An Bord Pleanála

Board Direction
BD-011225-22
ABP-308876-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/09/2022.

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

Reasons and Considerations

Having regard to national policy objectives of Project Ireland 2040, National Planning Framework, regional policy objectives of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy, Section 28 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages)' (2009), the provisions of Dún Laoghaire-Rathdown County Development Plan 2022-2028 including, in particular Policy Objectives GIB14 and HER13, and Specific Policy Objective 130, the zoning objective for the main part of the site and its location in an urban area well serviced by public transport including the Killiney Dart Station, the pattern of development in the area, and the nature, design, scale and layout 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 visual amenities of the Vico Road Architectural Conservation Area, the residential amenities of property in the vicinity, or the general amenities of the wider area, would not interfere with a protected view, and would be acceptable in terms of pedestrian, cyclist and vehicular traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

DECISION QUASHED

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to the conditions set out below, the proposed development of a single dwelling with parking for two vehicles, and the minor improvements to the public right-of-way by way of modest and localised widening, would be acceptable in terms of pedestrian, cyclist and vehicular traffic safety and convenience, would not detract from the character and amenity of the public right-of-way or the Architectural Conservation Area, and would be in accordance with Policy Objectives GIB14 and HER13 and Specific Policy Objective 130 of the current County Development Plan. In particular, and contrary to the Inspector's view, the Board noted that Policy Objective GIB14 does not specifically state that residential access through open space shall not be permitted.

DECISION QUASHED

Conditions

1. The development shall be carried out and completed 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 and completed in accordance with the agreed particulars.
   Reason: In the interest of clarity.

2. The final details of the proposed widening and landscaping of the public right-of-way shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
   Reason: To ensure that the extent of these works is kept to the minimum necessary to accommodate the proposed development.

3. UrbanWaterdrain

4. IrishWater

5. Cables

6. ConstHours (from 0700)

7. CDW

8. CEMP

9. Prior to commencement of development, a landscaping scheme, including boundary treatment, shall be submitted to, and agreed in writing with, the planning. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.
Reason: In the interest of visual amenity.

10. S.48 Unspecified

DECISION QUASHED

Board Member _____ **Date:** 05/09/2022

John Connolly