



An
Bord
Pleanála

Board Direction
BD-018466-24
ABP-320015-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2024.

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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022–2028, to the zoning of the site for residential purposes, to the design, layout and density of the proposed development, and to the pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of property in the vicinity and 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, 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. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Details of the vehicular access shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The proposed front boundary treatment height shall not be increased for a minimum extent of 1 metre either side of the proposed vehicular entrance, and the proposed front entrance return wall adjacent to the pedestrian laneway shall be no more than 1.1 metres in height for a length of approximately 3.8 metres to correspond with the boundary treatment onto the laneway of the new development, No.35C Castlepark Road. The bin storage location and details shall be agreed with the PA having regard to this condition.

(b) The proposed gate shall be no more than 1.1m in height.

(c) The development shall comply with the transportation requirements of the Planning Authority with regard to vehicle entrance widths, and dishing of kerbs/footpaths.

Reason: In the interest of orderly development, visual amenity, pedestrian, cyclist and traffic safety.

4. 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.

5. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

7. The construction of the proposed development shall be managed in accordance with a Construction and Demolition 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 excavation and construction practices for the proposed development, including noise management measures, traffic management, off-site disposal of construction/demolition waste and details of all works proposed to be carried in proximity to the adjacent pedestrian laneway.

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

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. 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.

Board Member


Eamonn James Kelly

Date: 13/12/2024

Note

1. Having regard to the submission of the Applicant's architect, the Board was satisfied with the window size of Bedroom number 1 and did not concur with the assessment of the Inspector that it would result in a significant overlooking issue in this urban setting. The Inspector's recommended condition number 2 was therefore omitted from the Board Order.

2. While the Board agreed with the Inspector's recommendation to grant a sliding entrance gate of 1.1 metres in height, having regard to Section 12.4.8.1 of the Development Plan the Board was satisfied that the location of the site at the end of a cul de sac would serve to avoid the roadway or footway being obstructed by a vehicle while the gate is opening and that there would not be undue noise arising. The Board did not concur with the Inspector's recommended condition 4(b) to not allow automatic gates and therefore omitted this element from the Board Order.