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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: D17A/0846**

**Appeal** by Robert and Simone Stephenson care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 15th day of January, 2018 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Harald Rinde and Nicole Stephenson Rinde care of ODAA of 2 Benedict Buildings, Carysfort Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Variations to existing grant of permission (planning register reference number D15A/0556). Permission granted involved demolition of existing three-storey dwelling and construction of a new replacement three-storey dwellinghouse. Amendments to grant of permission including reduction in overall floor area, alterations to facades at all levels, omission of east facing terrace at first floor level, alterations to extent of south facing terrace and provision of garage; all at The Studio, Bartra Cove, Harbour Road, Dalkey, 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 provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022, to the location of the site in an established residential area and its zoning for residential purposes, to the planning history of the site and to the nature, form, scale and design of the proposed amendments to the development, 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 be acceptable in terms of traffic and pedestrian safety and convenience. 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 as amended by the further plans and particulars submitted to the planning authority on the 11<sup>th</sup> day of December, 2017 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 applicant shall comply with all conditions of the previous permission relating to the site covering the wider development area granted under planning register reference number D15A/0656, except as may otherwise be required in order to comply with the conditions attached to this permission.

**Reason:** In the interest of clarity.

3. 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.

**Reason:** In the interest of public health.

4. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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/demolition waste.
- (b) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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 the interests of public safety and residential amenity.

5. (a) A scheme indicating boundary treatment along all boundaries of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the boundaries consisting predominantly of trees, shrubs and hedging of native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

- (b) 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 order to screen the development and in the interest of visual amenity.

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

**Dated this            day of            2018.**