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

<b>Decision Order Number:</b> 0905	<b>Date of Decision:</b> 21-Aug-2019
<b>Register Reference:</b> SD19A/0201	<b>Date:</b> 27-Jun-2019

**Applicant:**

Frank O'Sullivan

**Development:**

(1) Division of the existing site and the erection of 1 detached, two storey two bedroom dwelling of 96.8sq.m with a single storey element to the rear; (2) alterations to the existing side vehicular entrance to the side of the proposed dwelling; (3) demolition of the conservatory to the rear of the existing house to allow for the required area for rear garden space, garden structures and a section of the existing north-east boundary wall; (4) ancillary site works necessary to facilitate the development including SUDS surface water drainage, site works, boundary treatments and landscaping.

**Location:**

12, Orchardton, Rathfarnham, Dublin 14

**Floor Area:**

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

**Additional Information Requested/Received:**

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

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**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, 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 conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

### 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 2016 - 2022 and subject to the condition(s) set out hereunder is thereby 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. 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.  
(c) Any gates shall not open over 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.
3. Demolition of Garages, Sheds and Conservatories.  
Prior to the commencement of development, all garages, conservatories and sheds within the red line application site boundary (i.e. the entirety of the existing curtilage of 12 Orchardton) shall be demolished.  
REASON: To ensure adequate amenity space for the existing and proposed dwelling.
4. Drainage.  
The disposal of surface water, shall comply with the technical requirements of the Council's Water Services Section. In this regard, the applicant, owner or developer shall ensure:  
(a) 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.  
(b) The disposal of surface water, shall comply with the technical requirements of the

Council's Water Services Section.

(c) All drainage works for this development as approved shall fully comply with the following standards and/or the requirements of Irish Water and The Greater Dublin Regional Code of Practice for Drainage Works, the Irish Water Standard Details

(d) Design details of any soakaway shall comply fully with all the Council's Water Services Section requirements and clearly with appropriate documented evidence to be lodged by the applicant, owner or developer, i.e. infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365. The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance. The design details of any soakaway shall provide for a soakaway to be located within the curtilage of the property and 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 clean uncontaminated water 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.

5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, if required.

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

6. Restriction on Exempted Development.

Development described in Classes 1 and 3 of Part 1 of the Second Schedule of the Planning & Development Regulations 2001 as amended (relating to extensions and structures within the curtilage of a house) shall not be carried out within the curtilage of the proposed and existing dwelling without a prior grant of planning permission.

REASON: In order to protect the residential amenity of the area and of future occupants of these dwellings.

7. The developer shall pay to the planning authority a financial contribution of €8,752.66 (eight thousand seven hundred and fifty two euros and sixty six 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 2016 - 2020, 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 2016 - 2020.

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](mailto: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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.


The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

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, as amended.

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

Signed on behalf of the South Dublin County Council.

  
for Senior Planner

22-Aug-2019