

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0284

An Bord Pleanála Reference Number: PL 06D.247810

APPEAL by Fortwilliam Board of Management care of Diarmuid Ó Grada of 16 Louvain, Roebuck Road, Dublin against the decision made on the 9th day of December, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Fortwilliam Mount Merrion Developments Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Demolition of Fortwilliam Cottage (120 square metres), (b) provision of four number semi-detached houses; House 1 is two-storey, 242 square metres in area, with deck/garden at first floor level; House 2 is two-storey, 220 square metres in area; House 3 is three-storey, 237 square metres in area, with part screened west-facing balcony at second floor level; House 4 is three-storey, 241 square metres in area, with part screened west facing balcony at second floor level; (c) two number car parking spaces for each house (that is, eight number in total); (d) increase in width of existing vehicular entrance to five metres and (e) associated site development, landscaping and external works at Fortwilliam Cottage, Stillorgan Road, Blackrock, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would represent an appropriate residential density for the subject site, 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 15th 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. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of construction of the houses, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

4. 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 any of the proposed houses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings, and to protect the residential amenities of adjoining properties.

5. Apart from maintenance, there shall be no access to the sedum roofs of Houses numbers 1 and 2, and no use of these roofs as amenity areas. The french doors of bedroom number 1 of House number 2 shall be replaced by a window of the same dimensions as those of bedroom number 2, with a cill level not less than 1.4 metres above the level of the roof.

Reason: In the interest of protecting the residential amenities of adjoining properties.

6. The developer shall appoint a qualified arborist as an Arboricultural Consultant during construction. The Consultant shall visit the site, to ensure the implementation of all of the recommendations in the submitted tree report. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the Arboricultural Method Statement and Tree Protection Plan, in the submitted tree report. All tree felling, surgery and remedial works shall be completed within one year of the occupation of dwellings on the site. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certification shall be signed off by the arborist when all permitted development works are practically complete, and in line with the recommendation of the tree report.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

7. The developer shall retain the professional services of a qualified Landscape Architect, as his/her Landscape Consultant, throughout the life of the site development works. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals.

Reason: To ensure full implementation of the approved landscape design proposals for the permitted development.

8. Parking spaces shall be clearly marked to each unit within the scheme and the spaces shall not be sold or let independently of the residential units. All parking spaces shall be constructed to be capable of accommodating future charging points for electrically operated vehicles.

Reason: In the interest of traffic safety and sustainability.

9. The developer shall relocate the existing ESB/telegraph pole, situated at the proposed vehicular entrance on the public footpath. The moving and reinstating of an ESB/telegraph pole shall be carried out at the developer's own expense and with the agreement from the relevant utility.

Reason: In the interest of pedestrian and traffic safety.

10. The developer shall at their own expense relocate and reinstate the existing 'corduroy hazard warning surface' on the footpath/cycle track two metres northwards from its present location and the existing bicycle logo/directionally arrow to the north side of the Eircom chamber cover. The developer shall provide appropriate signage indicating 'turn left' at the exit from the development to indicate that the Stillorgan Road is a one-way road for all vehicles exiting the development.

Reason: In the interest of pedestrian and traffic safety.

11. The developer shall at their own expense dish and strengthen the footpath/cycle track in front of the proposed new vehicular entrance off Stillorgan Road including any moving/adjustment of any manhole/chamber covers and all to the satisfaction of the appropriate utility company and the planning authority.

Reason: In the interest of pedestrian and traffic safety.

12. 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.

Reason: In the interest of amenities, public health and safety.

13. 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.

14. 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 interest of visual and residential amenity.

15. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

- 16 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.

17. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, in lieu of the provision on-site of communal open space, towards specific exceptional costs in respect of improvements to the existing public park at Deerpark, Mount Merrion, which will benefit the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2017.