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The House Architects
Father Mathew Hall
131 Church Street
Smithfield
Dublin 7

15-Mar-2016

NOTIFICATION OF DECISION TO GRANT PERMISSION ✓
Planning & Development Act 2000, as amended

| | |
|---------------------------------------|------------------------------------|
| Order Number P/0558/16 ✓ | Date of Order 14-Mar-2016 ✓ |
| Register Reference D15A/0830 ✓ | Date Received 18-Dec-2015 ✓ |

Applicant:
Development:

Ken & Anne-Marie McCullagh
Permission for alterations and extensions to the existing detached dwelling and construction of a new three-bedroom house of 154sqm over two storeys within the curtilage of the property, with new vehicular access to Ballinteer Road. Alterations to the existing house will comprise demolition of the existing utility room and kitchen and construction of a new, 24sqm single-storey hipped roof kitchen extension to the rear, including 2 no. new roof lights.
Clonlea Lodge, Ballinteer Road, Ballinteer, Dublin 16 695sq.m

Location:
Site Area:
Additional Info.
Requested/Received:

15-Feb-2016/22-Feb-2016

Dear Sir/Madam,

In pursuance of its functions under the above mentioned Act, Dún Laoghaire-Rathdown County Council, being the Planning Authority, did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal, subject to the **13** numbered conditions on the attached pages.

Please note that, in accordance with Section 251 of the Planning and Development Act 2000, as amended, "where calculating any appropriate period or other time limit referred to in this Act or in any regulations made under this Act, **the period between the 24th Day of December and the first day of January, both days inclusive, shall be disregarded**".



Signed on behalf of Dún Laoghaire-Rathdown County Council.



for Senior Executive Officer

CONDITIONS AND REASONS

1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, as amended by Further Information received on the 22nd of February, 2016 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. That the disposal of surface water shall be in accordance with the requirements of the County Council. In this regard the drainage for the proposed and existing house shall be as it was represented on the planning application drawing no. 15020-C002-PL. In the case that the ground permeability tests return negative results, prior to the commencement of development the applicant shall submit a report signed by a chartered engineer and show that tests were conducted at two locations within the land (including photos, etc) and shall propose alternative SuDS measures. Before construction, the applicant shall ascertain the exact nature of the drains and sewers in the vicinity of this property. No surface water shall drain to the foul drain/sewer or vice versa.
REASON: In the interests of public health and the proper planning and sustainable development of the area.
3. The following works shall be carried out at the Applicant's expense to facilitate the proposed new shared vehicular entrance:
 - a) The removal of the existing entrance and the construction of the proposed shared entrance.
 - b) The dropping of the kerb at the existing entrance shall be reinstated to a full height kerb, and the existing paved area in the grass verge shall be removed and reinstated as a grassed area.
 - c) The existing kerb shall be dropped as required to accommodate the proposed shared entrance, and the section of grass verge between the dropped kerb and the cycletrack shall be reconstructed as a paved area.
 - d) The Applicant shall, prior to the commencement of development, contact the Planning Authority to confirm if the existing cycle track at the proposed shared entrance will require to be upgraded to accommodate vehicular traffic. Off road cycletracks typically have 75mm of macadam surfacing and this would normally be increased to a minimum of 125mm at vehicular crossings.
 - e) The moving/adjustment of any water stopcocks/valves or other chamber covers, etc, shall be carried out to the satisfaction of the appropriate utility company and Planning Authority.All of the above works are to be carried out at the Applicant's own expense. With regards to all of these works, the Applicant shall contact the Council's Road Maintenance and Control



Section (and any relevant utility company) to ascertain the required specification for such works and any required permits.

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

4. The Applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the laneway or public road or adjoining property as a result of the site construction works and repair any damage to the laneway or public road arising from carrying out the works.

REASON: To protect the amenities of the area.

5. The gate of the proposed shared vehicular entrance shall not be electrically operated.

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

6. To ensure the protection of the existing hedges on the site, the applicant shall lodge a bond to the value of €1,000.00 with the Planning Authority prior to the commencement of any permitted development. The bond will only be refunded upon receipt by Dun Laoghaire-Rathdown County Council's Parks and Landscape Services of a satisfactory post-construction assessment and provided that the retained hedges are alive, in good condition with a useful life expectancy. The retained hedges shall be protected during the course of construction by a temporary fence, in accordance with the default specification of barrier fencing shown in BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations (in Figs 2, 3), or a 1.5 m high robust timber post and rail fence or similar approved and agreed with DLR Parks and Landscape Services. The fence shall be installed along the inside of the hedges, so that vulnerable Root Protection Zone is protected. Notices are to be placed on all protective fences stating that the trees within the fence are protected.

REASON: In the interests of protecting the visual character and quality of residential amenities and of local wildlife.

7. That the entire premises be used as a single dwelling unit and shall not be sub-divided in any manner or used as two or more separate habitable units.

REASON: To prevent unauthorised development.

8. That all external finishes harmonise in colour and texture with the existing premises.

REASON: In the interest of visual amenity.

9. That no outward opening gates shall be provided to the area.

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

10. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €221.33 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted



rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water 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 on above Condition:

Please note that with effect from 1st January, 2014 Irish Water are now the statutory body responsible for both water and waste water services. Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000.

11. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €5,068.55 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Roads 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.

12. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of €3,290.12 to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities 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.

13. This development shall not be carried out without prior agreement, in writing, between the Applicant and the Planning Authority relating to the payment of development contributions. REASON: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

NOTE 1: The applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained, the proposed development shall be modified only insofar as is required to do this.

NOTE 2: The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000, which relates as follows, 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

NOTE 3: Any attic floorspace which does not comply with Building Regulations in relation to habitable standards shall not be used for human habitation.

NOTE 4: The water supply and foul drainage shall be in accordance with the requirements of Irish Water. In this regard: a) Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement; b) In the interests of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

(1) Submissions/Observations

NOTE: In deciding this planning application, the planning authority, in accordance with Section 34 (3) of the Planning and Development Act 2000, as amended, has had regard to any submissions or observations received, in accordance with the Planning and Development Regulations 2001 to 2012 pertaining to the application.

(2) Removal of Site Notice

NOTE: The applicant is reminded that in accordance with Article 20 of the Planning and Development Regulations 2001 to 2012, any site notice erected or fixed pertaining to this application shall be removed (if not already done so) following receipt of this notification.



FURTHER NOTES

APPEALS

This decision of the Planning Authority does not authorise works to commence and may be appealed to An Bord Pleanála by an Applicant or any person who made submissions or observations in writing in relation to this application to the Planning Authority.

A person who has an interest in adjoining lands in respect of which permission has been granted and who did not make a submission or observation under Section 37(6)(a) of the Planning and Development Act, 2000, as amended may apply to the Board for leave to appeal the decision of the Planning Authority. Appeals should be sent to:

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.**

Tel: 01-8588100

Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start.

The Board must receive an appeal within four weeks, beginning on the date of the decision set out above. A Third Party appeal will be invalid unless accompanied by the prescribed fee and a copy of the acknowledgement of receipt from the Planning Authority in respect of a submission/observation.

GRANT OF PERMISSION

In the case of a notification of a decision to Grant Permission, where no appeal is received by An Bord Pleanála against the decision, a PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the making of an appeal.

REFUND OF FEES – REPEAT PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of Planning Authority's decision on the second application. Please consult the Planning & Development Regulations, 2001 to 2010, for full details of fees, refunds and exemptions.

