

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0679

An Bord Pleanála Reference Number: PL 06D.247802

APPEAL by Martin and Eva Marie Molloy of Bellevue, Cross Avenue, Blackrock, County Dublin against the decision made on the 15th day of December, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Finbarr and Patricia O'Connell care of Martha O'Neill of 79 Palmerstown Drive, Palmerstown, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The removal of the timber shed to the east, removal of non-original internal partitions, refurbishment and repair of windows and roofs, provision of new internal partitions within existing house, two new rooflights to the south elevation, new vehicle entrance to south side of house, re-instatement of light well to basement at rear of house with new doors to rear garden, the erection of part two-storey extension over basement to the east side with new front door to Cross Avenue elevation and new two-metre high boundary wall to eastern side and all associated site works at Bellevue, East Wing, Cross Avenue, Blackrock, County Dublin (a protected structure).

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 and of the Architectural Heritage Protection Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2004, to the pattern of existing development in the area and to the design and scale of the proposed extensions, 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 of property in the vicinity, would respect the existing character of the area, would not interfere with or be detrimental to the setting and status of a protected structure and adjoining protected structures, and would be acceptable in terms of pedestrian and traffic safety. 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 28th day of November, 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 as follows:
 - (a) The roof lights on the front facing (south) roof plane shall be omitted and the new roof lights proposed to replace those on the rear roof plane (north) shall be the same size as the existing rooflights, and shall be “low-profile conservation style” in design.
 - (b) The proposed new vehicular entrance shall not be greater than 3.5 metres in width, with wing walls (and piers) not greater than 1.1 metres in height for a linear distance of one metre on either side of the entrance.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity and conservation.

3. All works to conserve the fabric of the existing protected structure shall be carried out in accordance with best conservation practice and in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2004, under the professional supervision on site of an Architect or other appropriately qualified person with specialised conservation expertise, to ensure adequate protection of the retained and historic fabric during the works. The conservation specialist shall, prior to commencement of work, submit a work programme to the planning authority for agreement, which shall detail all work to be carried out to the protected structure. The conservation specialist shall certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In order to safeguard the special architectural or historical interest of the building.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed extension, and details of the existing and proposed render finish to the front façade of the existing dwelling, shall be submitted to, and agreed in writing with, the planning authority. Samples of materials to be used shall be made available on site for inspection by the planning authority.

Reason: In order to safeguard the special architectural/historical interest of the building.

5. 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.

6. Site development and building works shall be carried out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 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 the 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.