

# Comhairle Chontae Atha Cliath Theas

**PR/1579/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22B/0454      **Application Date:** 18-Oct-2022  
**Submission Type:** New Application      **Registration Date:** 18-Oct-2022  
**Correspondence Name and Address:** Carol Forbes 38, Larkfield Avenue, Lucan, Co. Dublin  
**Proposed Development:** Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip, new access stairs and flat roof dormer to the rear.  
**Location:** 2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10  
**Applicant Name:** James & Emma Mulhern  
**Application Type:** Permission

### **Description of Site and Surroundings:**

Site Area: stated as 0.0336548 hectares on application form.

### **Site Description:**

The subject site is located along Wainsfort Manor Drive residential street. The subject dwelling is a two-storey semi-detached dwelling with a hipped roof profile. The external finish on the front elevation of the dwelling comprises of red brick. The surrounding streetscape is characterised by dwelling houses of similar design and appearance and uniform building line. Wainsfort Manor Drive is a residential street/estate with grass verge with mature trees and footpath. A grass surface public open space/amenity area with mature trees exists to the side of the subject dwelling.

### **Proposal:**

The proposed development consists of permission for the following:

- Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip with new access stairs
- Flat roof dormer to the rear.

### **Zoning:**

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity', under the South Dublin County Council Development Plan 2022-2028.

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### **Consultations:**

Surface Water Drainage Section - No report received at time of writing.  
Irish Water - No report received at time of writing.  
Parks - No objections subject to **conditions**.  
Roads - No objections.

*SEA Sensitivity Screening* - Indicates no overlap with the relevant environmental layers.

### **Submissions/Observations /Representations:**

Submission expiry date – 21/11/2022

One submission was received objecting to the proposed development.

Points raised:

1. Overlooking and loss of privacy from proposed dormer window into rear garden of neighbouring property.
2. Daylight and Sunlight Impact of proposed development on the rear garden of neighbouring property.
3. Would set negative precedent for such kind of development in the location in future.
4. Not sufficient documentation to address concerns of neighbouring property.

The issues raised in the third-party submission have been considered in assessing this planning application.

### **Relevant Planning History:**

#### ***Subject Site:***

None identified on APAS.

#### ***Adjacent sites:***

SD15B/0142 - 63, Wainsfort Manor Drive, Dublin 6w

Conversion and extension of attic to include raising of roof to side of house, installation of 'Velux' roof lights to rear of house and installation of window to side of house.

#### **Grant Permission.**

SD10B/0402 - 85, Wainsfort Manor Drive, Dublin 6w

The conversion and extension of attic to include raising of roof to side of house, installation of Velux roof lights to rear of house and installation of window to side of house.

#### **Grant Permission.**

SD18B/0081 - 20 Wainsfort Manor Drive, Dublin 6W, D6W EP94.

First floor side extension over an existing ground floor extension including alterations to existing roofs at ground and first floor levels, a window to the gable at first floor and conversion of attic

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to storage including a dormer window to the rear and 2 'Velux' roof lights to the sides all at roof level.

### **Grant Permission.**

SD20B/0453 - 89, Wainsfort Manor Drive, Terenure, Dublin 6W

Attic extension by extending the existing roof ridge line & raising the side/gable wall to form a 'Dutch' hip to the existing pitched roof, complete with new dormer window to rear elevation, new attic conversion to include 'Velux' roof windows to front & rear elevations and to increase the height of the stairwell/landing window (finished in frosted glass) within the side elevation, together with associated site works.

### **Grant Permission.**

### **Relevant Enforcement History:**

None identified for subject site on APAS.

### **Pre-Planning Consultation:**

None identified on APAS for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2022 - 2028**

#### *6.8.2 Residential Extensions*

*Policy H14: Residential Extensions Support the extension of existing dwellings subject to the protection of residential and visual amenities.*

*H14 Objective 1: To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 13 Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).*

*H13 Objective 5: To ensure that new development in established areas does not unduly impact on the amenities or character of an area.*

#### *Policy GII: Overarching*

*GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.*

*GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.*

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*GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.*

*Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

*Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

*Chapter 12 Implementation and Monitoring*

*Section 12.5.8 Residential Consolidation*

*Extensions*

*The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

### **National Guidelines & Policy relevant to Development Management**

*The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.*

The House Extension Design Guide contains the following general guidance on house extensions and specific guidance on dormer windows:

#### **For attic conversions and dormer windows:**

- *Use materials to match the existing wall or roof materials of the main house;*
- *Meet Building Regulation requirements relating to fire safety and stairs in terms of headroom on stairs and means of escape;*
- *Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch;*
- *Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses);*
- *Relate dormer windows to the windows below in alignment, proportion and character;*
- *In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.*
- *Avoid the use of flat-roofed dormer window extensions on houses with hipped rooflines.*

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### **Side Extensions:**

- *Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*
- *Avoid creating a terraced effect and awkward join between the rooflines of two adjacent properties if building up to the party boundary.*
- *Match the roof shape and slope of the existing house. In the case of houses with hipped roofs it can be particularly difficult to continue the ridge line and roof shape; however, it is more visually pleasing to do so if this will not result in a terracing effect with the adjoining house.*

### **Elements of Good Extension Design:**

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

### **Relevant Government Guidelines**

***Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas***, Department of the Environment and Local Government (2009).

***Urban Design Manual: A Best Practice Guide***, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

***Quality Housing for Sustainable Communities: Best Practice Guidelines***, Department of the Environment, Heritage and Local Government, (2007).

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council policy
- Residential and Visual Amenity
- Services and Drainage
- Parks
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

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#### ***Zoning and Council Policy***

The site is located in an area which is zoned 'RES' 'to protect and/or improve residential amenity.' The development that consists of the build-up of existing hip in roof to side of roof into dutch hip, attic conversion with dormer roof window in rear slope of roof, is permitted in principle subject to its accordance with the relevant provisions in the Development Plan and South Dublin County Council House Extension Design Guide (2010).

#### ***Residential and Visual Amenity***

##### *Creation of half hip and dormer window*

The proposal for the subject site involves the creation of a half hip or 'Dutch' hip roof profile at attic level to allow for the conversion of attic to serve a 25sqm attic room/space with new dormer window to the rear of the roof structure. The chimney is not proposed to be moved or altered by the development. The current hipped roof profile is proposed to be extended out by c3.6m on the ridgeline to create the proposed half hip/dutch hip roof. A dutch hip measuring 0.612m is proposed for the final meter of the roof.

The proposal for the creation of the Dutch or half hipped roof profile is contrary to the guidance stated in the House Extension Design Guide 2010 which has the following policy:

*Extending a hipped roof to the side to create a gabled end or half-hip will rarely be acceptable, particularly if the hipped roof is visually prominent and typical of other houses along the street.*

Although the proposed development is somewhat divergent from the Design Guide policy, this is mitigated by the precedents which have been established along Wainsfort Manor Drive, which contains several dwellings of a similar form and appearance that have permitted and constructed half hip or 'Dutch' roof developments. The change in roof profile therefore, having regard to similar type of developments in the area would be visually acceptable and not out of context with the wider area. Therefore, the proposed development would be visually acceptable.

The following extract from the South Dublin House Extension Design Guide (2010) in relation to dormer extensions is of note:

*'Locate dormer windows below the ridge of the roof, even if the roof has a shallow pitch*

*'Locate dormer windows as far back as possible from the eaves line (at least 3 tile courses)'*

The proposed dormer appears to be located at least 3 No. tile courses above the eaves line and least 100mm below the ridge line of the existing dwelling. Having regard to the receiving context of the subject site and the scale of the proposed dormer it is considered that the proposal would not be materially harmful to neighbouring residential amenity in terms of overshadowing and overbearing. Although there is potential for the proposed dormer window to overlook the rear amenity space of adjacent property, it is not considered that it would be materially worse

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than views from the existing first floor windows and therefore would not give rise to unacceptable levels of overlooking. Overall, it is considered that the proposal would not have an adverse impact on the residential and visual amenity of the subject site and adjacent properties. Whilst the ridge line and general shape of the proposed amendments to the roof profile largely matches that of the existing house, it is noted that the half-hipped profile element of the roof is considered to be 'minimalist' in nature. To avoid an imbalance with the adjoining property and ensure continuity with the existing roof profile and to allow the proposed development to seamlessly integrate into the existing streetscape, it is preferable that the proposed roof profile facilitate a greater proportion of the half hip element. In this regard a slight re-design is required to ensure the provision of the half-hipped roof profile has a greater element from the current 0.612m in distance. This would avoid an imbalance in roof profiles with the adjoining dwelling. The Planning Authority is satisfied that this can be achieved by way of **CONDITION**.

### *Side gable window*

A 750mm x 900mm window is proposed in the raised gable wall on the side elevation of the subject dwelling. The window will serve the access stairs to the attic room which is a non-habitable area. The window overlooks a public open green space with mature trees. It is not considered that the window would be materially worse than views from the existing first floor windows and therefore would not give rise to unacceptable levels of overlooking and is deemed acceptable.

### *Visual*

The materials for proposed dormer and roof extension are specified on the application to match with existing materials and finishes. It can be noted through **condition** that all the materials used shall harmonise in colour or texture that is complementary to the existing dwelling.

### *Attic Room*

The proposal does not state whether the attic room would be used for habitable use. Building regulations require the minimum ceiling height of 2.4m for a habitable room. This can be dealt with by way of **note** in the event of a grant of permission. The dormer window would be located c19m from the rear boundary of the subject site and c27m of the dwelling to the rear (No.24 College Square), which is acceptable and in line with guidance in the South Dublin County Council House Extension Guide (2010). The proposed dormer window would also not overlook any habitable rooms of the adjoining neighbouring dwelling No.4 Wainsfort Manor Drive.

In summary, the proposed development is considered in general to comply with the guidance set out in the South Dublin County Council House Extension Design Guide (2010) and would have an acceptable impact, subject to condition in terms of residential and visual amenity.

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### ***Services and Drainage***

No report was received from Water Services, Irish Water or the Environmental Section at the time of writing, however, it is deemed appropriate that standard conditions for sustainable water measures can be obtained by means of **condition**.

### ***Parks***

The public realm department of the council have reviewed the application and have no objection to the development subject to **conditions**. The following report was received:

*The following condition is recommended to be applied:*

### **Protection of Street Trees in Grass Margins**

1. The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area 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 areas indicated on plan. NCBH11 Objective 3.

The street tree that is subject to the comments of the parks department is located in the grass verge to the east of the vehicular access to the site and away from the boundary wall. It is however, considered appropriate that the above **condition** is attached in the event of a grant of permission.

### ***Roads***

The roads department of the council have reviewed the application and no objection to the proposed development. Vehicular access to the subject site will remain unchanged.

### ***Green Infrastructure***

The subject application provides for a relatively small increase in the footprint of the subject house on an established suburban residential site. It is noted that the site appears not to be located within a Primary GI Corridor or Secondary Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.



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### ***Screening for Appropriate Assessment (AA)***

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip and flat roof dormer to the rear.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### ***Screening for Environmental Impact Assessment (EIAR)***

Having regard to the modest nature of the development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### ***Development Contributions***

Proposed works	25sqm
Total Assessable	0sqm (Non Habitable)

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<b>Planning Reference Number</b>	<b>SD22B/0454</b>
<b>Summary of permission granted &amp; relevant notes:</b>	Conversion of existing attic space comprising of modification of existing roof structure, raising of existing gable c/w window and dutch hip with New access stairs, Flat roof dormer to the rear. Proposed Works - 25sqm
<b>Are any exemptions applicable?</b>	Yes
<b>If yes, please specify:</b>	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	25
<b>Amount of Floor area, if any, exempt (m2)</b>	25.0
<b>Total area to which development contribution applies (m2)</b>	0
<b>Total development contribution due</b>	<b>€0.00</b>

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – attic conversion/dormer window/roof extension.	25sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0336548

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### **Conclusion**

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the **conditions** set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **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 conditions set out hereunder in the Second Schedule is hereby 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. (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.

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(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

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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. Prior to the commencement of development the Applicant shall submit to the planning authority amended plans, sectional and elevational drawings for the proposed development indicating the following amendment:

(a) Amendment of the proposed roof profile of the dwelling to increase the half-hipped element of the profile.

**REASON:** In the interests of adherence to the South Dublin House Extension Design Guide (2010) and the proper planning and sustainable development of the area.

4. 1. Protection of Street Trees in Grass Margins

The applicant is to ensure the protection of the existing street tree to be retained through the installation of suitable tree protection fencing in order to protect the existing tree during any construction works. Commencement of development should not be permitted without adequate protective fencing being in place in line with BS 5837. This fencing, enclosing the tree protection area 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 areas indicated on plan. NCBH11 Objective 3

**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

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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.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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**REG. REF. SD22B/0454**

**LOCATION: 2, Wainsfort Manor Drive, Terenure, Dublin 6w D6W DF10**



**Deirdre Kirwan,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 12/12/22



**Gormla O'Corrain,  
Senior Planner**