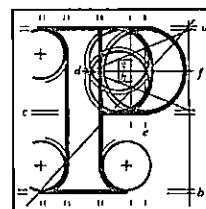


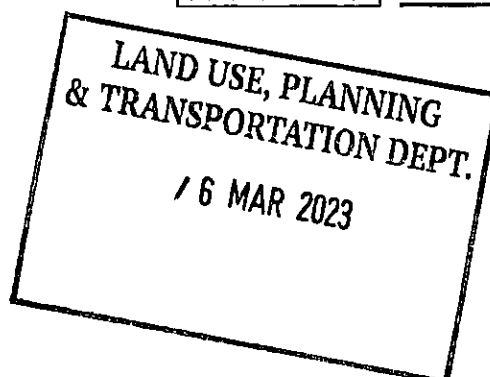
Our Case Number: ABP-315928-23

Planning Authority Reference Number: SD22B/0514



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 03 March 2023

Re: Retention of single storey detached home office / gym to rear garden with associated ancillary works.
5, Aranleigh Gardens, 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,

Tel	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomphost	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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D01 V902 D01 V902

24th February 2023
The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

LAND USE, PLANNING
& TRANSPORTATION DEPT.
16 MAR 2023

AN BORD PLEANÁLA	
LDG-	061544-23
ABP-	
27 FEB 2023 o.k	
Fee: €	200- Type: CARD
Time: 1:41pm	By: HWND

Ms Ruth O'Sullivan & Mr Gordon Chivers
4 Aranleigh Court, Rathfarnham D 14

Representing ourselves and the following residents of Aranleigh Estate

Ms Regina Harris – 7 Aranleigh Gardens, Rathfarnham Dublin 14
Mr Marcus King – 29 Aranleigh Mount, Rathfarnham D14R7F3
Ms Orla Maguire – 6 Aranleigh Court, Rathfarnham Dublin 14
Ms Rachel O'Connor & Mr Eamon O'Connor
2 Aranleigh Court, Rathfarnham D14Y4X8
Mr Philip Styles – 9 Aranleigh Gardens, Rathfarnham Dublin 14

Details of Appeal

Re South Dublin County Council Planning reference SD22B/0514

Retention Application – 5 Aranleigh Gardens, Rathfarnham, Dublin 14

We are the owners and occupants of 4 Aranleigh Court to the rear of the property containing the subject unauthorised development in the rear garden of No 5 Aranleigh Gardens. On our own behalf and on behalf of other residents of Aranleigh Estate, listed above, we submit this appeal against the decision of the Planning Authority, South Dublin County Council, to Grant Permission for Retention of the subject unauthorised development subject to conditions specified. All listed residents previously submitted observations (attached) to the Planning Authority and acknowledgement of receipt of submissions are also attached as required.

Set out herein are the subject matter and grounds for appeal:

It is submitted that the Planning Authority (PA) did not give sufficient and adequate consideration to the concerns raised in the above noted observations (as attached) when considering the retention application and in it's subsequent decision and conditions.

(references herein to the "Council's record" refers to it's Record of Executive Business and Chief Executive's Order - ref PR/0106/23 attached)

Observations issued to the PA during the planning process and further observations with regard to this appeal are set out below:

1. **Observation:** the scale of the building to the rear of the garden is overbearing, having regard to the adjacent properties:

The Council's record considers this issue in several sections as follows:

- *The Council's record at page 1 under Site Description states that a timber structure subject to this application is located in the rear garden of the dwelling. Similar shed/type development is evident in rear gardens of dwellings in the surrounding development.*

Further Observation: refer to attached photographs Nos 1 to 8 of the structure under and after construction and the surrounding gardens to give context. It is obvious from these photographs that the subject structure is of much larger dimensions than any of those in the surrounding gardens, being more than 50sq m in area and measuring circa 4.0M in height (note applicant drawings state 3.8M in height but structure appears higher). Similar independent structures in adjacent and surrounding properties are much less than half this area and lower than 3.0M in height. The sheer size of the building can only be appreciated by inspection at the site.

The structure also appears to be elevated above the ground which adds to the overall height and exacerbates its overbearing presence. The apparent reasoning presented for this (raised with the PA by way of earlier observation but not addressed by the PA in its consideration) was to accommodate pipes

- *The Council's record at page 6 (1st para) refers to a single story garden structure and an extension at the rear to No 2 Aranleigh Court as setting a precedent for similar height developments to the rear.*

Further Observation: This reliance on precedent is invalid for the following reasons:

The single story garden structure referenced is only 2.7M to the ridge height, this is incorrectly shown on the applicants drawn detail but evident from visual inspection (also visible in the attached photos). The structure which is the subject of the application is c4.0M to the ridge, which is over 40% higher than this example and similarly higher than any other similar detached garden structures in adjoining and adjacent properties (refer to attached photos). The referenced extension to the main dwelling at No 2 is an "extension" connected to the main house and not a stand-alone structure in the rear garden and it is positioned 6.5M away the subject property boundary. This is not a legitimate precedent for the type of development which is the subject to this appeal. The structure for which retention is sought is tight to the adjacent property boundaries on 3 sides and presents a large gable wall overbearing presence on each side measuring c6.5M long and rising to c4.0M in height. There is no precedent for this scale of stand-alone rear garden structure in the adjoining or surrounding gardens which are of this scale and bulk.

- *The Council's record again at page 6 (last para) states that the office/gym structure does not have any significantly negative impact on the amenity of the neighbouring properties due to the scale and proposed use. It goes on to express a view at page 7 (para 2) that the development is acceptable in terms of visual and residential amenity.*

Further Observation: It is difficult to understand how the PA could reach these conclusions given the scale and form of the structure which is both conspicuous and overbearing (again refer to attached photos). Certainly the impact on the adjoining rear garden to No 7 Aranleigh Gardens will be significant in that the structure will block the sun and cast a shadow over the garden for most of the year. Again the scale of the building only be appreciated by inspection at the site.

These impacts could have been significantly mitigated by design improvements such as lowering the building which is on an elevated platform, lowering the eaves height, use of a flat roof and generally achieving the desired use in a smaller structure. These modifications could have been dealt with by way of further information request or condition had the applicant followed a correct planning process rather than relying on a retention application after the fact.

- *The Council's report at page 8 (Conclusion) references having regard to the SDCC Development Plan 2022 -2028 and further references the overall design and scale of the "proposed" development, which it states 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*

Further Observation: It is difficult to see what the report is trying to say here. We are not arguing that the erection of an inappropriate structure of significant scale capable of residential occupation would in itself "injure" the amenities of the area or of property in the vicinity, although it could be argued that several such developments combined could in fact do so.

However, this is not surely the entire aspiration of the Development Plan? The RES zoning objective (as referenced at the beginning of the Council's report at page 2 (Zoning) states that this objective is "To protect and/or improve Residential Amenity (not simply to not injure it, in a general sense). It is our view that this statement is out of context and a very poor basis on which to reach such a conclusion.

We further note many references in the report to residential extensions which are also not relevant as the referenced development is a stand-alone structure.

With regard to the issue of dis-improvement of residential amenity it does in our view "injure" immediately adjacent properties, neighbouring gardens in particular. Its overbearing scale is visually obtrusive, blocks the sun and therefore negatively impacts the enjoyment of residents in adjoining properties, in particular No 7 Aranleigh Gardens, as stated early. We do not understand how this can in any way meet the zoning objective to protect and/or improve residential amenity for the area.

- *The Council's report at page 5 (1st para) titled Overbearing Impact, again references "extensions" (not stand-alone structures) but however makes the point that there is a rule of thumb regarding distance from property boundary of 1M per 3M in height.*

Further Observation: It is noted that the subject building is c 0.5M from each side property (essential wedged into the site) and demonstrating the extent of over-development. Following the above rule of thumb and with the building being c4.0M in height there should be a minimum clearance of 1.33M on each side. Again had the applicant followed a proper planning process this could have been corrected to the Council's own rule of thumb by condition.

2. **Observation:** There are windows on each side of the building at the property boundaries which overlook the adjoining gardens in particular those at numbers 3 and 7 Aranleigh Gardens and No 29 Aranleigh Mount

- *The Councils record considered this issue, again at page 6, and it has proposed conditions to remove the window overlooking No 7 and to provide frosted glass to the window overlooking No 3.*

Further Observation: Whilst these proposed conditions go some way to addressing the concerns raised, it is noted that the Applicant has proceeded, following the publication of the PA decision to grant permission, to erect a timber fence above the wall (note this was without consultation with the adjoining property owner at No7 and that this may in fact be further unauthorised development given its height). This would appear to be an attempt to screen the window to avoid having to comply with this potential condition and potentially creates a further shading issue to adjoining gardens.

3. **Observation:** The building is fully serviced with power and plumbing, there is a significant risk given the scale and layout of the building that it will be used for residential occupation now or in the future.
At 50 sq metres the building is the scale of a small apartment which contains a bathroom sized room (noted as a WC on the plans) and has an open area (designated as a gym) of sufficient scale to accommodate a functioning kitchen and living space

- *The Council's record considered this issue, again at page 6 (last para), stating that the structure is intended for ancillary use and shall only be incidental to the existing dwelling and not used as a separate dwelling. At the bottom of page 6 continuing to page 7 The Council propose to impose a condition requiring the removal of the WC/bathroom and ensuring that the structure cannot be operated, leased or sold separately to the main dwelling and that the gym/office rooms shall not be operated for commercial purposes. (note that the second schedule issued with the decision notification only references WC and not WC/bathroom at proposed condition 3).*

Further Observation: It is clear from this narrative that the Council share the concern that the building as designed and constructed would be capable of such uses. It is further noted that the planning application states that the existing house is a six bedroom property, however all other properties in the estate which are of like construction are only 4 bedroom.

Given the Applicants disregard for the planning process by commencing the unauthorised construction without planning consent and thereafter proceeding to completion notwithstanding the issuance of an enforcement notice by the PA (ref S9026), it is difficult to have any confidence that this condition will remove the risk of immediate or future residential occupation.

4. **Observation:** Granting Planning Permission, via Retention, for such developments, after they are constructed, will set an undesirable precedent for future similar developments in the area

Further Observation: The Council did not address this concern in it's report, however we are again raising it with regard to this appeal. As stated above the Applicant has shown little regard for the planning process and of concerns raised by many of the surrounding residents. It is submitted that the requirement for a gym and home office could readily have been accommodated in a smaller far less intrusive building in keeping with other similar rear garden buildings in this and indeed in other residential areas. Had the applicant followed a correct planning process, prior to starting construction, some of the concerns raised herein could have been addressed by revised design and engagement with the PA.

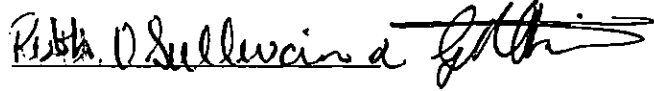
In addition to its overbearing and intrusive bulk the scale and layout of the development, as stated earlier, renders it very suitable for residential occupation on a stand-alone basis, either now or in the future, and therefore granting a retention permission without significant modifications by condition to address the concerns raised herein and observable at the site, would in effect set a precedent for this approach as it will have been successful.

We enclose Herein

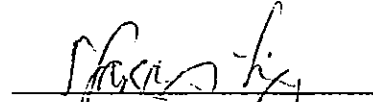
- Copies of acknowledgement of Observations received from the Planning Authority
- Photographs numbered 1 to 8
- Copy of Record of Executive Business and Chief Executive's Order – PR/0106/23
- Fee Cheque in the amount of €220

Yours Sincerely

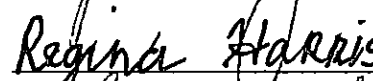
Ruth O'Sullivan & Gordon Chivers
Representing ourselves and



Markus King



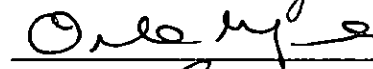
Regina Harris



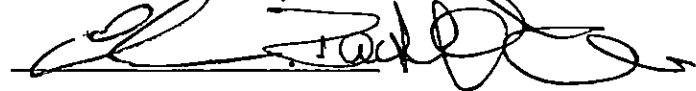
Philip Styles



Orla Maguire



Eamon & Rachel O'Connor



Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0514 **Application Date:** 01-Dec-2022
Submission Type: New Application **Registration Date:** 01-Dec-2022
Correspondence Name and Address: JEAarchitecture
Proposed Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5, Aranleigh Gardens, Dublin 14
Applicant Name: John Curran
Application Type: Retention

Description of Site and Surroundings:

Site Area: stated as 0.0447 hectares on application form.

Site Description:

The subject site is located to the rear of No.5 Aranleigh Gardens in Rathfarnham. The main dwelling is a two-storey, semi-detached dwelling with a pitched roof profile. A side access lane on the side elevation leads to the rear of the site.

The surrounding streetscape is characterised by dwellings of similar style and appearance and uniform building line. The street itself contains on-street parking with a concrete footpath, grass verge with some mature trees in the grass verge.

A timber structure subject to this application is located in the rear garden of the dwelling. Similar shed/type development is evident in rear gardens of dwellings in the surrounding area.

Proposal:

The proposed development consists of Retention Permission for the following:

- Single storey detached home office/gym to rear garden with associated ancillary works.

Zoning:

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

Consultations:

Water Services/Drainage - No report received at time of writing.
Roads - No objections

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

Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

Submissions/Observations /Representations:

Submission expiry date – 16/1/2023

Six third party submissions were received objecting to the proposed retention of the single storey home office/gym structure.

Summary of Points raised:

- Window 1m from boundary and gardens of neighbouring dwelling,
- Windows orientation does not match drawings,
- Scale of building out of character for intended use,
- Overbearing building size having regard for adjacent properties,
- Building on elevated ground exacerbates overbearing appearance,
- Building fully serviced with power and plumbing – risk of use for residential occupation now or future,
- Roof has significant pitch and height compared to drawings blocking sunlight to adjoining properties, in particular No.7 Aranleigh Gardens,
- Overlooking windows particularly on No.3 and 7 Aranleigh Gardens,
- Set undesirable precedent for similar sized developments,
- Overbearing scale of building,
- Fire hazard of the building being constructed in wood'.
 - No access for fire vehicles
 - Close to perimeters of adjacent houses which have wooden fences and could spread any fire.
- Noise pollution from music room
- Will building comply with building regulations:
 - Fire safety, electrical safety, water and sewerage
- Potential for future use as dwelling

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

Relevant Planning History:

Subject Site:

None identified on APAS.

Adjacent sites:

SD07B/0818 - 2, Aranleigh Court, Rathfarnham, Dublin 14

Demolition of an existing conservatory (size 8.35sqm) to the rear and the erection of a new glazed extension of 14sqm in size in the same location, also to replace a section of flat roof to the existing extension at the side with a new mono pitched tiled roof (area 23sqm).

Grant Permission.

Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

S99B/0273 - Rear of 11 Aranleigh Gardens, Rathfarnham, Dublin 14.

Erection of a shed.

Grant Permission.

SD16B/0209 - 29, Aranleigh Mount, Dublin 14

Construction of a part single storey extension to the front, part two storey extension to the side and general alterations to the existing house. Development will also comprise new site, drainage and fencing works.

Grant Permission.

No other significant relevant Planning History in the vicinity of the subject site.

Relevant Enforcement History:

Open Enforcement case reference number: **S9026**

Reported Address: Lands at 5 Aranleigh Gardens, Rathfarnham, Dublin 14

Nature of Problem: Erection of a structure to the rear of the property which may not be considered exempt under Class 3 ED.

Case opened - 8/11/2022.

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).

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.

Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

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.

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.

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.'*

Comhairle Chontae Atha Cliath Theas

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Record of Executive Business and Chief Executive's Order

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.*

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
- Roads
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The development comprising of a single storey detached structure is consistent with zoning objective 'RES' - 'To protect and/or improve residential amenity.' As the office/gym structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2022-2028.

Residential and Visual Amenity

The application shall be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2022-2028 and the South Dublin County Council House Extension Design Guide (2010).

Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

The proposed development seeks retention permission for a single storey detached home office/gym structure with a floor area of 51.16sqm in the rear garden of the applicants main dwelling house. The structure is 8.1m in width almost the full width of the site with 0.500m and 0.550m access space remaining to the side of the structure on the western and eastern boundary. A space of c1.096m to 2.2m in width will remain behind the proposed structure from the rear boundary wall with the neighbouring dwelling, No.2 Aranleigh Court. The structure has a pitched roof profile with a ridge height of 3.8m and an eaves height of 2.70m. The roof has a tiled finish. It is noted that the ridge height of the structure (3.8m) is in under 4-meter height which any such type structure with a pitched and tiled roof shall not exceed under Class 3 of the Planning and Development Regulations. The structure is also partially screened by mature trees to the rear and western side elevation. A single storey garden structure and extension to main dwelling with hipped roof profile located close to the rear boundary wall of the neighbouring dwelling to the rear No.2 Aranleigh Court also screen and set a precedent for similar height developments to the rear.

The structure contains one 0.9m by 0.9m window on each of its side elevations. The windows are proposed to serve two separate office rooms in the structure. It is noted that the eastern side elevation window is located in a position c1.2m from ground level. The window is to be removed from the side elevation and replaced with the timber finish to match rest of side gable. Suitable planting is to be provided in the area between the home office/gym structure in order to create a more satisfactory appearance than a blank side elevation. This can be achieved by means of **condition** in the event of a grant in permission.

The drawings and floor plans do not display the presence of a window on the rear elevation wall of the structure. It was noted on site visit that the window is small in nature and consists of frosted or opaque glass preventing any potential for overlooking. The window is located c1.7m from the rear boundary fence and faces the blank side gable of a neighbouring timber structure. The window will not have a significantly negative impact on the residential amenity of the dwelling to the rear and is deemed acceptable.

The window located on the western side elevation window serves an office room and is located next to a large fence with mature trees behind. The window is sufficiently screened however it is deemed appropriate in the event of a grant in permission that the window be frosted or opaque in nature to prevent any future overlooking should the boundary fence be altered. This can be achieved by means of **condition**.

The structure is located in the rear garden of the dwelling and is not visible from the public road. The office/gym structure does not have any significantly negative impact on the amenity of the neighbouring properties due to the scale and proposed use. The structure is intended for ancillary use and shall only be incidental to the existing dwelling and not used as a separate dwelling. Having regard to this, a condition should be imposed requiring removal of the W.C./bathroom

Comhairle Chontae Atha Cliath Theas

PR/0106/23

Record of Executive Business and Chief Executive's Order

and ensuring that the structure cannot be operated, leased or sold separately to the main dwelling and that the gym/office rooms shall not be operated for commercial purposes.

The open free private space between the main house and the garden structure exceeds the 25 sq. m requirement. 121sqm of rear garden area remains with the structure in place. The structure would be located approx. 9.9m from the rear elevation of the existing dwelling. Given the above, it is considered the proposed development is acceptable in terms of visual and residential 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 in a report received. Vehicular access or parking to the subject site will remain unchanged and acceptable provided the development is not to be used for accommodation or habitable purposes.

Green Infrastructure

The subject application provides for an increase in the footprint of the subject site by adding an office/gym building on an established suburban residential site. It is noted that the site is not 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, it is deemed appropriate in this instance that the development will not result in a significant loss of any grassland or permeable surfaces. 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. It is deemed appropriate however, that the development is subject to the addition of water butts and other suitable SuDS measures (Sustainable Drainage Systems) such as raingarden planters.

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 retention of a single storey detached home office/gym to rear garden with associated ancillary works.

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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

Retained – Garden Structure – Home office/gym (conditioned as ancillary and non-habitable):
51.16 sq.m
Assessable area: Nil.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Gym/Office building	51.16sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0447

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 Retention 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.

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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 to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, within XX months of the grant of 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. Restriction on Use of the Garden Room:
The garden home office/gym 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.
3. Amendments.
Within three months of the grant in permission, the applicant shall undertake all of the following amendments-
 - (a) Omit the WC from the home office/gym structure.
 - (b) Omit the eastern side elevation window which overlooks the rear private amenity area of the neighbouring dwelling No.7 Aranleigh Gardens. Provide suitable planting to prevent blank gable wall.
 - (c) Ensuring the western side elevational window is frosted or opaque in nature.REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
4. Surface Drainage.
Within 6 months of the issuance of the Final Grant, the applicant shall install water butts in connection with the approved detached home office/gym structure 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

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provision.

5. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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 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.

6. 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

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the South Dublin County Council Development Plan.

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.

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REG. REF. SD22B/0514

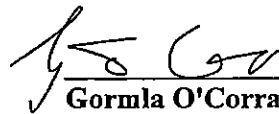
LOCATION: 5, Aranleigh Gardens, Dublin 14



**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 Retention 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: 30/01/23



**Gormla O'Corrain,
Senior Planner**

Ruth O'Sullivan & Gordon Chivers
4 Aranleigh Court
Rathfarnham
Dublin 14
D14W6W7

Date: 11-Jan-2023

Dear Sir/Madam,

Register Ref: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5, Aranleigh Gardens, Dublin 14
Applicant: John Curran
Application Type: Retention
Date Rec'd: 01-Dec-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.

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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,


for Senior Planner

Ms. Regina Harris
7 Aranleigh Gardens
Rathfarnham
Dublin 14

Date: 13-Jan-2023

Dear Sir/Madam,

Register Ref: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5 Aranleigh Gardens, Dublin 14
Applicant: John Curran
Application Type: Retention
Date Rec'd: 01-Dec-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.

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Yours faithfully,

M. Crowley
for Senior Planner

Mr. Marcus King
29 Aranleigh Mount
Rathfarnham
Dublin 14

Date: 01-Feb-2023

Dear Sir/Madam,

Register Ref. No: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5 Aranleigh Gardens, Dublin 14
Applicant: John Curran
App. Type: Retention
Date Rec'd: 01-Dec-2022

I wish to inform you that by Order dated 30-Jan-2023 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).

Ms. Orla Maguire
6 Aranleigh Court
Rathfarnham
Dublin 14

Date: 16-Jan-2023

Dear Sir/Madam,

Register Ref: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5 Aranleigh Gardens, Dublin 14
Applicant: John Curran
Application Type: Retention
Date Rec'd: 01-Dec-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.

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Yours faithfully,

M. Crowley
for Senior Planner

Rachel & Eamon O'Connor
2 Aranleigh Court
Rathfarnham
Dublin 14

Date: 13-Jan-2023

15-20

Dear Sir/Madam,

Register Ref: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5 Aranleigh Gardens, Dublin 14
Applicant: John Curran
Application Type: Retention
Date Rec'd: 01-Dec-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.

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Yours faithfully,

M. Crowley
for Senior Planner

Ms. Phyllis Styles
9 Aranleigh Gardens
Grange Road
Rathfarnham
Dublin 14

Date: 16-Jan-2023

Dear Sir/Madam,

Register Ref: SD22B/0514
Development: Retention for single storey detached home office / gym to rear garden with associated ancillary works.
Location: 5 Aranleigh Gardens, Dublin 14
Applicant: John Curran
Application Type: Retention
Date Rec'd: 01-Dec-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.

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Yours faithfully,

M. Crowley
for Senior Planner