

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D15A/0604**

An Bord Pleanála Reference Number: PL 06D.246616

**APPEAL** by Tony and Maureen Walsh care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin against the decision made on the 22<sup>nd</sup> day of April, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (As revised by further public notices received by the planning authority on the 29<sup>th</sup> day of February, 2016), (a) Demolition of existing single storey domestic garage/store and part of the existing boundary wall to Kilgobbin Road, (b) construction of new single storey guest wing extension to side of the existing two-storey house and rebuilding of part of the existing boundary wall to Kilgobbin Road, (c) creation of new vehicular entrance to Oldtown House from Kilgobbin Road, and (d) installation of new treatment system and percolation area to upgrade/replace the existing system with associated site works, all at Oldtown House (Protected Structure), Kilgobbin Road, 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 of the proposed development the Board considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the setting of a protected structure and would 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, as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of February, 2016 and the 29<sup>th</sup> day of March, 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. The proposed new entrance to the development shall be omitted and the proposal shall be entered from the existing entrance which serves the dwelling. Drawings showing compliance with this amendment shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** As the proposal is for the extension to an existing dwelling, the need for a second entrance is not justified on traffic safety grounds, and the closing up of the existing entrance would have a detrimental impact on the protected structure.

3. The proposed 'family' flat shall be occupied by a member of the immediate family of the occupier of the main dwelling, and the link to that dwelling shall be maintained. Should the use of the flat cease, it shall be incorporated into the main dwelling. The 'family' flat shall not be used as a separate dwelling with its own curtilage, and shall not be sold or let as a flat independent of the main dwelling.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. All external finishes shall harmonise in colour and texture with the existing premises.

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

5. The recycled stone to be used in the construction of the proposed development shall remain unaltered in the new construction.

**Reason:** To protect the character of the protected structure.

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. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) Employ a suitably-qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out pre-development testing prior to the commencement of any construction or site preparation works.

- (b) The archaeologist shall notify the Department of Arts, Heritage and the Gaeltacht and the planning authority in writing at least four weeks prior to the commencement of any site preparation works.

- (c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed plans.
- (d) Having completed the work, the archaeologist shall submit a report to the Department of Arts, Heritage and the Gaeltacht and the planning authority for consideration.
- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Arts, Heritage and the Gaeltacht will advise the applicant in this regard
- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority (in consultation the Department of Arts, Heritage and the Gaeltacht).

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 8. All new car parking areas to facilitate the development shall be constructed in accordance with sustainable drainage systems (SuDS) and also prevent the discharge of surface water onto the public road.

**Reason:** To comply with the Greater Dublin Strategic Drainage Study.

- 9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

10. 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.

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

**Dated this            day of            2016.**