



An
Bord
Pleanála

Board Order
PL 06D.249330

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0630

Appeal by B. and E. Bastible care of Jones and Kelly Architects of 20 Summerhill Road, Dún Laoghaire, County Dublin against the decision made on the 6th day of September, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: (A) Demolition of conservatory, with a floor area of 24.80 square metres to existing two-bedroom ground floor apartment. (B) Change of use of existing dental surgery at first floor level, with a floor area of 28.8 square metres to residential use and incorporating same into existing two-bedroom first floor apartment. (C) Change of use of existing garage/store at rear with a floor area of 39 square metres to dental surgery with a proposed new first floor, having a total ground and first floor area of 74.5 square metres and having an overall height of 5.5 metres, with a velux roof light to south side of roof. (D) Provision of three car parking spaces with access off existing laneway. All at number 30 Sandycove Road, Sandycove, Dún 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 established uses on the site and the design and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of properties in the vicinity 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:

The proposed three number car parking spaces shall be omitted, and the area thus released, with the exception of a two-metre wide footpath giving access to the proposed dental surgery entrance, shall be incorporated into the private garden area of the apartment. This private garden area shall be bounded, on the laneway side and along the pedestrian footpath/surgery access, by a wall, 1.8 metres in height, which shall be rendered on both sides and capped. A pedestrian gate only may be provided in this wall to the laneway, to give access to the garden.

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 pedestrian and traffic safety, and as it is considered that the development would otherwise result in an intensification of the use of the existing laneway by vehicular traffic.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed modified building to the rear shall be restricted to dental surgery (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing a landscape plan for the rear amenity area serving number 30 Sandycove Road (as modified by condition number 2 of this order) indicating -
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
 - (ii) Hard landscaping works, specifying surfacing materials and finished levels.
 - (a) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

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

Reason: In the interest of visual amenity.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed dental surgery building, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such signage or advertisements through the statutory planning process.

7. Site development and building works shall be carried out between the hours of 0800 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.

8. 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, off-site disposal of construction/demolition waste, details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

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

9. 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.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

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

