

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0464

An Bord Pleanála Reference Number: PL 06D.247250

APPEAL by Nutgrove and Loreto Community Association of Old Loreto School, Loreto Avenue, Rathfarnham, Dublin against the decision made on the 17th day of August, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to M. and N. O'Grady Developments Limited care of Liam Cullen Design and Planning of 44 Ballinteer Crescent, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of internal and external modifications to previously approved house type C on plot 35 and previously approved house type A1 on plots 36 to 43 (inclusive) approved under An Bord Pleanála appeal reference number PL06D.242557 (Dún Laoghaire-Rathdown County Council register reference number D13A/0370) incorporating the following: increase in floor area of house type C to 131.76 square metres (three bed option) or 179.36 square metres (four bed option) and external modifications including increase in height of wall plate level on front elevation; increase in floor area of house type A1 to 137.39 square metres (three bed option) or 175.27 square metres (four bed option) and external modifications including increase in height of wall plate level on front elevation; proposed phasing for construction of the public open spaces within the overall development, and proposed phasing of the construction of houses on plots 1 to 47, all on site formerly known as 54 Nutgrove Avenue, Rathfarnham, Dublin and lands (disused hockey pitch) bounded by 56 to 92 (even numbers) Nutgrove Avenue to the north, 2A to 28A (even numbers) Loreto Avenue to the east, Educate Together National School to the south and by area of open space within Stonepark Abbey and Rathfarnham Scout Den to the west, Rathfarnham, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the planning history of the site and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or depreciate the value of property or the vicinity 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.

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. Save for any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 18th day of February, 2014 under An Bord Pleanála appeal reference number PL06D.242557, planning register reference number D13A/0370 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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 2017.