



An  
Bord  
Pleanála

**Board Direction**  
**BD-012486-23**  
**ABP-313161-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/06/2023.

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 site's land use zoning objective (A) in the Dun Laoghaire Rathdown County Development Plan 2022-2028, and to the nature, scale and contemporary architectural design of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would be consistent with Policy Objective PHP19 and Section 12.3.7.7 (Infill Development) in the Development Plan and would not seriously injure the residential amenities of the area due to overbearing, overlooking or overshadowing impacts, and would not be prejudicial to public health, or give rise to a traffic hazard.

Furthermore, having regard to the design of the proposed development, including the retention of a significant number of trees on site, the proposal would not adversely impact on the visual amenities of the area or the Vico Road Architectural Conservation Area nor would it negatively impact the character or setting of Saint German's (Protected Structure), and as such is consistent with Policy Objectives HER13 and GIB6 of the Development Plan, respectively. 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 4<sup>th</sup> February 2021, 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. All exterior glazing, including the glass guardrail / balustrade to the terrace shall comprise non-reflective glass only.

**Reason:** To protect the visual and residential amenity of the area.

3. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

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

4.
  - a) Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority, a comprehensive landscape plan/ Landscaping and Maintenance Report, including an updated Tree Survey Report.
  - b) Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant and Arborist throughout the life of the site development works and shall notify the Planning Authority of that appointment in writing.
  - c) When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, a Practical Completion Certificate shall be

submitted for the written agreement of the Planning Authority, as verification that the approved landscape plans and specifications have been fully implemented.

- d) Planting shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, with a period of 5 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:** To protect the sylvan character and visual amenities of the area.

5. The recommendations outlined in the Tree Survey Report, dated June 2015, submitted with the application, shall be carried out in full, except where otherwise required by conditions of this permission or agreed with the Local Authority.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. 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, tree protection measures, noise management measures, off-site disposal of construction/demolition waste, and details to ensure that adjoining areas/streets are kept free of dirt and debris.

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

7. Prior to the commencement of the development, a construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and residential amenity.

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

9. 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.

10. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

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, 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**

*Eamonn James Kelly*  
\_\_\_\_\_  
Eamonn James Kelly

**Date:** 16/06/2023

