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**NOTIFICATION OF DECISION TO GRANT RETENTION & REFUSE RETENTION  
PLANNING AND DEVELOPMENT ACT 2000 (as amended) and PLANNING  
REGULATIONS THEREUNDER.**

<b>Decision Order No:</b> 0086	<b>Date of Decision:</b> 23-Jan-2023
<b>Register Reference:</b> SD22B/0504	<b>Date:</b>

**Applicant:** Malgorzata Sobota

**Development:** Retention Planning Permission for garage to the side, Detached Office to the rear and Canopy that is connected to house, garage and Office for shelter and storage along with associated ancillary works

**Location:** 26, Grange View Lawn, Dublin 22

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

**Additional Information Requested/Received:** /

**Clarification of Additional Information Requested/Received:** /

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County of South Dublin, did by Order dated as above make a **DECISION TO GRANT RETENTION & REFUSE RETENTION** in respect of the above proposal, as detailed on the following pages.

A decision to **Grant Permission** for the existing domestic garage and office structure subject to the Conditions/Reasons set out in the First Schedule hereto subject to the Conditions and Reasons specified in Schedule 1.

## SCHEDULE 1

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.
  - (i) The development of the garage (56 sq.m) shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application,
  - (ii) The development of the office (22.2 sq.m) shall be retained subject to the amendments outlined in the below conditions. The applicant shall resubmit drawings within 6 months of the grant of retention permission, save as may be required by other conditions attached hereto.

REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:  
Revised plans that incorporate all of the following amendments-

  - (a) the stairs and balcony for the tree house/office shall be removed entirely within 6 months.
  - (b) all canopy structures to be removed within 6 months.
  - (c) omit the wc from the office; the structure is ancillary and incidental to the main dwelling, not for habitation.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. The disposal of surface water shall accord with the requirements of the Planning Authority as follows:
  - (a) The surface water generated by the development (roof and pavements) shall not be discharged to the sewer but shall be infiltrated locally, to a soakpit or similar. There shall be no overflow to the public network. The soakpit shall be designed to BRE Digest 365, shall be at a min. 5m from the house and shall have no impact on neighbouring properties.
  - (b) If the applicant does not consider a soakpit a feasible solution, the applicant shall prove that by submitting a report signed by a Chartered Engineer, showing an infiltration test (with results, photos, etc), and shall propose an alternative SuDS measure for the written agreement of the Planning Authority thereafter for build-out.
  - (c) Any changes to the parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SUDS) i.e. permeable surfacing. Where unbound material is proposed for hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath.

REASON: In accordance with GI4 Objective 1 of the County Development Plan 2022-2028 and the South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022
4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €9, 313.62 (Nine thousand, three hundred and thirteen euros and sixty two cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning

Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

A decision to **Refuse Permission** for the Retention of the remaining canopy structures for the Reason(s) set out in the Second Schedule 2.

## **SCHEDULE 2**

### **Reasons**

1. Having regard to the scale and size of the combined garage, office and canopy structures for retention on the site, the configuration of the three structures combined would provide insufficient rear amenity space. It would therefore constitute overdevelopment of the site and a haphazard pattern of development that may impinge on future coordinated rear redevelopment and would be contrary to the proper planning and sustainable development of the area. Furthermore, it would be contrary to the provisions of the House Extension Design Guide and Section 12.6.7 of the South Dublin County Development Plan 2022-2028. Therefore the removal of the canopy structures that links the existing garage and office with the dwelling is required.

The development for Retention of the combined canopy structures would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential and visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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 to 2006.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001-2006, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council

**Register Reference: SD22B/0504**

*Pamela Hughes* 23-Jan-2023  
*for Senior Planner*