

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0824

An Bord Pleanála Reference Number: ABP-300374-17

APPEAL by Pat Shiel care of Smith and Kennedy Architects of 9 Clarinda Park North, Dun Laoghaire, County Dublin against the decision made on the 6th day of November, 2017 by Dun Laoghaire-Rathdown County Council to refuse permission to the said Pat Shiel in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (a) Construction of a part two-storey/part three-storey two bedroom family flat over existing garage to the east of existing family residence, (b) associated site works, in an area zoned as an Architectural Conservation Area; all at Court Na Farraga, Station Road, 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 existing and permitted development and to the contemporary design, scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed family flat would not constitute over development of the site, would integrate successfully with the existing house on the site, would not detract from the character of Killiney Architectural Conservation Area and would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment Screening carried out by the Inspector. The Board concurred with the Inspector's assessment, and adopted the conclusions and recommendations in this regard.

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 development, revised plans and particulars shall be submitted to, and agreed in writing with, the planning authority showing compliance with the following requirements:-

(a) the proposed family flat shall be interlinked with the main house, and,

(b) the existing family flat shall be integrated with the main house.

Reason: In the interest of clarity.

3. Samples of the proposed external finishes and materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The dwelling and family flat shall be jointly occupied as a single residential unit and the family flat shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the family flat in the interest of residential amenity

5. 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.

6. Site development and building works shall be carried out only between 0800 hours and 1900 hours Mondays to Fridays inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays and 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.

7. 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.

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

Dated this day of 2018.