



An  
Bord  
Pleanála

**Board Direction**  
**BD-007083-20**  
**ABP-307800-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/12/2020.

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 policies and objectives of the Dunlaoghaire Rathdown County Development Plan 2016 – 2022, the “NC” zoning objective for the site and the mixed use nature of the proposed development, the location of the site in an area well served by public transport, on an end of terrace site adjacent to a green open area, and the design, form, scale and layout of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would contribute to the variety of housing types available in the area and the efficient use of urban land, would not seriously injure the residential and visual amenities of the area, and would be acceptable in terms of traffic and pedestrian safety. The proposed development 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 considered that the form, scale and layout of Option B as submitted to the Board on the 31<sup>st</sup> of July 2020, would be acceptable in terms of scale, form and design, and combined with its location at the end of a terrace, overlooking a green open space would have a positive impact on the character of the area. It is further considered that the location of the private amenity spaces for the apartment and the duplex units overlooking the green open space and with their eastern and south

eastern orientation would provide acceptable levels of daylight and sunlight, would not significantly overshadow and would be acceptable in terms of amenities for future occupants of the proposed development.

Furthermore, it is considered that the omission of the proposed car parking spaces, in this area which is well served by public transport, would be acceptable in terms of pedestrian or traffic safety.

The proposed development would not seriously injure the residential or visual amenities of the area and would, therefore, be acceptable in terms of proper planning and sustainable development in 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 received by An Bord Pleanála on the 31st day of July, 2020, 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. The proposed development shall be a maximum of three storeys in height and shall be carried out in accordance with Option B as submitted to An Bord Pleanála on the 31st day of July, 2020

**Reason:** In the interest of clarity

3. The proposed development shall be amended as follows:

- (a) The floor to ceiling height of the ground floor apartment shall be a minimum of 2.7 metres

- (b) The two car parking spaces shall be omitted and the area shall be landscaped as an entrance courtyard.
- (c) The bin store and bicycle store shall be moved from within the block, and shall be relocated to the west side of the open space to the rear.
- (d) The layout of the ground floor apartment shall be revised to provide a larger balcony area. The opening in the external wall to the balcony shall be maximised and the external balustrade shall be similar open design detail to the balustrades to the upper levels, in order to ensure adequate daylighting to the interior of apartment.

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 interests of visual and residential amenity.

- 4. 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.

- 5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

- 6. 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.

7. The developer shall enter into water and wastewater connection agreement with Irish Water, prior to commencement of development,

**Reason:** In the interest of public health.

8. 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, noise management measures and off-site disposal of construction/demolition waste.

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

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

10. 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

**Board Member**

**Date:** 02/12/2020

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Michelle Fagan