



An
Bord
Pleanála

Board Order
PL 06D.248406

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0113

Appeal by Bernie Farrell and Alasdair McAllister care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 5th day of April, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Construction of a part three-storey over basement and part single storey detached dwelling, relocation of existing piers and all associated site works, on a site adjacent to 40 Clarinda Park West, Dún Laoghaire, 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 sensitive location of the site within an Architectural Conservation Area and adjacent to Protected Structures, the nature, scale and design of the proposed dwelling and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of nearby Protected Structures and Clarinda Park Architectural Conservation Area, would be acceptable in terms of traffic safety and convenience and would not seriously injure the amenities of the area or of property in the vicinity. 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 received by An Bord Pleanála on the 28th day of April, 2017 with the appeal documentation, 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. Details including samples 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 protecting the character of Clarinda Park Architectural Conservation Area and in the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority revised plans and particulars indicating the following:
 - (a) Revised treatment for the external entrance steps.
 - (b) The treatment of the railings/glazed screens and the detailing of the lower level fronting onto the streetscape.
 - (c) The existing granite piers for Clarinda Park House shall not be removed. Revised details showing their integration into the scheme are required.

Reason: In the interest of protecting the character of Clarinda Park Architectural Conservation Area and in the interests of visual and residential amenity.

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 the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity.

5. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -

- (a) A detailed tree Survey and Arborist Report for the entire site. All trees along the northern and south eastern portion shall be fenced off and protected during the construction of the development and shall be retained thereafter.
- (b) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for steps, footpaths, kerbing and boundary treatments within and bounding the development.
- (c) Proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings.
- (d) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of protecting the character of Clarinda Park Architectural Conservation Area and in the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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. 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.

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

