



An  
Bord  
Pleanála

**Board Order**

**PL 06D.249143**

---

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

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

**Planning Register Reference Number: D17A/0525**

**Appeal** by Cormac and Carol Brady care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by others against the decision made on the 3<sup>rd</sup> day of August, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Vincent Finnegan care of Extend Architects of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing two-storey detached dwelling and single-storey garage; construction of three number three-storey dwellings, (one number detached and two number semi-detached, 194 square metres each) with set back first-floor and set back second-floor including rooflights on each dwelling; relocation and alteration of existing vehicular entrance and two new vehicular entrances and on-site parking for two cars at each house, new boundary treatment, landscaping, ancillary works and associated works necessary to facilitate the development at 2 Ard Mhuire Park, Killiney, 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 zoning provisions for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and to the design, character and layout of the development proposed, 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 properties, would be acceptable in terms of visual impact, and would be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. 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. Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, revised plans and drawings indicating the following:

- (a) Bin storage areas to the front of the terrace.

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

3. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall be carried out within the curtilage of House 2A, House 2B or House 2C hereby permitted, unless permission for the carrying out of such development has first been granted by the planning authority or by An Bord Pleanala on appeal.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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. Prior to commencement of development, the developer shall submit full design calculations for the proposed soakaway for the written agreement of the planning authority. The soakaway shall comply with the requirements of BRE Digest 365 'Soakaway design' specifically and it shall be located a minimum distance of five metres from buildings and site boundaries.

**Reason:** In the interest of public health and to ensure a proper standard of development.

6. Site development and building works shall be carried out only between the hours of 0800 to 1800 hours Mondays to Fridays inclusive, between 0800 hours to 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 amenities of property in the vicinity.

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, noise management measures and off-site disposal of construction/demolition waste.

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

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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 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.

