



An
Bord
Pleanála

Board Order
PL 06D.248624

Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire-Rathdown County Council.

Planning Register Reference Number: D17A/0237.

Appeal by Marjorie Griffin of 2 Lakelands Avenue, Upper Kilmacud Road, Stillorgan, County Dublin and by Martin Shelly of Number 4 Lakelands Avenue, Upper Kilmacud Road, Stillorgan, County Dublin against the decision made on the 10th day of May, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Kevin Houlihan and Jerome Hurley-Cunnane 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: Development consisting of: (1) Demolition of the single storey extension to the side of existing house. (2) Construction of a one number new two-storey detached three-bed house with attic to the side of existing house and all associated site development works. Proposals also provide for a dormer window at attic level to the rear, revised boundary treatments to sub-divide the site, including hard landscaping and connections to services. Access to new dwelling house will be via the existing entrance. (3) Renovation of existing two-storey dwelling, conversion of attic level and construction of a dormer extension and one number of velux to the rear and all associated site works. New vehicular access is proposed fronting and serving the existing dwelling house. All at Number 21 Lakelands Crescent, Stillorgan, 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 pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent an acceptable design response to the subject site, which would be in accordance with the provisions of the Development Plan, would not seriously injure the visual amenities of the area or the residential amenities of neighbouring property, 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, 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 glazing to the ground floor wc, the glazing of the first floor bathroom, en-suite and stairs, and the glazing of the second floor en-suite and stairs/landing of the proposed house shall be manufactured opaque or frosted glass, and shall be permanently maintained as such.
 - (b) The proposed vehicular entrances shall be a maximum of 3.5 metres in width, and a boundary fence or wall shall be provided to delineate the separate driveways of the existing and proposed dwellings. The footpath in front of the new/widened entrance shall be dished and strengthened at the developer's expense.

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

Reason: In the interests of protecting the residential amenities of adjoining dwellings, and of pedestrian and traffic safety.

3. Both the existing and proposed dwellings shall be used as single dwelling units and neither of the dwellings shall be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity.

4. The existing tree in the grass verge in front of the proposed new vehicular entrance shall be replaced at the developer's expense with a new tree, of a species and at a location to be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays inclusive, between the hours of 0800 and 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.

6. 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 dwelling without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling and to protect the residential amenities of adjoining properties.

7. Details of the external finishes of the proposed dwelling, and of the dormer extensions to both dwellings, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roofs shall be blue-black or slate-grey in colour only (including ridge tiles).

Reason: In the interest of visual amenity.

8. 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: To ensure adequate servicing of the development, and to prevent pollution.

9. 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 interest of public safety and residential amenity.

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 the Board 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.

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

Dated this day of 2017