



An
Bord
Pleanála

Board Order
PL 06D.248319

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0036

Appeal by Elmar Langbroek of 14 Rosehill, Carysfort Avenue, Blackrock, County Dublin against the decision made on the 15th day of March, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Stephen McLaughlin and Fionnuala Doyle care of Colin Galavan and Associates of 49 Upper Georges Street, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new two bedroomed two-storey mews house and associated site development works including a parking and turning area for two cars and a vehicular entrance to the rear. All at 30 Fairyhill, Newtown Park Avenue, 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 pattern of development in the vicinity, the planning history of the site and the scale, layout and design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring properties, would comply with the provisions of the current development plan for the area, particularly in terms of the encouragement of increased residential density and in relation to infill housing, 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, 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 proposed dwelling shall be relocated in a south-westerly direction so that there is at least a three-metre distance between the nearest part of the house and the northern boundary.
- (b) The circular window at first floor level on the south-west elevation shall be omitted or shall be fitted with obscure glazing which shall be permanently retained.
- (c) The proposed vehicular entrance shall be modified so that the gate is not more than 1.1 metres in height, and the walls on either side of the gate shall be no more than one metre in height, with piers no more than 1.1 metres in height.

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

Reason: In the interest of protecting the residential amenities of adjoining properties, in the interest of pedestrian and traffic safety and to ensure the protection of the existing trees along the northern boundary of the site.

3. 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 dwelling 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 house and to protect the residential amenities of adjoining properties.

4. Water supply and drainage arrangements including the attenuation and disposal of surface water shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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 hours of working, noise management measures and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity.

6. Details of the external finishes of 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.

7. The existing trees on the northern site boundary shall be retained. All trees, shrubs and groups of trees specified for retention shall be enclosed within a stout fence, details of which shall be agreed with the planning authority. The fences shall enclose at least the area covered by the spread of the branches, shall be erected before any site works begin and shall be maintained during the construction period.

Reason: To ensure the survival of such trees and shrubs during the construction period, in the interest of visual amenity.

