

An
Bord
Pleanála

Board Direction
BD-011187-22
ABP-312620-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/08/2022.

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 zoning provisions for the site to be accessed from Knapton Lane along which mews development is acceptable in principle in the current Dun Laoghaire- Rathdown County Development Plan 2022-2028 and to the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or property in the vicinity, would not adversely affect the character of the neighbouring Protected Structures, would be acceptable in terms of pedestrian and traffic safety and would not be prejudicial to public health. 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 plans

and particulars received by An Bord Pleanála on the 1st day of February 2022, 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 amended as follows:

- (a) The 1st floor balcony to the front elevation of the dwelling shall be omitted.
- (b) The 6 metre wide vehicular entrance from Knapton Lane shall be omitted and replaced with a vehicular entrance no greater than 3.5 metres in width and with a separate dedicated pedestrian entrance. Parking provision on-site shall be for one vehicle only.

Revised plans and drawings with the necessary amendments shown thereon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the amenities of property in the vicinity and the interest of visual amenity.

3. Details of the proposed rear boundary wall between the proposed mews house and the existing dwelling at 24 Cambridge Terrace, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of clarity and residential amenity.

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

Reason: In the interest of visual amenity.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. 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 amenities of property in the vicinity.

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

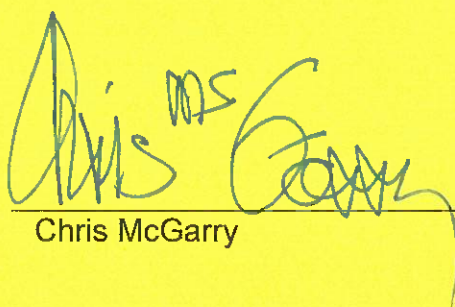
Reason: In the interests of public safety and residential amenity.

11. 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. 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 the Board to determine the proper application of the terms of the Scheme.

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

Note: The Board noted that the proposed development constitutes a separate stand-alone dwelling with no relationship to the existing main dwelling (via a pedestrian link or the use of a parking space) set out in the statutory notices. In this regard any commentary at appeal stage, that the occupier of the main house would avail of parking at the subject site and a proposed pedestrian link across/adjoining the garden area for the proposed mews dwelling is considered inconsistent with the nature and extent of the development as described in the statutory notices and does not therefore form part of the permitted development. Furthermore, the Board concluded that any such proposals for parking on site and a pedestrian link through the site to serve the separate main dwelling, even if it had been formally included in the development proposal, would adversely affect the residential amenity of the proposed mews dwelling and would therefore be contrary to the proper planning and sustainable development of the area.

Board Member



Chris McGarry

Date: 29/08/2022

