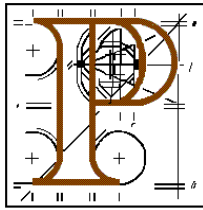


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0582

An Bord Pleanála Reference Number: PL 06D.246001

APPEAL by Joseph O'Connor and Clíona Farrell of 22 Trees Avenue, Mount Merrion, Blackrock, County Dublin against the decision made on the 7th day of December, 2015 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to John McMahon care of Paul O'Toole Architects of 9 Clarinda Park North, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of a detached three level house with northeast facing second level balcony using existing vehicular entrance all in the side garden of number 15 Trees Avenue, Stillorgan, 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, extent and design of the development proposed, to the planning history of the site and adjacent lands including former use of the site and part the parent property as a crèche, to the general character and pattern of development in the area and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be out of character with the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Board had regard to the former use of part of the parent site as a crèche and considered that the proposed development would result in a significant reduction in traffic movements and parking demand from the previous authorised use. The Board further considered the proximity of the site to public transport and the accessibility of the site to services would merit flexibility in respect of car parking. In addition, the Board also attached a planning condition in respect of car parking to serve the existing dwelling to address the Inspector's concerns.

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 on the 10th day of November, 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 car parking layout to serve the existing dwelling on site shall be amended, including the partial removal of hedgerow as necessary, to accommodate at least one and up to a maximum of two off street car parking spaces in accordance with the requirements of the planning authority.

Prior to the commencement of development, detailed site layout plan and elevational drawings shall be submitted to, and agreed in writing with, the planning authority in accordance with this requirement.

Reason: In the interests of traffic and pedestrian safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed house 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. 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.

5. 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.