

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0737

An Bord Pleanála Reference Number: PL 06D.246155

APPEAL by Richard Crowe of 1A Churchtown Road Lower, Milltown, Dublin against the decision made on the 22nd day of January, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Cathriona Horgan and Garry Flood of 1 Lower Churchtown Road, Churchtown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development comprising the sub-division of the site to provide two number dwellings (to be known as numbers 1 and 1B). This will entail the partial demolition, sub-division, alteration and extension of the existing detached dormer dwelling (circa 217square metres) in order to provide two number semi-detached, three storey dwellings (circa 210 square metres and 173 square metres, respectively), with balconies/terraces to the western and northern elevations. The proposed development also comprises a new vehicular access from Lower Churchtown Road and all associated site development works above and below ground at 1 Churchtown Road Lower, Churchtown, 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 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.

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 interest of clarity.

2. The following shall apply in relation to boundary walls and screens:
 - (a) a privacy screen shall be installed along the south-eastern side of the second floor balcony at the south-western elevation of house 1B,
 - (b) the rear garden of house 1B shall be separated from the rear garden of number 2 Churchtown Road Lower by a concrete block wall of 1800 millimetres height as measured from the lowest point of any adjacent lands, unless otherwise agreed in writing with the planning authority, and
 - (c) the butterfly roof element with a maximum ridge level of 39.50 shall be replaced with a flat roof with appropriate falls to a maximum ridge height of 38.30.

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

Reason: In the interests of residential and visual amenity.

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. 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.

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.

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

Dated this day of 2016.