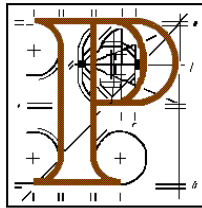


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0888

An Bord Pleanála Reference Number: PL 06D.248099

APPEAL by Mount Merrion Residents Association of 4 Cherrygarth, Mount Merrion, County Dublin against the decision made on the 1st day of February, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Eimear Kenny and Jim Hickey care of Tyler Owens Architects of The Mash House, Distillery Loft Design Studios, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention permission for partial demolition of an existing dwelling, comprising the rear gable wall, part of walls on southeast and northwest elevations, associated roof structure above and provision of temporary construction access on northeastern end of the property boundary to Cherrygarth (adjacent to the rear boundary with number 15 Cherrygarth). Planning permission is sought for further demolition of remaining roof structure, chimney and side extensions of structure and re-construction of said dwelling and roof structure to match existing roof form, along with the construction of single storey contemporary extensions to sides and rear of the dwelling, dormer structures on southeast and northwest roofslopes, external alterations to all elevations, alterations and widening of existing vehicular entrance to 3.5 metres, addition of a pedestrian entrance to side of Cherrygarth, demolition of existing side boundary wall and provision of replacement 2.1 metre high wall with rendering and capping of remaining boundary walls to match, landscaping (including new boundary planting), and all ancillary works to facilitate the development, The proposed development is identical in massing, floor area and building height to that approved under planning register reference number D16A/0194 at 29 Cherrygarth, Mount Merrion, 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, to the nature and scale of the proposed development and to the pattern of existing 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 residential or visual amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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. 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. Prior to commencement of development, the developer shall submit full design calculations for the proposed soakaway for the written agreement of the planning authority. The soakaway shall comply with the requirements of BRE Digest 365 'Soakaway design' and shall be located a minimum distance of five metres from the buildings and site boundaries and the area and depth of the soakaway shall be designed to receive surface water from 125 square metres of impermeable surface.

Reason: In the interest of public health and to ensure a proper standard of development.

3. 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.

4. All service cables associated with the proposed development (such as electrical, telecommunications and television cables) shall be located underground.

Reason: In the interests of visual and residential amenity.

5. 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 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.

6. 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.