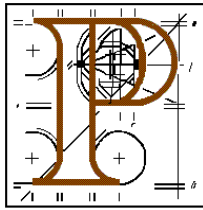


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0605

An Bord Pleanála Reference Number: PL 06D.247528

APPEAL by Ulric and Susan Kenny care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 10th day of October, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Pierce and Judy Casey care of Tom Mullen Architects of 10/11 Marine Terrace, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a new two storey four/five bedroom family home, with dormer attic accommodation and dormer windows to the front/west facing and rear/east facing roof planes, single storey kitchen extension to rear, new vehicular entrance onto Adelaide Road including new piers and gates and alterations to existing front boundary wall, new two metres high boundary wall between existing house and new site and all other associated and necessary site works on site to south side of Annacreevy, Adelaide Road, Glengageary, County Dublin. The site is partially located in a candidate Architectural Conservation Area.

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, extent and design of the proposed development, the size of the site and the set back of the proposed dwelling from the road frontage, the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022 including the site's location within a candidate Architectural Conservation Area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, would not seriously injure the character of the candidate Architectural Conservation Area and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board generally accepted the planning authority's analysis in respect of the proposed development and considered that the nature, extent, design and location of the proposed dwelling, as amended by the planning authority by condition, would be acceptable and would not seriously injure the amenities of the area as to warrant a refusal of permission. Furthermore, the Board considered that the loss of trees could be adequately addressed by means of a landscaping condition and considered the design, as amended by the planning authority by condition, to be acceptable and therefore, did not seek the changes put forward by the Department of Art, Heritage, Regional, Rural and Gaeltacht Affairs at appeal stage.

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. Prior to commencement of development, revised drawings showing compliance with the following requirements shall be submitted to, and agreed in writing with the planning authority:-
 - (a) the single storey, north side elevation entrance hall, plant room and utility room element shall be omitted, and the proposed house shall be relocated in the proposed site closer to the new north boundary, with equal separation distances to both the north and south side boundaries, and
 - (b) the first floor, south elevation Master Bedroom window shall be omitted.

Reason: In the interest of the residential and visual amenity of the area.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which 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: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. (1) All trees which are shown on lodged plans shall be protected by a stout timber fence, 1.5 metres high, and enclosing at least the area covered by the branch spread of the trees. The fence shall be erected prior to commencement of development and shall be maintained throughout the entire construction period.
- (2) No development works of any kind shall take place within the fenced-off area. In particular, the parking of vehicles, location of site huts, storage compounds or topsoil heaps, storage of oil and chemicals, and lighting of fires, is prohibited.

Reason: To protect the sylvan character of the site.

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

Reason: In the interest of visual amenity.

6. Works at the proposed vehicular entrance at the public pavement and roadway shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of traffic and pedestrian safety.

7. Water supply and drainage arrangements, including the 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.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The applicant shall prevent mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the construction works and repair any damage to the public road arising from carrying out the works.

Reason: To protect the amenities of the area.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 property in the vicinity.

11. 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/demolition waste.

Reason: In the interest 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.