

Comhairle Chontae Atha Cliath Theas

PR/0254/23

Record of Executive Business and Chief Executive's Order

Re: Amendment under Section 146A of the Planning and Development Act 2000 (as amended) – Register Reference SD22B/0490.

Planning permission was granted under Register Reference SD22B/0490 for Single Storey to the rear. Demolition of existing garage, Alterations to boundary walls to the side and rear and all associated site works to existing dwelling house by Order dated 09/01/2023.

Condition no. 3 attached to the grant of permission stated:

(a). Front and side 2.1m high boundary wall shall be omitted and front and side boundary wall shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(b). Any gates shall open inwards and not outwards over the public domain.

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

The description of the development states:

*Single Storey to the rear. Demolition of existing garage, Alterations to boundary walls to the side and rear and all associated site works to existing dwelling house
Location: 2, The Drive, Kingswood Heights, Dublin 24*

In the description of development there is no reference to any amendments to the existing front vehicular access.

On page 5 the CE report states:

Alterations to front and side boundary walls

It is proposed to construct a 2.1m high front and side boundary wall. At 2.1m high this proposed boundary treatment would not be acceptable in terms of visual amenity and would not be acceptable for sightlines and would present a traffic hazard. Front and side boundary treatment shall be limited by condition to a maximum height of 0.9m in the event of a grant. This is discussed further in the Access & Parking section of the report below.

On page 6 the CE report states:

Access & Parking

A report was received from the Roads Department which expressed concerns relating to the 2.1m height of the proposed front and side boundary walls as this would significantly affect driver sightlines and would in turn create a traffic hazard. Notwithstanding this the Roads Department have recommended conditions to be attached should permission be granted which include for the reduction in the height of the proposed wall from 2.1m to a maximum height of 0.9m. An extract taken from the Roads report states the following.

The above two references to a proposed front boundary wall are incorrect and therefore condition 3 was included in error and should be omitted.

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Under Section 146A of the Planning & Development Act, 2000 (as amended), a planning authority may amend a planning permission granted by it for the purposes of –

- (i) Correcting any clerical error therein,
- (ii) 'facilitating the doing of anything pursuant to the permission or decision where the doing of that thing may reasonably be regarded as having been contemplated by a particular provision of the permission or decision or the terms of the permission or decision taken as a whole, but which was not expressly provided for in the permission or decision, or
- (iii) otherwise facilitating the operation of the permission or decision.'

Therefore, having regard to the nature of the proposed development, it is considered that Condition 3 is not relevant and therefore it is recommended that it be removed from the grant of permission and that a revised Notification of Decision to Grant Permission be issued.

Fiona Campbell

**Fiona Campbell,
Administrative Officer**

ORDER: That Condition no. 3 attached to the grant of permission in respect of planning application Register Reference SD22B/0490 be removed as per above recommendation and that a revised Notification of Decision to Grant Permission be issued.

Date: 08/03/23

Gormla O'Corrain

**Gormla O'Corrain,
Senior Planner**