



An
Bord
Pleanála

Board Order
PL 06D.248343

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0071

Appeal by Targeted Investment Opportunities ICAV care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 22nd day of March, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: The proposed development relates to Block A only and is as follows: A new seventh floor level, setback from the south-east elevation, to accommodate: two number two-bed and two number three-bed units (+four units); alterations to all previously permitted floors (ground to sixth floor level) so as now to accommodate 17 number one-bed units, 68 number two-bed units and two number three-bed units (+three units); the modifications and additional units proposed result in an increase of seven number units overall to the previously permitted scheme (overall 91 number units now proposed in Block A in a building ranging in height from five to eight storey's consisting of a total of: 17 number one-bed units, 70 number two-bed units and four number three-bed units, including balconies or terraces, and solar panels on the roof); alterations at basement level of Block A to include minor changes to the footprint and internal layout to accommodate 91 car parking spaces (an increase of five number car parking spaces), 91 bicycle parking spaces (an increase of five number bicycle parking spaces) and ancillary accommodation;

external elevational changes to Block A arising from the revisions noted above. The permitted elements of the development which are not amended by this proposal are:

(i) conversion of existing Herbert Hill house into two number two-bedroom two-storey houses by modifications to the interior including the removal of single storey ancillary accommodation to the house and replacement with a single storey extension of approximately 10 square metres to the side of one house, extending a new roof to link with the retained outbuildings; alterations to internal layouts including installation of new bathrooms and kitchens; comprehensive repair and refurbishment throughout; installation of fire compartmentation; repair/replacement of all windows; removal/repair of external render, natural slate roof, rainwater goods; replacement of polycarbonate sheeting to veranda with glass; replacement of all services, installation of flues and vents; full redecoration; all associated conservation and site works; (ii) conversion of existing outbuildings and stores to provide general storage, bicycle parking and bin storage, including reinstatement of derelict lean-to roof to existing covered area; repair/replacement of all windows/doors; replacement of all services; (iii) internal and external modifications to the existing Gate Lodge including the provision of a single storey extension of approximately 16 square metres to provide a single storey one bedroom dwelling (circa 59 square metres in total); alterations to internal layouts including installation of new bathrooms and kitchens; reconstruction of single storey return of approximately six square metres, comprehensive repair and refurbishment throughout; repair/replacement of all windows; removal/repair of external render, natural slate roof, rainwater goods, replacement of all services, installation of flues and vents; full redecoration; all associated conservation and site works; (iv) site development and landscape works, including a substation and switch room (circa 25 square metres); provision of bin stores, relocation and re-use of garden walls, the refurbishment and relocation of existing gazebo, the demolition of glasshouse (25 square metres), the widening of the entrance to 9.1 metres to allow for footpaths and carriageway involving the removal of existing piers, gates and wheel guards, the lowering of a length of wall to provide sightlines, and the provision of new stone splay walls and piers; (v) vehicular access is provided via the existing access to Herbert Hill off Sandyford Road which is to be widened to 9.1 metres; all on a site of approximately 1.07 hectares within the grounds of Herbert Hill (a protected structure), Sandyford Road, Dundrum, Dublin.

This application relates to amendments to the residential development permitted on site under planning register reference number D15A/0405/An Bord Pleanála appeal reference number PL 06D.245456.

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 residential zoning of the site in the Dún Laoghaire–Rathdown County Development Plan 2016–2022 and also having regard to the pattern of development in the area, the planning history on the site and the revised proposals submitted with the appeal, 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 not adversely affect the setting of a protected structure and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission because it was considered that the proposed development would constitute a material contravention of the development plan. However, having regard to the pattern of development in the area, the Board considered that, by virtue of Section 37(2)(b)(iv) of the Planning and Development Act, 2000, it was not constrained in granting permission for the proposed development.

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 lodged with the appeal on the 18th day of April, 2017, 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. This permission relates solely to amendments to the development permitted under appeal reference number PL 06D.245456 and shall expire on the expiry date of that permission.

Reason: In the interest of clarity.

3. The conditions of the previous permission granted under appeal reference number PL 06D.245456 shall apply except where modified by the conditions of this permission.

Reason: In the interest of clarity.

4. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

5. 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.

6. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 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