

An  
Bord  
Pleanála

**Board Direction**  
**BD-010698-22**  
**ABP-311601-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/05/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

#### **Reasons and Considerations**

Having regard to the existing dwelling on the site for which a change of use from residential to storage and office use is proposed, and to the nature and extent of the proposed replacement dwelling, it is considered that the proposed development would accord with the provisions of section 12.3.10.4 and Policy Objective PHP23 of the Dun Laoghaire Rathdown Development Plan 2022 – 2028 and would not adversely impact on the visual amenities of the area or of property in the vicinity. 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 attach a condition requiring the demolition of the existing dwelling to be replaced, the Board was satisfied that, in the particular circumstances of this case, its use for office/storage purposes associated with the adjoining commercial activity on the site would constitute a beneficial and sustainable use for the structure.

## 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. Upon first occupation of the new dwelling subject of this permission, the use of the existing dwelling (Blackberry Lodge) shall be restricted to use for office/storage purposes associated with the adjoining commercial activity on the site.

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

3. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

6. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. No surface water shall discharge onto adjoining lands

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

7. The site shall be landscaped in accordance with details and specifications set out in the Site Layout (landscaping) plan, Drawing No. 105 Rev. C accompanying the application.

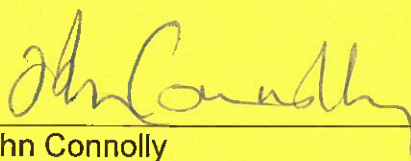
Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. 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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

  
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John Connolly

**Date:** 13/05/2022