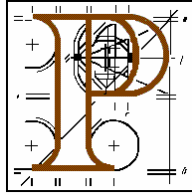


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

## Dun Laoghaire-Rathdown County

**Planning Register Reference Number: D10A/0335**

An Bord Pleanála Reference Number: PL 06D.238722

**APPEAL** by Denis J. Dwyer of 'Monaincha', 14 Corbawn Avenue, Shankill, County Dublin against the decision made on the 7<sup>th</sup> day of March, 2011 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Anne Maye, Barry Meagher and Joe O'Reilly care of de Blacam and Meagher of 4 Saint Catherine's Lane West, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of 14 number new houses comprising six number two-storey three bedroom terrace houses, six number two-storey four-bedroom terrace houses, one number two-storey three-bedroom detached house and one number single storey three-bedroom house, the conversion of Eaton Brae house, a Protected Structure, to two number units; one number two-bedroom apartment at basement level and one number three-bedroom apartment at ground and first floor and the demolition of a 1970s rear extension. 16 number residential units in total. Permission is also sought for the demolition of freestanding buildings within the curtilage of the site, improvements to the entrance junction, new entrance gates and railings, general landscaping works and all associated site works. 31 number car parking spaces are to be provided at Eaton Brae House, Shankill, County Dublin, a Protected Structure. **The proposed development was revised by further public notice received by the planning authority on the 10<sup>th</sup> day of January, 2011 including** the omission of the detached house to the north of Eaton Brae House, the inclusion of an additional three-bedroom house to the northern terrace, revisions to the open space layouts, road layouts, parking spaces and drainage details. The inclusion of a section of public road within the site boundary. An updated conservation report for Eaton Brae House and updated tree survey. New street lighting and landscape design proposals are also included.

## 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 residential zoning objective for the area, to the pattern of development in the vicinity, to the nature, scale and layout of the proposed development and to the planning history of the site, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of property in the vicinity, would not detract from the character and setting of the existing house on the site, Eaton Brae (a protected structure), would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 10<sup>th</sup> day of January, 2011 and on the 9<sup>th</sup> day of February, 2011, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The works proposed to be carried out on the protected structure shall be completed, as certified in writing by the planning authority, prior to occupation of any residential units.

**Reason:** In the interests of orderly completion of the scheme and to protect the integrity of the protected structure.

3. All proposed works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. All repair/restoration works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of the Environment, Heritage and Local Government, 2004). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, 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 shall take place within the curtilage of the protected structure or proposed houses 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 extended dwelling and in the interest of protecting the amenities of the area and of the protected structure.

6. The recommendations set out in the Conservation Report in relation to the internal alterations to Eaton Brae House shall be carried out in full.

**Reason:** To protect the architectural integrity of the protected structure.

7. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of any proposed works to the masonry site boundary walls (original kitchen/garden boundary wall).

**Reason:** To protect the architectural integrity of the protected structure.

8. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenities and public safety.

10. Water supply and drainage arrangements, including the attenuation and 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.

11. Public lighting shall be provided in accordance with a revised scheme employing low-level lighting with lamp position and design selected to minimise light overspill outside the site. Details of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interest of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential amenity.

13. Proposals for an estate name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. The site shall be landscaped in accordance with a scheme of landscaping and tree planting, details of which, including the girth of trees to be planted, shall be submitted to, and agreed with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

15. The development works shall be carried out in compliance with BS 5837 1991 “Guide for trees in relation to construction” and BS 3998 “Tree Works”.

**Reason:** In the interest of the proper planning and sustainable development of the area.

16. 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.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 ensure the satisfactory completion of the development.

19. 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.

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

**Dated this                      day of                      2011.**