

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0307

An Bord Pleanála Reference Number: PL 06D.247319

APPEAL by Eddie Conroy and Dominic Sheehan of 4 Ardenza Terrace, Seapoint Avenue, Blackrock, County Dublin against the decision made on the 31st day of August, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to James O'Neill care of Chris Boyle Architecture of 3 Kilcolmon Court, Glenageary, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a two-storey over basement house with access by means of a right of way through the protected structure Osborne House including (1) A glazed octagonal room at first floor level with real windows on three sides and fake windows on five sides. (2) The inclusion of one part of the existing Coach Houses for use as a basement bathroom with a roof terrace over. (3) Repairs to maintain the structural integrity of existing Coach Houses. (4) Alterations to the existing driveway of the protected structure Osbourne House to connect the existing driveway to the site and associated works at The Coach Houses site, with driveway works in the curtilage of the protected structure Osbourne House, Seapoint Avenue, Blackrock, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 8th day of August, 2016.

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 and scale of the proposed development, the nature and character of the surrounding environment, the pattern of development in the vicinity, and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not detract from the character or setting of 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.

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 8th day of August, 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 development shall be amended by the omission of the first floor (octagonal element). Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the architectural heritage and visual amenities of the area.

3. No access shall be permitted to any of the flat roofs or green roofs except for maintenance purposes. Access to the roof terrace shall provide for rail safety, details of which shall be submitted to, and agreed in writing with the planning authority following consultation with Iarnród Éireann.

Reason: In the interest of the protection of residential amenity and public safety.

4. Access to the turning area on site for all residents of the existing and proposed residential units shall be maintained at all times.

Reason: In the interest of traffic safety.

5. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority details of the following:
 - (a) the appointment of a conservation architect, qualified to at least Grade 2 RIAI or equivalent, who shall design and supervise the proposed works to the Coach House protected structure and shall ensure appropriate protection of its historic fabric,
 - (b) details of all finishes and of all original features to be retained or reused,
 - (c) retention of the maximum amount possible of surviving historic fabric in-situ including structural elements, tiling and joinery, with a design to minimise interference to the building structure and fabric,
 - (d) details of the bricks to be used as a ringbeam to the wall-head as part of the works to the protected structure, and

- (e) method statements for all proposed works to the fabric of the protected structure, including the provision of temporary works.

All works to the protected structure shall be carried out in accordance with the details submitted in support of the application, in accordance with best conservation practice as set out in the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government (2011), and in accordance with the requirements of the planning authority.

Reason: To ensure that the integrity of the protected structure is maintained and to protect it from damage or loss of fabric.

- 6. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 7. The site shall be landscaped in accordance with details that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the retention of the large mature tree in the south west corner of the site adjoining the western boundary, and
- (b) planting of trees at two-metre intervals along the western boundary.

Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To screen the development and assimilate it into the surrounding townscape and in the interest of visual amenity.

8. The proposed house shall be used as a single dwelling unit only, shall not be sub divided in any manner, and shall not be sold, let or otherwise conveyed except as a single dwelling unit.

Reason: In the interest of protection of residential amenity.

9. The proposed replacement gates shall be in accordance with details that shall be submitted to and agreed in writing with the planning authority prior to commencement of development, and shall not open outwards.

Reason: In the interest of pedestrian and traffic safety.

10. 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.

11. (1) 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.
- (2) The plan shall address rail safety, details of which shall be submitted to and agreed in writing with the planning authority following consultation with Iarnród Éireann.

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

12. 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.