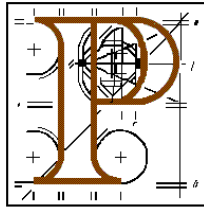


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0308

An Bord Pleanála Reference Number: PL 06D.245768

APPEAL by Matthew and Kate McCauley care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 21st day of October, 2015 by Dun Laoghaire-Rathdown County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a new two-storey, detached, four bedroomed dwelling house (289 square metres) with new entrance gate from the Falls Road. Works include the provision of a wastewater treatment system and surface water soakaways and new 2.1 metre high fence to internal boundary to form the site area. The existing mature screen planting is retained and protected, all at Saint Catherine's, Falls Road, Shankill, 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 'A' on the site, as set out in the current Development Plan for the area which seeks to 'protect and/or improve residential amenity', to the pattern of development in the area, to the limited scope for a significant increase in the density of residential development in the Falls Road area, to the recent planning history on nearby sites and to the limited additional traffic and pedestrian movements that would arise from the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users, would not be premature pending the determination of a road layout for the area, would not adversely affect the use of Falls Road by traffic, would not give rise to an undesirable development precedent and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the zoning of the site and to the pattern of development in this established low density suburban residential area, where traffic movements are substantially locally generated, and considered that the proposed development would not be premature by reason of lack of pedestrian facilities and would be acceptable from a traffic and pedestrian safety viewpoint.

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 the 24th day of September, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions required 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 developer shall implement all of the recommendations pertaining to tree retention, tree protection and tree works, as set out in the Arboricultural Assessment submitted to the planning authority on the 24th day of September, 2015.

Reason: In the interest of amenity.

3. 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.

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

Reason: In the interest of public health.

6. 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.

7. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 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.