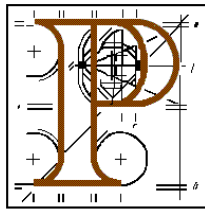


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D14B/0405**

An Bord Pleanála Reference Number: PL 06D.245665

**APPEAL** by Terry Gahon and others care of Feargall Kenny of 45 Hainault Drive, Foxrock, Dublin against the decision made on the 25<sup>th</sup> day of September, 2015 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Karl and Amanda Mulvee care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The development to be retained consists of the extension and conversion from storage to residential use of an existing single storey flat roofed structure (circa 52 square metres) and its incorporation into the existing single storey residential unit known as 'Pinecroft Lodge' (circa 88.3 square metres in total); retention is also sought for all associated landscaping and site works. All at 'Pinecroft Lodge', rear of number 6 The Birches, Torquay Road, Foxrock, Dublin. A further public notice was received by the planning authority on the 31<sup>st</sup> day of August, 2015.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the residential zoning objective for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2010-2016, the nature, scale and design of the development proposed for retention and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would be in accordance with the provisions of the said development plan and would not seriously injure the amenities of the area or of property in the vicinity. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25<sup>th</sup> day of March, 2015, the 30<sup>th</sup> day of June, 2015 and the 31<sup>st</sup> day of August, 2015, 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 in accordance with the agreed particulars.

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

2. The subject structure, Pinecroft Lodge, shall be occupied by a member of the immediate family of the occupier/owner of the main dwelling (number 6, The Birches). Pinecroft Lodge shall not be used as a separate dwelling with its own curtilage and shall not be let or sold other than as an intrinsic part of the overall property.

**Reason:** In the interests of clarity and of orderly development.

3. 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.

4. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**