



An
Bord
Pleanála

Board Direction
BD-003484-19
ABP-303674-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/07/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the Town Centre zoning objective for the area in the Greystones – Delgany and Kilccole Local Area Plan, 2013-2019, to the planning history of the site, to the pattern of development along Kimberley Road and within the Greystones Harbour Architectural Conservation Area and to the design and layout of the proposed contemporary dwelling on this restricted and constrained site, the board considered that the proposed development would not seriously injure the residential and visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the planning history of the site and considered that the revised design, which reduced the scale, height and mass of the proposed dwelling from that previously refused by the board, had generally overcome the board's previous concerns that the property would be visually overbearing and would seriously injure the visual and residential amenities of the area. In particular, the board took cognizance of the use of high-level windows within the side elevations, the 1.2m setback of the first-floor from the northern site boundary, and the relative position of

the front building line of the proposed replacement dwelling with the first-floor window in the southern gable of the adjacent house to the northeast. The Board considered that the proposed replacement dwelling was acceptable in an area zoned town centre where the site and adjoining sites were constrained, would not be overbearing and would not give rise to an unacceptable level of overlooking or overshadowing of adjacent residential properties. 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 on the 21st day of December 2018, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. 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.

4.

(a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interests of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. 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.

Note: The developer should note that the planning system is not designed to resolve disputes about title to land. The developer's attention is directed to Section 34(13) of the Planning and Development Act 2000 (as amended) which states that a person shall not be entitled solely by reason of a grant of permission for development to carry out any development.

Board Member

Date: 05/07/2019

Maria FitzGerald