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**Planning and Development Acts 2000 to 2017**

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

**Planning Register Reference Number: D17A/1146**

**Appeal** by Fidelma and Hugh O'Neill care of RKD Architects of 59 Northumberland Road, Ballsbridge, Dublin against the decision made on the 26<sup>th</sup> day of February, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Robert and Jane McQuillan care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing dormer bungalow and construction of new replacement part two-storey part single storey four-bedroom house, plant room and associated site works and drainage including landscaping at Maryfield, Albany Avenue, Monkstown, 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**

The proposed development is located in an area zoned to protect and improve residential amenity and within the Monkstown Architectural Conservation Area as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Having regard to the pattern of residential development in the area, to the existing house on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the zoning provisions of the current County Development Plan, would not detract from the Monkstown Architectural Conservation Area, would not seriously injure the residential amenity of adjoining property by reason of overshadowing or overlooking 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. 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:
  - (a) The returned section of the first-floor level window serving bedroom number 1 (facing the eastern boundary) shall be omitted from the proposed development.
  - (b) The returned section of the first-floor level window serving the proposed television room (facing the western boundary) shall be omitted from the proposed development.
  - (c) The three first floor level windows serving the proposed stairwell area, proposed bedroom number 2 and the en-suite for bedroom number 2 (all on the eastern elevation) shall be fitted with obscure glass.

- (d) The first-floor window serving the master en-suite and facing the western boundary shall be fitted with obscure glass.

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 interest of residential amenity.

3. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or 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 residential amenities of property in the vicinity.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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. 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 the 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.

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**Paul Hyde**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2018.**