

Comhairle Chontae Atha Cliath Theas

PR/0023/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0483 **Application Date:** 04-Nov-2022
Submission Type: New Application **Registration Date:** 04-Nov-2022
Correspondence Name and Address: Anne Mahion Architect 9a, Woodfarm Drive,
Palmerstown, Dublin 20
Proposed Development: To demolish existing Garden Sheds and Garage at
rear and to construct a new single storey extension
and detached family room at rear of 39Cherryfield
Avenue, Walkinstown, Dublin 12. Works to include
rooflights drainage and landscaping to suit
Location: 39, Cherryfield Avenue, Dublin 12
Applicant Name: Siobhan & Eamonn Mannix
Application Type: Permission

(BC)

Description of Site and Surroundings:

Site Area: stated as 0.0387 hectares on application form.

Site Description:

The subject site is located on Cherryfield Avenue in Walkinstown which is a residential street. The subject dwelling is a two-storey end of terrace dwelling with a hipped roof profile. The streetscape of Cherryfield Avenue is characterised by terraces of houses of similar form and appearance, with front and rear gardens and laneway providing rear access. The front garden/amenity area consists of a vehicular entranceway with permeable paving almost the full width of the site. A side pedestrian access lane on the side elevation leads to the rear of the site. The rear garden contains open space and a garage and shed unit located to the rear of the site bordering the laneway. The laneway is wide enough for vehicular access and several properties have garages/sheds opening onto the laneway. The dwellings along Cherryfield Avenue are in terrace form of 4 units which are stepped back along the street to the open green space to the front of the street.

St Damians National School is located to the rear of the site on the far side of the laneway.

Proposal:

The proposed development consists of Permission for the following:

- To demolish existing Garden Sheds and Garage at rear and to construct a new single storey extension and
- detached family room at rear of 39 Cherryfield Avenue
- Works to include rooflights drainage and landscaping to suit

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Zoning:

The subject site is subject to zoning objective 'RES' - 'To protect and/or improve Residential Amenity'.

Consultations:

Water Services/Drainage -	No report received at time of writing.
Irish Water -	No report received at time of writing.
Parks Section -	No objection subject to conditions .
Roads -	No objections.

SEA Sensitivity Screening - No overlap indicated with relevant environmental layers on SEA mapping tool.

Submissions/Observations /Representations:

Submission expiry date – 8/12/2022

No submissions or observations were received.

Relevant Planning History:

Subject Site:

None identified on APAS.

Adjacent sites:

S99B/0708 - 37 Cherryfield Avenue, Walkinstown, Dublin 12. (Neighbouring Dwelling)

Demolish existing garage at rear to build family only games room.

Grant Permission.

SD20B/0017 - 21, Cherryfield Avenue, Walkinstown, Dublin 12

Single storey rear extension to extend existing ridge line to form a new 'Dutch' type roof structure; conversion of attic with dormer window to rear roof slope and all associated site works.

Grant Permission.

- No other relevant applications along Cherryfield Avenue.

Relevant Enforcement History:

None identified for subject site on APAS.

Pre-Planning Consultation:

None identified on APAS for subject site.

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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).

Policy G11: Overarching

G11 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.

G12 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.

G14 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.

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12.6.7 Residential Standards

Table 3.20: Minimum Standards for Housing

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:

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'.*

Overbearing Impact

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

Rear Extensions:

- *Match or complement the style, materials and details of the main house unless there are good architectural reasons for doing otherwise.*
- *Match the shape and slope of the roof of the existing house, although flat roofed single storey extensions may be acceptable if not prominent from a nearby public road or area.*
- *Make sure enough rear garden is retained.*

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).

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Assessment

The main issues for assessment relate to:

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

Zoning and Council Policy

A development comprising of the demolition of existing Garden Sheds and Garage at rear and construction of a new single storey extension and detached family room at rear of the existing dwelling would be consistent in principle with zoning objective 'RES' – 'To protect and/or improve residential amenity', subject to the relevant provisions in the County Development Plan **2022-2028** and the House Extension Design Guide.

Residential and Visual Amenity

Demolish existing Garden Sheds at rear and construction of new single storey extension

The proposed development will include the demolition of an existing single storey flat roof 3.5m x 2.2m rear kitchen extension and separate shed/w/c building located c1m from the rear of the kitchen extension.

The proposal involves the construction of a new extension to the rear of the dwelling. The extension would be 8.1m in depth from the existing rear building line with a 3.6m flat roof element with roof light for the initial part of the extension leading to a pitched roof element for the final 4.4m of the extension. The flat roof element would have a height of 2.6m, while the pitched roof would have an eaves height of 2.4m raising to a ridge height of 4.3m. The ridge height of the main dwelling is 8.0m in height which. The extension would be subservient to the main dwelling and not have an overbearing impact on the dwelling. The extension would be 6.6m in width which matches the width of the main dwelling house. The extension is along the shared boundary wall with No. 41 and has a c1.0m side passageway to the west of the site to the boundary wall of No.37. The pitched roof element would match with the profile and scale to that of the neighboring adjoining dwelling to the west No.41 creating a uniform development of matching appearance. The extension would not extend beyond the neighboring rear extension. No side elevation windows are present on the neighboring dwellings gable wall of the extension to which the proposed extension will be located next to, therefore no significant impact or loss of light will occur with the proposed extension on the neighboring dwelling to the west No.41.

In relation to the neighboring dwelling to the east No.37 Cherryfield Avenue, the proposed extension extends 8.1m beyond the rear building line of the existing dwelling of the subject house. It is important to note however, that the neighboring dwelling is the first house of a

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setback terrace of houses. The front building line is set back c8m from the front building line of the subject dwelling which allows for the depth of the proposed extension. It is noted that the proposed rear extension would not project past the rear building line of the neighbouring property and therefore would not result in any significant level of overbearing impact on the adjoining rear private open space. No undue issues of overshadowing are envisaged from the proposed development. The two proposed roof lights on the flat roof and pitched roof are deemed acceptable and provide no issue to the planning authority. The extension would provide for an open plan Kitchen/dining and living area with access to the rear amenity space through large folding doors.

The minimum private open space requirement (70sqm minimum) is achieved for a four-bedroom house (*Details on No. bedrooms not provided, information not provided, dealt with in next section*). Approximately 123.75sqm of private open space would remain (Measurements from drawings) which is acceptable. The development complies with the design guidelines for rear extensions as set out in the 'House Extension Design Guide' in the current South Dublin County Council Development Plan 2022-2028. therefore, a grant of permission is recommended.

Demolition of garage and shed and construction of a detached family room at rear of site:

A 46sqm garden room structure is proposed for construction to the rear of the site under the subject application. The garden room is proposed to be c8m in depth by c7.5m in width (full width of rear boundary wall to rear laneway) at a height of 3m. The garden room would have a flat roof. The proposed structure would accommodate a garden room with internal wall dividing area for a shed and W/C. The structure is proposed to be accessed by two separate doors on the front elevation. A single door way (c0.8m width) to the left side front elevation accessing the shed part and a larger French door c1.7m in width accessing the main garden room with c2m high windows to each side of the French doors. No other openings or windows are proposed on the structure.

It is noted that there are a number of similar detached structures at the rear of the adjoining and surrounding properties. The proposed structure would be bordered on 2 sides by buildings/sheds of similar size and construction on adjoining neighbouring properties rear boundary with the laneway. Potential concerns could arise regarding the potential for the structure to have an overbearing and overshadowing impact on the neighbouring property to the east No.37 Cherryfield Avenue, however, it appears from the drawings submitted that the garden room structure would not extend beyond the building line of an existing shed in the rear of the adjoining site and would be of a similar height, therefore would have no significant negative impact on the dwelling or rear amenity space. In relation to the adjoining property No.41 Cherryfield Avenue, the rear shed that exists at the rear of the site and shares the boundary with the subject dwelling would not be significantly overlooked or would suffer any significant negative impacts from the proposed garden room in terms of an overbearing impact on the dwelling. It is considered that there is unlikely to be a significant adverse impact on the residential and visual amenity of adjoining properties.

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The Application does not state that the single storey structure shall be operated separately to the main dwelling. According to the floorplans provided with the Planning Application, the structure is proposed to contain a garden room, W/C and a shed. It is noted that no kitchen type facility or facilities are proposed within the development. These uses would appear to be ancillary to the main dwelling. The garden room shall remain for ancillary use only and shall not be used for habitation or any other purpose. A **condition** shall be attached to this effect.

In terms of private amenity space for the subject site, the Site Layout Plan is deficient of information regarding: (a) the private amenity space that would remain to the rear of the main dwelling following the construction of the structure and (b) the number of bedrooms within the main dwelling to allow for the calculation of private amenity space as required by Table 3.20: Minimum Standards for Housing in Section 12.6.7 Residential Standards of the CDP. Thus, it is difficult to assess the subject development in the context of the private amenity. According to the drawings provided by the Applicant, approximately 123.75sqm of rear private amenity space would remain behind the building line of the main dwelling including the proposed rear extension and with the proposed garden room. The remaining rear amenity space is considered to be sufficient and above that required by Table 3.20.

In summary, the proposed development is considered to comply with the guidance set out in the South Dublin County Council Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010) and would have an acceptable impact, subject to conditions in terms of residential and visual amenity.

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**.

Roads

The roads department of the council have reviewed the application and have stated **no objection** to the proposed development. It appears that there will be no change to the parking or access and egress arrangements on site that would increase the risk to road users, therefore the proposed development is acceptable.

Green Infrastructure

The subject application provides for a relatively small increase in the footprint of the subject site by adding a rear extension and new garden room to the rear of the garden on an established suburban residential site. It is noted that the site appears not to be located within a Primary GI Corridor or Secondary GI Link 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).

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It is also noted that the Public Realm department of the council have indicated that a **condition** be added in the event of a grant in permission stating the following:

1. Green Infrastructure

'The applicant is requested to submit a Green Infrastructure Plan which shall be submitted as part of the suite of Landscape Plans that are required for a development. The Green infrastructure Plans should include the following information:

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County.*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County.*
- *Proposed GI protection, enhancement, and restoration proposals as part of the landscape plan, where appropriate, for the site.*
- *Proposals for identification and control of invasive species where appropriate, for the site*

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.'

Given the size, scale and nature of the proposed development, it is deemed appropriate in this instance that the development will not result in a significant loss of any grassland or permeable surfaces provided appropriate SUDS measures such as water butts are provided which can be achieved by means of **condition** in the event of a grant in permission. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site and a full GI assessment and plan for the proposed development is not required.

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 demolition of existing Garden Sheds and Garage at rear and construction of a new single storey extension and detached family room at 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.

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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

Previous extensions 9.8sqm
 Proposed works 88sqm
 Non habitable works 46sqm
 Exemption remaining 30.2sqm
 Total assessable 11.8sqm

Planning Reference Number	SD22B/0483
Summary of permission granted & relevant notes:	To demolish existing Garden Sheds and Garage at rear and to construct a new single storey extension and detached family room at rear. Previous extensions evident – 9.8sqm, 88sqm proposed - non habitable 46 sqm (Garden Room), Assessable area – 11.8sqm
Are any exemptions applicable?	Yes
If yes, please specify:	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.
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	88
Amount of Floor area, if any, exempt (m2)	76.2
Total area to which development contribution applies (m2)	11.8
Total development contribution due	€1,405.38

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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Rear extension, garden room.	88sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0387

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.

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(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,

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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. Restriction on Use of the Shed/Garden Room.

The Shed/Garden Room shall be used solely for purposes incidental to the enjoyment of the dwelling house as such and shall not be used for habitation or the carrying on of any trade or business, and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

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

4. Surface Drainage.

The applicant shall install water butts in connection with the approved detached garden room as a sustainable drainage system measure and thereafter the water butts shall function to infiltrate surface water from the detached structure within the site.

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.

5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 405.38 (One thousand, four hundred and five euro, thirty eight 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

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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.

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.

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REG. REF. SD22B/0483

LOCATION: 39, Cherryfield Avenue, Dublin 12



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: 09/01/23


Gormla O'Corrain,
Senior Planner