



An  
Bord  
Pleanála

**Board Order**  
**PL 06D.248429**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D16A/0783**

**Appeal** by Samatha and Keith Bradley of 84 Beaumont Avenue, Churchtown, Dublin and by Mountainview Properties Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 7<sup>th</sup> day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Mountainview Properties Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use of Mountainview House from offices to residential use to include the demolition of existing non-original single storey rear extension to existing structure, construction of a part one-storey, part two-storey extension to the rear, refurbishment and renovation of existing building; removal of non-original windows to the front elevation of existing building and replacement with slimline timber sash windows to match the original and reinstatement of separate garden. Permission is also sought for demolition of existing derelict one and two-storey outbuildings within the grounds (previously permitted planning register reference number D14A/0445) and construction of two number four bedroom, part two-storey, part three-storey townhouses with individual gardens and parking. Mountainview House will be accessed from Beaumont Avenue from the existing gate to the north of the site while the two houses will be accessed from the existing

entrance to the south, all at Mountainview House (a Protected Structure), Beaumont Avenue, Churchtown, 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 residential zoning of the site in the Dún Laoghaire-Rathdown County Development Plan 2016–2022 and to the pattern of development in the area, the layout of the scheme, and the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of Mountainview House, a Protected Structure, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 8<sup>th</sup> day of February, 2017 and by the further information submitted on the 14<sup>th</sup> day of March, 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. The windows on the front (southern) elevation serving the bedrooms at first and second floor levels of the townhouses shall be glazed with obscure glass. The first floor terraces to the front (southern) elevation and rear (northern) elevation shall be fitted with obscure glazing to a height of 1.8 metres.

**Reason:** To prevent overlooking of adjoining residential property.

3. All works to Mountainview House, a protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. 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. The new driveway/parking areas shall be constructed in accordance with the recommendations of Sustainable Drainage Systems (SuDS) and to the satisfaction of the planning authority.

**Reason:** In the interest of public health.

5. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential 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 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. 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 noise management measures and off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

**Reason:** In the interest of public safety and residential amenity.

8. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

9. Proposals for a 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 signs and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

10. 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.

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

**Dated this      day of      2017**