



Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D17A/0775

Appeal by Xiu Li care of Hughes Planning and Development Consultants, The Mash House, Distillery Road, Dublin against the decision made on the 25th day of October, 2017 by Dun Laoghaire Rathdown County Council to refuse permission to the said Xiu Li care of Hughes Planning and Development Consultants for development comprising (1) Demolition of two number vacant outbuildings (on the site) to the rear of Number 71 Georges Street Lower. (2) Works to Number 71 Georges Street Lower will comprise: (a) partial demolition and alterations to the existing first floor return and removal of the existing roofs, (b) a new extension to the rear and side (at first floor) of the existing return with a new second floor extension and associated roof terrace, (c) change of use from commercial to residential at first floor level to accommodate a one number three-bedroom apartment. (3) A new two-storey building to the rear of the site, fronting onto Lynch Lane to accommodate two number one-bedroom apartments. (4) Access to the three number proposed apartments from Lynch Lane. (5) All ancillary works including central terrace/garden area, all at Number 71 Georges Street Lower (Lynch Lane to the rear), Dun Laoghaire, County Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for (1) Works comprising (a) partial demolition and alterations to the existing first floor return and removal of the existing roofs, (b) a new extension to the rear and side (at first floor) of the existing return with a new second floor extension and associated roof terrace, (c) change of use from commercial to residential at first floor level to accommodate a one number three-bedroom apartment. (2) Access to the proposed apartment from Lynch Lane. (3) All ancillary works including central terrace/garden area in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for (1) Demolition of two number vacant outbuildings (on the site) to the rear. (2) A new two-storey building to the rear of the site, fronting onto Lynch Lane to accommodate two number one-bedroom apartments based on the reasons and considerations marked (2) under

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 (1)

Having regard to the pattern of development in the vicinity and to the policies, as set out in the current Dun Laoghaire-Rathdown County Development Plan to encourage the development of residential housing at appropriate densities within existing established areas that are well served by public transportation and community facilities, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and 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.

Reason: In the interest of clarity.

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

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

3. The site and building works required to implement the development shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1400 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 adjoining residential occupiers.

4. 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 and demolition waste.

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

5. 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.

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.

Reasons and Considerations (2)

Having regard to the proximity of the proposed building accommodating Apartments A and B to the proposed building accommodation Apartment C, it is considered that the proposed development would seriously injure the residential amenities of the future residents of the proposed Apartment C by reason of overlooking due to the inadequate separation distances between the proposed buildings and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission for the entire development as proposed, the Board considered that the proposed building, accommodating Apartments A and B would have deleterious impacts on the residential amenities of the future residents of the proposed Apartment C and that these could not be mitigated by condition.

Terry Ó Niadh

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

Dated this day of 2018.