

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0379

An Bord Pleanála Reference Number: PL 06D.245758

APPEAL by Charles and Bernadette McCormick of Glenmalure, Saintbury Avenue, Killiney, County Dublin against the decision made on the 20th day of October, 2015 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Tom Schnittger and Anne Tobin care of Stephen Newel Architects of Jollylands, Ballycorus Road, Kiltarnan, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of the 132 square metres single storey house and subsequent construction of a 465 square metres three-storey house and 28 square metres single storey outbuildings together with ancillary site works including a solar photovoltaic panel on the semi-detached garage roof of the existing 31 square metres outbuildings, altered ground levels, and new roadside boundary treatment with two gateways, a granite wall and hedging in lieu of the existing trees, all at Dromeen, Kilmore Avenue, Killiney, County Dublin.

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 zoning objective for the area in the Dun Laoghaire Rathdown County Development Plan 2010 - 2016, to the planning history of the site and to the pattern of development in the area, and having regard to the design, scale, layout and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the Architectural Conservation Area or protected view, and would not seriously injure the residential amenities of properties 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 carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 23rd day of September 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 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 glazing within the second floor north facing window and the narrow window to the second floor east loggia/balcony shall be fitted with opaque or frosted glazing, and
 - (b) the south facing element of the balcony proposed at first floor level to the south of the rear elevation of the building shall be provided with a screen at least 1.8 metres in height.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent overlooking of adjacent property, in the interest of residential amenity.

3. The proposed access arrangements including junctions, boundary treatments, sight distances, signage, surfacing and drainage shall comply with the detailed standards of the planning authority for such road works.

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

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

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the applicant shall submit a Landscape Design Rationale together with comprehensive and detailed landscape proposals, all prepared by a qualified Landscape Architect (or qualified Landscape Designer), for the written agreement of the planning authority. Such proposals shall include the following:

- (a) a scaled Landscape Masterplan with cross-sections (where appropriate) showing the general layout and hard and soft landscape treatment of all external areas/spaces, boundaries, structures and features,
- (b) a specification for all materials, workmanship and landscape maintenance (18 months minimum period),
- (c) details of hard landscape design (where applicable) for boundaries, (walls, fences, screens), lighting, seating, kerbing, edging, and surfacing,
- (d) details of soft landscape design to include detailed planting plan and planting schedule(s), stating species/varieties, quantities, sizes, rootball presentation and spacings, and
- (e) a timescale for implementation of all proposals, including the specified landscape maintenance operations. The landscape

contract shall include a post-practical completion (certified by the landscape consultant) Defects Liability Clause of 18 months.

Reason: In the interest of amenity.

6. Prior to the commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the site development works, and shall notify the planning authority of that appointment in writing. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design in the interest of visual amenity.

7. 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 construction traffic access, noise management measures, parking for staff working on the site and proposed location for site offices/compound, and off-site disposal of construction/demolition waste.

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

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The rainwater harvesting system and the soakaway shall be designed and installed in accordance with the details submitted to the planning authority on the 23rd day of September 2015.

Reason: In the interest of public health and to ensure a proper standard of development.

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 1300 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 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.

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

Dated this day of 2016.