

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Dun Laoghaire/Rathdown County

Planning Register Reference Number: D09A/0182

An Bord Pleanála Reference Number: PL 06D.233843

APPEAL by Mr and Mrs Van Belle care of Stephen Little and Associates of Latin Hall, Golden Lane, Dublin, by Patricia Ryan care of Leighann Heron Architect of 128 Sycamore House, Mespil Estate, Dublin and by Jeannette Mee of Evesham, Westminster Road, Foxrock, Dublin against the decision made on the 6th day of May, 2009 by Dun Laoghaire/Rathdown County Council to grant subject to conditions a permission to Declan and Ethel O'Connell care of Fergal Kelly Architectural Services Limited of number 52 Lucan Heights, Lucan, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing dwelling and re-build with replacement dwelling with alterations to the front and rear elevations to include two number dormer windows to each elevation and alterations to both side elevations, increased eaves and ridge heights and the creation of attic floor with associated site works at Hainault Lodge, Hainault Road, Foxrock, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current development plan for the area, the pattern of development in the vicinity and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with 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 not be out of character in this designated Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to the commencement of development, revised plans shall be submitted for the written agreement of the planning authority indicating the following;

The proposed dormer windows on the rear elevation shall be omitted and replaced with three number velux windows.

Reason: In the interest of residential amenity.

3. The proposed first floor windows in the side elevation shall be of obscure glass only.

Reason: In the interest of residential amenity.

4. The proposed dwelling shall be used as a single dwelling unit only.

Reason: To prevent unauthorised development.

5. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

8. Details of all external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of visual amenity.

9. The front garden area shall use permeable paving, the detailed design and location of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10. The site and building works required to implement the development shall only be carried out between 0700 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays. No works shall take place on Sunday or Bank/Public Holidays.

Reason: In the interest of residential amenity.

11. 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.

Reason: To protect the amenities of the area.

12. Prior to the commencement of development, a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, off site disposal of construction waste and a scheme for dust and dirt control including maintaining roads free of dirt and debris.

Reason: In the interest of amenities and public safety.

13. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the fine trees on the site

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2009.