

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0063

An Bord Pleanála Reference Number: PL 06D.246679

APPEAL by David and Criona McLoughlin care of Molloy and Associates of 45 Nutley Avenue, Ballsbridge, Dublin and by Norman Noonan of 1 Royal Terrace West, Dun Laoghaire, County Dublin against the decision made on the 12th day of May, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Elmhill Homes Limited care of Duignan Dooley Architects and Planning Consultants of 62 Brighton Square, Rathgar, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Minor amendments to previously approved development of five houses (previous planning register reference number D07A/0511/E) abutting Royal Terrace House (a protected structure) and to the rear of 'The Cottage Home' (a protected structure) to include, omission of basement level accommodation, omission of internal lift to all floors and associated internal revisions, amendments to roof profile within approved ridge heights and internal revisions to attic accommodation, minor amendments to the rear windows and provision of new velux roof lights and PV panels, revisions to the parking layout and associated site works at site abutting Royal Terrace House (a protected structure) and to the rear of 'The Cottage Home' (a protected structure), Tivoli Road, Dún Laoghaire, 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 zoning objective for the area as set out in the Dún Laoghaire Rathdown Development Plan 2016-2022, the pattern of development in the area and the planning history of the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially or adversely affect the character or setting of the adjoining protected structures, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, 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 15th 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Subject to compliance with the conditions set out in this order, the proposed development shall comply with the relevant conditions of the previous planning permission granted under planning register reference number D07A/0511/E, An Bord Pleanála appeal reference number PL06D.225826 and all works shall be completed within the duration of that permission.

Reason: In the interest of orderly planning and development.

3. 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. The plan shall include 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 interest of public safety and residential amenity.

4. The developer shall engage the services of an accredited architect with architectural conservation expertise, for the duration of the development, to advise and monitor the works, in particular the junction of the permitted terrace of houses with Royal Terrace House, to prevent any damage to the structural fabric of the Protected Structure.

Reason: In order to safeguard the special architectural or historical interest of the building.

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.