



An
Bord
Pleanála

Board Order

PL 06D. 248481

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0819

Appeal by Haddington Lawn Residents care of DMOD of Cathedral Court, New Street, Dublin against the decision made on the 21st day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Bruce Arnold care of Paul Keogh Architects of Cathedral Court, New Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (i) Construction of a new single-storey two-bedroom dwelling (161 square metres) within the curtilage/attendant grounds of Rosney House; (ii) provision of a new three metre wide entrance/gateway from Haddington Lawns to facilitate vehicular access to the proposed dwelling; (iii) demolition of an existing single storey shed structure (16 square metres) abutting the existing converted coach house; (iv) alterations to the existing garden layout to facilitate the proposed dwellinghouse and vehicular entrance, including the removal of a number of existing trees and (v) associated site works, drainage and landscaping to facilitate the proposed development located within the curtilage/attendant grounds of Rosney House at Albert Road Upper and Haddington Lawns, Glenageary, County Dublin; a protected structure (RPS number 1507).

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 location of the proposed development in an established residential area and its zoning for residential purposes, and having regard to the pattern of development in the vicinity, including the cul-de-sac nature of the adjoining road, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining property, would not have an adverse effect on the character or setting of the adjoining protected structure, would represent an appropriate form of infill development, 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, as amended by the further plans and particulars submitted on the 28th 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. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof of the proposed development shall be blue-black or slate grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

3. 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 interests of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall be allowed only in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of adjoining property in the vicinity.

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:

- Measures to ensure that the contractor's vehicles will not block the cul-de-sac area during construction.
- Measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network.
- Off-site disposal of construction/demolition waste.

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

6. (a) Prior to commencement of development, all trees and shrubs which are indicated on the submitted plans as "existing" and which are not proposed on these plans to be removed, shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees and shrubs which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree or shrub to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

7. The footpath in front of the proposed new vehicular entrance shall be dished at the road junction in accordance with the requirements of the planning authority and at the developer's own expense.

Reason: In the interest of pedestrian safety.

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.

