

An
Bord
Pleanála

Board Direction
BD-012899-23
ABP-314083-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/07/2023.

The Board decided to make a split decision, to

(1) grant permission (subject to conditions) for:

- the granite dividing wall dividing the front garden and car park area,
- the revised design for Plant Room and Courtyard to replace refused Utility Room and Courtyard on east boundary.

for the reasons and considerations marked (1) under and subject to the conditions set out below, and

(2) refuse permission for:

- Timber fencing to eastern and southern boundary of the property and the completed boundary works (along the southern and eastern boundary to the car park area and front garden).

for the reasons and considerations marked (2) under.

1 Reasons and Considerations

Having regard to the zoning objective of the area, the design, layout and scale of the development to be retained and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within six months of the date of this Order, the applicant shall install the glass panel to the eastern courtyard wall as indicated in the plans and particulars lodged with the application.

Reason: To reduce the mass and scale of the courtyard wall when viewed from the public right-of-way to the east in the interests of visual amenity.

3. 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 and surface water management.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or 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.

5. 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 within three months of the date of this Order 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.

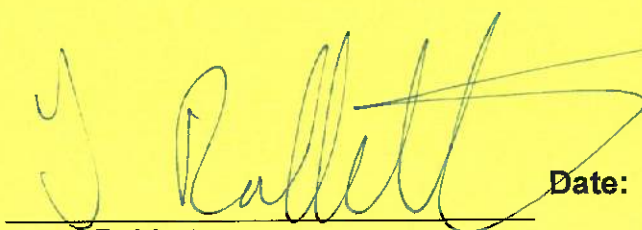
2 Reasons and Considerations

The timber fencing to the eastern and southern boundary of the property and the completed boundary works (along the said southern and eastern boundaries), by reason of their scale, detailing and rudimentary appearance, as viewed from the south and east and, in particular, from the public pedestrian right-of-way from

Seafield Road to Killiney Strand, are out of character with the area, would seriously injure the visual amenities of the area, fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area. The development to be retained is contrary to Specific Local Objective SLO 130 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which seeks to ensure that development within this objective area does not significantly detract from the character of the area visually. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the granite dividing wall between the car park area and the front garden, and the plant room and courtyard, the Board had regard to the limited extent, size and scale of the granite dividing wall, and the plant room and courtyard walls along the eastern boundary and also had regard to the now demolished toilet/utility room which previously existed at this location which was similar in extent, size and scale to the proposed plant room and courtyard walls. The Board considered that, subject to conditions, the proposed granite dividing wall and the plant room and courtyard would not adversely impact on the visual amenities of the area or conflict with SLO 130 of the local statutory plan.

Board Member:



Tom Rabbette

Date: 14/07/2023