



An  
Bord  
Pleanála

**Board Order**

**PL 06D.248495**

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

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

**Planning Register Reference Number: D17A/0164**

**Appeal** by Geraldine Walsh care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin and by others against the decision made on the 19<sup>th</sup> day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Donal and Anne Marie Loughrey care of A1 Architects of The Avila, 125 Drimnagh Road, Walkinstown, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a new detached four bed dormer bungalow dwelling house to the rear of existing house at number 16 Mount Anville Road, Mount Merrion, Dublin with frontage onto Deerpark Road. Access to the new dwelling house will be via the existing entrance from Deerpark Road with three car parking spaces to the front garden and all associated site development works. Proposals also provide for revised boundary treatments to sub-divide the site including hard landscaping, widening of existing driveway entrance to 3.5 metres and connection to services.

## **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 provisions of the Dún Laoghaire Rathdown County Development Plan 2016-2022, the residential zoning objective for the area, the location of the site, the nature and scale of the proposed development and the pattern of existing development in the vicinity, together with the information submitted as part of the planning application and the appeal, the Board is satisfied that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design and scale and would not seriously injure the residential amenities of existing adjacent properties, or the visual amenities of the area, and would be acceptable in terms of pedestrian and 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, 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 development shall be amended as follows:
  - (a) the existing vehicular entrance to the new dwelling to be recessed by a minimum of one metre with concave (bell mouth shaped) or 45 degree splayed side walls, to ensure adequate visibility for pedestrians or other vehicles for exiting vehicles from the said vehicular entrance. The vehicular entrance shall not exceed 3.5 metres inside the splayed entrance; OR;
  - (b) the existing roadside boundary wall for a minimum distance of one metre either side of the existing vehicular entrance to the new dwelling to be no more than 1.1 metre so as to provide good visibility for pedestrians or other vehicles for exiting vehicles and vice versa from the said vehicular entrance. The height of the piers and gates shall also be shown to be a maximum of 1.1 metre.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. Details 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 visual amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. 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. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

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

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

**Reason:** In the interest of visual amenity.

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.

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

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 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.

