

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D15A/0774**

An Bord Pleanála Reference Number: PL 06D.246254

**APPEAL** by Greythorn Developments Limited care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin against the decision made on the 5<sup>th</sup> day of February, 2016 by Dún Laoghaire-Rathdown County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Internal and external alterations to existing dwelling known as Greythorn House, refurbishment of existing two-storey over basement five bedroom dwellinghouse and the provision of five number new two-storey dwellings (in addition to the existing house) comprising two number 202 square metres four bedroom dwellinghouses attached to either side of the existing dwelling, one number detached 119 square metres two bedroom dwelling, one number semi-detached 119 square metres two bedroom dwelling and one number 130 square metres three bedroom semi-detached dwelling. Works to include blocking up existing entrance to Glenageary Road Upper and new vehicular entrance off Greythorn Road, landscaping works, parking, site services and all associated works, on a site comprising 0.230 hectares located at "Greythorn House", Glenageary Road Upper, County Dublin and bounded by Greythorn Park to the east, 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 pattern of development in the area and the policies relating to Residential Development and Architectural Heritage as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, specifically Policy RES 3 and Policy AR5 respectively, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an innovative use of a currently unused urban space incorporating the refurbishment of a detached Victorian dwellinghouse (Greythorn House), would not seriously injure the residential amenities of property in the vicinity or the architectural heritage of 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 sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would result in a number of positive outcomes including the provision of five new dwellinghouses and the refurbishment and reuse of an abandoned older house in a self-contained setting. Notwithstanding the Inspector's comments on neighbouring dwellings, the Board considered that the proposed development, as amended in the documentation submitted with the appeal, would not have an unduly overbearing impact on neighbouring properties. The Board disagreed that Houses 1 and 2 would result in an incompatible form of development and judged that the resulting composition would be acceptable.

## 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 received by An Bord Pleanála on the 3<sup>rd</sup> day of March, 2016 with the appeal documentation, 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.
  - (a) The proposed window in the dressing room attached to the master bedroom in House 1 shall be replaced by a high level unit.
  - (b) A full set of drawings incorporating the change in (a) above and all other changes proposed in the revised drawings submitted with the appeal documentation shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (c) The development shall be constructed in accordance with these revised approved drawings.

**Reason:** In the interest of residential amenity and clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. The site shall be landscaped in accordance with the proposals set out in drawing number 16DR04-DR-220 submitted to An Bord Pleanála on the 3<sup>rd</sup> day of March, 2016 with the appeal documentation.

**Reason:** In the interest of clarity.

5. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and all estate and street signs and house numbers shall be provided in accordance with the agreed scheme. No advertisements or marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of orderly development.

6. 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. Site development and building works shall be carried out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14. 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 the 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.

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

**Dated this            day of            2016.**