



An
Bord
Pleanála

Board Order

PL 06D.248949

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0429

Appeal by Ken and Aileen Regan of 30 Sandycove Avenue West, Sandycove, County Dublin and by others against the decision made on the 5th day of July, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Michael Clarke care of MBDA Architects of Shamrock Chambers, 1-2 Eustace Street, Temple Bar, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of new detached two-storey, two-bedroom mews house (circa 74 square metres) and garage (circa 16.2 square metres) plus landscaping and associated works at rear of number 42 Sandycove Road, Dun Laoghaire, 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 policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the residential zoning of the site, the pattern of development in the area, the existing residential developments on Rock's Yard Lane in conjunction with the design and scale of the proposed development, which incorporates adequate provision for parking and private open space, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of the area or of the adjoining properties or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health 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 for the proposed house, garage and all associated site works, the Board considered that any overlooking of the garden of number 30 Sandycove Avenue West was not so serious as to merit refusal of permission and notwithstanding the compact design of the house, it was satisfied that, taken as a whole, the amenities of future occupants would be satisfactory and the proposal would not represent overdevelopment of the site. While noting the Inspectors concern in relation to the detailed dimensions of the site, the Board was satisfied that the proposed development could be delivered within the site boundaries without undue impact on the character and amenities of the area and would incorporate adequate provision for parking and private open space.

The Board noted the Inspectors concern in relation to the condition of Rock's Yard Lane but agreed with the planning authority's analysis of this aspect and given that there were other residences on the lane considered that it would be unreasonable to place the onus on the occupants of one house for upgrading the laneway.

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. Prior to the commencement of the development, the applicant shall submit for the written agreement of the planning authority, revised plans, which indicate the following:
 - (a) the provision of a recessed front door entrance for the dwelling with any associated door step located off the laneway.

Reason: In the interest of orderly development.

3. Prior to the commencement of the development, the applicant shall submit for the written agreement of the planning authority, comprehensive details of all proposed materials and finishes including those for garage and dwelling entrance doors and garden boundary treatments.

Reason: In order to safeguard the amenities of the area.

4. The proposed garage/carport parking space shall not be converted to habitable accommodation or storage space and shall be used for the parking of a vehicle.

Reason: To provide for on-site car parking and in the interest of orderly development.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no development which is of Class 1 or Class 3 of Part 1 of the Second Schedule to the said Regulations shall be carried out within the curtilage of the proposed dwelling, hereby permitted, unless permission for the carrying out of such development has first been granted.

Reason: To control potential overdevelopment of the site in the interest of amenity.

6. The attic level window of the proposed dwelling shall be omitted.

Reason: In the interest of visual amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Friday inclusive, between 0800 to 1400 hours Saturdays and no works shall be permitted on site on Sundays and public holidays.

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

8. The applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road including footpath or adjoining properties as a result of the site construction works.

Reason: In the interest of orderly development.

