



An
Bord
Pleanála

Board Order
PL 06D.248460

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0138

Appeal by Martello Finance Company Limited care of LyonsKelly of 5 Fitzwilliam Street Lower, Dublin against the decision made on the 12th day of April, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Refurbishment and conservation of Beulah House (protected structure) including the refurbishment of existing windows, new mechanical and electrical services, some internal alterations and re-roofing. Demolition of a single-storey extension to the side of the house and single storey sheds. Construction of a new two-storey extension of 180 square metres. Construction of a garden room and plant room of 50 square metres, an out-door swimming pool, a tennis court with associated fencing and lighting. New landscaping including changes to ground levels and all ancillary site works and services, all at Beulah, Harbour Road, Dalkey, County Dublin. No significant trees will be affected

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 nature and scale of the proposed development, as amended by condition,
- the pattern of development in the area,
- the Architectural Heritage Protection Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in 2011,
- the provisions and objectives of the Dún Laoghaire-Rathdown County Council County Development Plan, 2016-2022, including Section 8.2.11.2 (i)- Extensions to Protected Structures, and
- Policy AR10 (ii) - Protection of Coastline Heritage,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not injure the residential or visual amenities of adjoining properties and would not interfere with the character or setting of the Protected Structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the substantive issue of concern to the Inspector regarding impact on the Protected Structure was addressed by the omission of the first floor and was satisfied that the proposed development would not negatively affect the character and setting of Beulah House and 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 first floor shall be omitted and the ground floor element shall be finished with a sedum roof. Revised drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity

3. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture. The new external wall finishes shall be rendered in stone or render to match existing. Samples of the proposed materials 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. No floodlighting of the proposed tennis court is hereby permitted.

Reason: In the interest of residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which 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 plan to scale of not less than 1:500 showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn,

holly, hazel, beech or alder and which shall not include prunus species.

- (ii) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (iii) Details of roadside/street planting which shall not include prunus species.
 - (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise. A Grade I/II RIAI Accredited Architect shall be retained.

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.

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. 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.

