

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0064

An Bord Pleanála Reference Number: PL 06D.246475

APPEAL by Magna Construction Limited care of Peter P. Gillett and Associates of 55 Glencarraig, Sutton, Dublin against the decision made on the 23rd day of March, 2016 by Dún Laoghaire-Rathdown County Council to refuse permission.

PROPOSED DEVELOPMENT: Demolition of existing warehouse and ancillary offices and the construction of two number two-storey mews houses with mansard roof level together with off street parking accessed from Brookfield Terrace along with all associated site works at 17 Prince Edward Terrace Lower, (a protected structure), Blackrock, 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 vicinity, including a variety of mews houses of differing external appearance, and having regard to the policies set out in the current Dún Laoghaire-Rathdown County Development Plan to encourage the development of residential housing at appropriate densities within existing established areas that are well served by public transportation and community facilities, it is considered that, subject to compliance with the conditions set out below, including the modifications to the proposed development submitted as part of the appeal, the proposed development would not seriously injure the residential or visual amenities of the area, would not detract from the character and setting of nearby protected structures, 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 recommendation of the Inspector to refuse permission, the Board considered that the revised proposals, as submitted to An Bord Pleanála with the appeal, and which included the omission of the proposed second floor and the proposed mansard roof, would render the development acceptable and not out of character with the pattern of development in the vicinity.

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 revised drawings submitted to An Bord Pleanála on the 19th day of April 2016, 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 pitched roof on the front portion of the development shall be finished in blue/black natural slates, and the ridge tiles shall match the slate roof colour.
 - (b) The proposed flat roof on the rear portion of the development shall not be used as a roof garden and shall not be accessed from the proposed houses except for maintenance purposes. It may, if desired, be finished as a “green roof”, to details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (c) The external wall finishes of the proposed houses, including the stone finish, shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

3. The design and layout of the proposed car parking spaces to serve the proposed houses, and of the proposed bin stores, shall comply with the detailed requirements of the planning authority for such works. In this regard, the proposed development shall be modified so that the proposed new vehicular entrances to the houses and the new driveway/parking areas are laid out to accommodate the required two cars, one to the left and the other to the right, so that neither vehicle is required to drive onto the public roadway while the other vehicle wishes to exit the respective development. The bin stores shall be divided and relocated in order to achieve this modification, while maintaining a maximum vehicular entrance width of 3.5 metres. In addition, a footpath approximately 1.5 metres in width shall be provided along the front boundary of the development. Detailed drawings, providing for these amendments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

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. All proposed new paved areas shall be constructed so as to be permeable.

Reason: In the interest of public health and to ensure a proper standard of development.

5. 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 the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses, and in order to permit the planning authority to assess the impact of any such structures on the neighbouring protected structures through the statutory planning process.

6. The site and building works required to implement the development shall be carried out only between the hours of 08.00 to 18.00 Monday to Fridays, between 08.00 to 14.00 on Saturdays and not at all on Sundays and Public 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 adjoining residential occupiers.

7. 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 and demolition waste.

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

8. 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.