



An
Bord
Pleanála

Board Order
PL 06D.247706

Planning and Development Acts 2000 to 2016

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0690

Appeal by Thomas and Lorraine Leonard care of Diarmuid Ó Grada of 16 Louvain, Roebuck Road, Clonskeagh, Dublin against the decision made on the 15th day of November, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Maurice Treacy care of ODOS Architects of 37 Drury Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of an existing single storey garage structure and construction of one number two-storey infill dwelling, consisting of a vehicular garage at ground level, two number bedrooms with private external areas to the side and rear of dwelling at ground level and kitchen/dining and living space with a private external terrace to the front/side of dwelling at first floor level and all associated landscaping and site work at 10A Pembroke Cottages, Booterstown, 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 sensitive location of the site within an Architectural Conservation Area and adjacent to protected structures, the planning history of the site, and the nature, scale and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of nearby protected structures, and would adequately protect the residential amenity of adjacent property. 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 agreed with the perspective of the planning officer and conservation officer of the planning authority, that the proposed infill dwelling would be of an appropriate design idiom and scale, would replace a dilapidated structure, and would enhance rather than detract from the amenities of the Architectural Conservation Area. The Board was satisfied that the scale and design of the dwelling was satisfactory in terms of protecting the character and setting and amenities of the nearby protected structures. The Board was satisfied that the overall quality and quantity of private open amenity provided to future residents of this two-bedroom dwelling would be acceptable and not out of context given the fine grain of development in 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. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details and a sample of an alternative proposed material/finish to the front elevation of the proposed dwelling.

Reason: In the interest of protecting the Architectural Conservation Area and character of the adjacent Protected Structures.

3. The developer shall ensure that the proposed new section of footpath in front of number 10A Pembroke Cottages, as shown in the submitted drawing 'Drawing: Ground Floor Plan - Proposed / Drawing No: 1605 - L (-) 101* / Date: 19th September 2016', is designed to meet the planning authority's 'Taking-in-Charge' requirements as per 'Taking In Charge Policy Document (September, 2011 - Updated April 2013)'. With regard to the construction of the proposed new section of footpath, the developer shall contact the planning authority to ascertain the required specifications for such works and any required permits.

Reason: In the interest of the proper planning and sustainable development of the area.

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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

7. The proposed garage/car parking space shall not be converted to habitable accommodation or storage space and shall be used for the parking of a vehicle.

Reason: To provide for on-site car parking.

