

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0448

An Bord Pleanála Reference Number: PL 06D.245916

APPEAL by Gerald O'Connor care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 24th day of November, 2015 by Dún Laoghaire-Rathdown County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of existing dental use at ground floor level, and permission for the construction of porch to front and side of existing building, construction of single storey extension to rear of building, formation of new external entrance door to first floor part of building to be used for residential use, the erection of illuminated signage on front elevation of building and non-illuminated signage on boundary wall, and the carrying out of all ancillary and associated works above and below ground at number 112 Churchview Road, 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 nature and scale of the established use of the site, the nature, design, layout and scale of the proposed development and of the development proposed to be retained, the pattern of development in the vicinity, and the residential zoning objective for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, 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 interests of clarity and of compliance with Section 8.8.12.2 of the Dún Laoghaire-Rathdown County Development Plan 2016–2022.

2. The proposed signage, and the layout of the entrance driveway and landscaping, shall be carried out and completed in accordance with the plans and particulars submitted to the planning authority on the 29th day of October, 2015.

Reason: In the interest of the visual amenities of the subject property and of the area.

3. The proposed apartment shall be amended by omitting one bedroom and rearranging the internal apartment layout in order to comply with the provisions of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government (2015). 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 provide an appropriate standard of living accommodation for future occupants.

4. The rear garden area shall serve as private amenity space for the proposed apartment and shall be laid out accordingly.

Reason: In the interest of the residential amenity of the occupants of the apartment.

5. The noise level shall not exceed 55 dB(A) $L_{eq,15 \text{ min}}$ (corrected for any tonal or impulsive component by a penalty of 5 – 10 dB(A)) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Saturday inclusive, and shall not exceed 45 dB(A) $L_{eq,15 \text{ min}}$ at any other time or on public holidays. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

Reason: To protect the residential amenities of neighbouring properties.

6. No ventilation, air conditioning or other mechanical equipment shall be erected on the external walls of the buildings, unless authorised by a further grant of planning permission.

Reason: In the interests of the residential and visual amenities of neighbouring properties.

7. 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.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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, 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.