

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0825

An Bord Pleanála Reference Number: PL 06D.246301

APPEAL by Elizabeth Guinness care of Collins Maher Martin of Dodder Park Road, Rathfarnham, Dublin against the decision made on the 18th day of February, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Sherry Fitzgerald Limited care of CPR Architects of 93 Upper George's Street, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Replacement of existing four square metres porch structure to the side with new extension totalling 11 square metres, reconfiguration of shopfront on Brighton Road including revised shopfront windows with new shopfront joinery, provision of a single enlarged projecting window to the first floor gable wall with the existing gable signage replaced by internal signage behind the new window, amended door and window openings to the rear yard to take account of changes in internal layout, retention permission for signage and external lighting recently installed in the business rebranding by Sherry FitzGerald and alterations to the hard landscaping to the front including the removal of the low wall to the side and extension of the adjoining planter. All at 1 Brighton Road, Foxrock, Dublin which is located in an Architectural Conservation Area.

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 nature, scale and design of the proposed development and the development proposed for retention, and to the pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not seriously injure the visual amenity of the area or the amenities of adjoining properties, would be acceptable in the context of the architectural character and integrity of a protected structure and would not adversely affect the character of the designated Architectural Conservation Area. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out, completed and retained 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. 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, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended, as follows:
 - (a) The level of the projection of the extension to the north shall be reduced with the provision of a minimum width of 1.8 metres between the northern elevation of the extension and the southern elevation of the existing telephone box.
 - (b) The existing low wall shall be removed and the existing planter shall not be extended eastwards, with the area kept unobstructed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian movement and to comply with the recommendations of the Design Manual for Urban Roads and Streets.

3. The signage on the gable at first floor level shall not be illuminated. No other signage or lighting apart from that illustrated on the plans submitted shall be permitted unless subject to the provisions of exempted development or subject to a further grant of planning permission.

Reason: In the interest of visual amenity.

4. Water supply, 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.

5. Details, including samples where deemed necessary, 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.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and traffic management measures.

Reason: In the interests of public safety and residential amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of two number on-street Sheffield Type cycle parking stands in the vicinity of the post office. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

11. The developer shall pay to the planning authority a financial contribution in respect of Luas Line B1 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended 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 2016.