) issued to the owners of the above lands on 8th June 2022 requiring that within the specified period commencing 13th June 2022 and ending 13th October 2022 to take the following steps.

1. *Cease the development and discontinue the use of gable window in the north-west elevation*
2. *Remove the window and close up the window opening.*
3. *Remove all resultant debris to an approved landfill site.*

The particulars of application SD22B/0398 were not available to view on the on-line planning portal at the time of writing .

The Side elevation (North West) (indicated below) and the attic plan are significantly different to the plans approved by An Bord Pleanala under SD14A/0150.



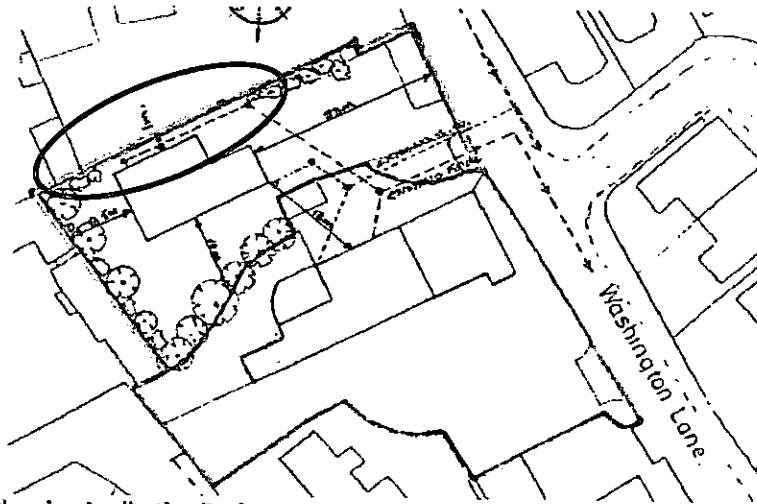
SIDE ELEVATION (NORTH / WEST)
SCALE 1:50

This retention application planning wording is vague and inaccurate "... in lieu of the approved circular window in a similar location". The "as-built" window and the window approved are in no way similar in in terms of height above ground level, shape, size or position.

Grounds for Appeal

1. The window as constructed overlooks my clients property.
2. This window serves a stairwell and while it is defined as not being a habitable space there is the **perception of overlooking.**

3. The proximity of the window to the property boundary (only 1 m) is also a planning issue. There are limitations on placement of windows in exempted Developments as follows:
S.I. No. 600/2001 - Planning and Development Regulations, 2001 exempted development Class 1 6(b)
"Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces".



Planning Application Design statement

4. The occupants also leave this stairs /landing light on at night which is a cause of light pollution and effects my clients private amenity and enjoyment of their property (as per photo above).
5. The window in question is also effectively North Facing so there is little merit in the argument for allowing the window remain as little natural light penetration is being achieved.
6. My clients do not understand the reason for this window installation as it performs no functional purpose but has decreased the value of their property due to again the perception of overlooking.
7. The applicants have installed a frosted coating to the inside of the window in a weak response to my clients earlier concerns.
8. My clients request is that the window is removed as directed in the enforcement notice S 8528. The stairwell of this property can be lit with Velux windows which my clients will have no issue with.

Yours sincerely,

Olan Crowley

Olan Crowley, Design Manager
Dip Arch, B Arch Sc., (1st Class Hons), FRIAI, G3 Conservation

E-Mail: olan@awl.ie

Phone: +353 (0) 1 4007540

Mobile: +353 (0)878272686



AW Architects Workshop Ltd.
c/o Olan Crowley, Design Manager
Suite 1
20 Harcourt Street
Dublin 2.

Date: 07-Oct-2022

Dear Sir/Madam,

Register Ref: SD22B/0398
Development: Permission to retain the existing obscure glazed screen to the north elevation, providing natural light to the stairwell of the existing dwelling in lieu of the approved circular window in a similar location (application SD14A/0150, PL065.244270.)
Location: Woodley Lodge, Washington Lane, Dublin 14
Applicant: Anthony Duffin
Application Type: Retention
Date Rec'd: 06-Sep-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, www.sdblincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "*Notify me of changes*" and click on "*Subscribe*". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Crowley
for Senior Planner

Land Use, Planning & Transportation Department
Telephone: 01 414 9000

Fax: 01 414 9104

Comhairle Contae Átha Cliath Theas
South Dublin County Council
An Rannóg Talamhúsaíde, Pleanála agus Iompair
Email: planning.dept@sdblincoco.ie

AW Architects Workshop Ltd.
c/o Olan Crowley, Design Manager
Suite 1
20, Harcourt Street
Dublin 2.

Date: 02-Nov-2022

Dear Sir/Madam,

Register Ref. No: SD22B/0398
Development: Permission to retain the existing obscure glazed screen to the north elevation, providing natural light to the stairwell of the existing dwelling in lieu of the approved circular window in a similar location (application SD14A/0150, PL065.244270.)
Location: Woodley Lodge, Washington Lane, Dublin 14
Applicant: Anthony Duffin
App. Type: Retention
Date Rec'd: 06-Sep-2022

I wish to inform you that by Order dated 01-Nov-2022 it was decided to **GRANT PERMISSION FOR RETENTION** for the above proposal.

This decision together with the conditions/reasons attached to the decision is recorded in the Planning Register kept at this office in accordance with Article 7 of the Planning & Development Act 2000.

This Register may be inspected during office hours 9.00 a.m. – 4.00 p.m. and interested parties may obtain a certified copy of an entry therein on payment of a fee of €9.00 in respect of each entry. Alternatively, the information can be accessed on-line at www.sdblincoco.ie by selecting “*Planning Applications*” and conducting a search using available information such as the Planning Application number, Applicant Name or Location. Scanned planning files can be downloaded at this site.

It should be noted that any person who made a submission within 5 weeks of the date of receipt of the application by the Planning Authority and which was accompanied by the appropriate fee of €20.00 may appeal to An Bord Pleanála against the decision or any conditions attached to the Council's decision *within 4 weeks* beginning on (and including) the date of the Council's decision. Interested parties are advised to consult An Bord Pleanála to ascertain if an appeal has been lodged by the applicant.

In cases where the Planning Authority is notified of an appeal having been lodged, this information is published on a weekly basis on the Council's website www.sdblincoco.ie, under the heading “*Weekly Lists*”.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1 (Tel. 8588100 – LoCall: 1890 275 175).

Any appeal made to An Bord Pleanala will be invalid unless it is fully complete and the correct fee is received by An Bord Pleanala within the statutory appeal period. The fee in respect of an appeal by an applicant for permission relating to commercial development is €1,500; unauthorised commercial development is €4,500; other unauthorised development €660; any other appeal is €220.

Submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of €50 and must be received within four weeks from and including the date of the receipt of the appeal by An Bord Pleanala.

Yours faithfully,

M. Crowley
for Senior Planner