



An
Bord
Pleanála

Board Order
PL 06D.248888

Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0002

Appeal by Michael Gilmartin of 24 Stradbroke Lawn, Blackrock, County Dublin against the decision made on the 30th day of June, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Aidan and Kate Hsu care of Extend Architectural Services of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing five bedroom, two-storey detached dwelling, construction of new five bedroom, two-storey detached dwelling over basement, and all ancillary associated works, all at “Brookville”, 25 Stradbroke Lawn, Blackrock, 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 nature and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area and 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 it is considered that, in this specific case, sufficient justification and rationale was demonstrated by the applicant in terms of compliance with Section 8.2.3.4 (xiv) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, particularly in respect of energy performance. The Board agreed with the Inspector's assessment that the replacement house would not result in any significant adverse impact on the established amenities of number 24 Stradbroke Lawn.

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 7th day of June, 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 proposed house shall be used as a single dwelling unit.

Reason: To prevent unauthorised development.

3. All necessary measures shall be taken by the contractor and the applicants to ensure that the contractor's vehicles shall not block the cul-de-sac during the construction of the proposed works as this would cause an obstruction for emergency vehicles and refuse collection vehicles turning 180° on Stradbrook Lawn.

Reason: In the interest of road safety.

4. The applicants shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of proper planning and sustainable development.

5. Unless otherwise agreed with the planning authority, surface water drainage shall be in accordance with the documents and drawings submitted with the planning application. These documents detail the use of permeable gravel and a soakaway in dealing with surface water run-off from the property. Soakaways shall comply with the requirements of BRE Digest 365 'Soakaway Design' and it is the applicant's responsibility to ensure this and their nuisance free operation at all times. The surface water shall be infiltrated within the confines of the property boundary and no overflow from the soakaway to the public sewer system shall be permitted unless otherwise agreed in writing with the planning authority. The soakaway shall have a minimum set back distance of five metres from any building/structural foundation and three metres from the boundary.

Reason: In the interest of proper planning and sustainable development.

