

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department**

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**NOTIFICATION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Final Grant Order No.:	1600	Date of Final Grant:	14-Dec-2021
Decision Order No.:	1444	Date of Decision:	05-Nov-2021
Register Reference:	SD21A/0076	Date:	08-Oct-2021

Applicant: Gary Povey

Development: Reduction of single storey rear extension; construction of detached 2 storey house in side garden with new access and parking arrangement in front garden and associated works.

Location: 56, St. Johns Close, Clondalkin, Dublin 22

Time extension(s) up to and including:

Additional Information Requested/Received: 02-Jun-2021/03-Aug-2021, 30-Aug-2021/08-Oct-2021

A Permission has been granted for the development described above, subject to the following conditions.

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 03/08/21, and Clarification of Additional Information received on 08/10/21, 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. Landownership
Development shall take place on the entire site only when written legal agreement to cross the lands, situated to the west of the site, has been agreed with the landowner and only when this written agreement has been placed on the Planning file.
REASON: To ensure that access to the lands is achievable and has been agreed with the landowner and in the interests of proper planning and sustainable development of the area.

3. Revised Site Layout Plan

Prior to the commencement of development, a revised and accurate site layout plan shall be submitted for the written agreement of the planning authority clearly showing all lands that form part of the subject site outlined in red. The revised Site Layout Plan, shall include access/right of way from St John's Close.

REASON: In the interests of clarity and to ensure all drawings on file are valid.

4. Dwelling 56 and Rear Amenity Space.

Prior to the commencement of development of dwelling house numbered 56a, hereby granted:

(i) All demolition works to dwelling house 56, hereby granted, shall be carried out and completed, and

(ii) Construction works of the modified rear extension to house 56, hereby granted, shall have commenced.

REASON: In the interests of ensuring adequate rear amenity space is provided for dwelling house 56.

5. Dwelling House 56a

(a) Dwelling house no. 56a shall be constructed in accordance with the drawings submitted 3rd August 2021 subject to the following modifications:

(i) The entire northern elevation shall be set back from the northern boundary by an additional 1m (for clarity, the entire northern elevation of the dwelling shall be located a minimum of 2m away from the northern boundary of the site).

(ii) The northern boundary wall shall be reduced to a maximum height of 1.2m high from the rear (eastern) building line to the front western boundary of the site.

(b) Prior to the commencement of development revised ground floor plans, first floor plans and a site layout plan showing the following modifications to the design of dwelling house 56a shall be submitted for the written agreement of the planning authority.

REASON: In the interests of providing passive surveillance, ensuring the benefits of a dual frontage house are realised, and ensuring that the ground level of the dwelling addresses existing levels in proximity and in the interests of visual amenity and the proper planning and sustainable development of the area.

6. First Floor Flat Roof

The first-floor flat roof area shall be used as a roof only. This area shall remain free from residential use or any use ancillary to the dwelling house.

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

7. Permeable Paving

All areas providing vehicular/pedestrian access to the front of both Dwelling Houses (numbers 56 and 56a) shall be constructed of permeable materials. For clarity, a concrete apron shall not be constructed).

REASON: In the interests of SUDS and proper planning and sustainable development.

8. Irish Water Connection Agreement.

The 24" asbestos cement watermain located approximately 10m from the front wall of the development site shall be protected from any potential damage from proposed development and site works. Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

9. Flooding.

All floor levels shall be a minimum of 500mm above the highest known flood level of proposed site.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to protect against flooding

10. Drainage - Surface Water.

The disposal of surface water shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,

(b) 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.

(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

11. Restriction on Use.

The house, hereby granted, and the existing dwelling unit shall each be used as single dwelling units and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

12. Dish Kerb and Footpath.

The kerb and footpath of the public road at the vehicle entrance(s) shall be,

(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense, and

(b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement

of any works in the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

13. Gates.

No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way, and any front entrance pillars shall be a maximum height of 1.2m .

REASON: In the interests of visual amenity and pedestrian safety.

14. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

15. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 56

REASON: In the interest of visual amenity.

16. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

17. 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.

18. 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.

19. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €19,037.03 (nineteen thousand and thirty seven euros and three cents), 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 contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

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.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

 14-Dec-2021
for Senior Planner