

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

South Dublin County

Planning Register Reference Number: SD16A/0303

An Bord Pleanála Reference Number: PL 06S.247642

APPEAL by Liam and Marion Kelly care of Niall Jones and Associates of Somerton House, Ballyboden Road, Rathfarnham, Dublin against the decision made on the 28th day of October, 2016 by South Dublin County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Removal of existing garden wall and palisade fence along western boundary and construction a new 215 millimetres thick by 2.1 metres high rendered block perimeter wall complete with piers and concrete capping along south and west boundary to incorporate part adjoining site (area 481.3 square metres). Construction of two new semi-detached three bedroom houses to side (floor area to be 126.85 square metres per house, with a proposed ridge height of 8.325 metres above ground level), including 900 millimetres deep bay window to front elevations at ground and first floor levels, single storey flat roof extended ground floor across rear and first floor windows to east and west elevations. Construction of two new three metre wide driveway entrances with 750 millimetres high block wall and 450 millimetres square by 1.2 metre high brickwork piers across front/north-east boundary, to form vehicle access onto new 6.15 metres long extended roadway across front of site, complete with dished footpath and kerbing to tie into existing, together with all associated site works at 26 Cois Na hAbhann, Old Bawn, Tallaght, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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, inter alia, to:

- the nature, extent and design of the proposed development,
- the provisions of the South Dublin County Development Plan 2016-2022 including:
 - o the OS objective on part of the site which seeks to preserve and provide for open space and recreational amenities and on which residential development is open to consideration, and
 - o the policies under Section 11.3.2 (ii) of the plan in respect of development in Corner/Side Garden Sites;
- the planning history of the site,
- the overgrown nature and limited functionality of the adjacent open space that forms part of the site,
- the pattern of development in the area, and
- the report of the planning Inspector,

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 South Dublin County Development Plan 2016-2022 which seek, inter alia, to encourage urban consolidation and the economic use of serviced lands through higher densities, infill development and the development of corner sites, would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to increased flood risk elsewhere in the catchment and 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 had regard to the drawings and documentation submitted by the applicant which indicate that the previously refused scheme under planning register reference number SD16A/0015 has been amended in the current application to provide a 10 metre riparian strip between the western boundary and the top of the bank of the active watercourse. Subject to a condition expressly requiring the provision of a 10 metre riparian strip, the Board considered that the proposed development would be acceptable in this case.

The Board generally concurred with the Inspector that a material contravention of the OS objective does not arise in this case given that residential development is open to consideration on lands so zoned.

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, a site layout (1:200) plan shall be submitted to and agreed in writing with the planning authority showing the provision of a 10 metre riparian strip between the western boundary of the development site and the top of the bank of the active watercourse. The resultant riparian strip shall make adequate provision for a future pedestrian though route along the river bank.

Reason: To comply with the provisions of the South Dublin County Development Plan 2016-2022 in respect of riparian strips and in the interest of the amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

4. 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.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of amenity and public safety.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 hours 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 residential amenities of property in the vicinity.

8. 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 interests of public safety and residential amenity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

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

Dated this day of 2017.