

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D18A/0013**

An Bord Pleanála Reference Number: ABP-301301-18

**APPEAL** by Tom Feeney care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 28<sup>th</sup> day of February, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** Construction of one number contemporary single-storey, two-bedroom dwelling (part mono-pitch roof, part flat-roof with roof light above), private open space, one number car parking space and bin storage area, landscaping and boundary treatments, and all associated works to facilitate the development at 7 Grove House Gardens, Grove Avenue, Blackrock, County Dublin.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 zoning of the site in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, in which infill residential development is permissible, to the policies of objectives of the Development Plan which encourage the densification of existing built-up areas (Policy RES4), to national policy which encourages increased residential densities generally, and to the limited scale and single-storied nature 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 property in the vicinity, would not represent overdevelopment of the subject site, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, due to the limited scale and nature of the proposed development, and the particular configuration of the subject site, an infill dwelling in this instance was acceptable and would conform generally to the provisions of the Development Plan. The Board did not accept that the development in question was a "backland" site, and accordingly did not consider that the provisions of the Development Plan in relation to backland development (Section 8.2.3.4(vi)) applied. Accordingly, the Board was of opinion that the proposal did not represent a material contravention of the Development Plan.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by revised drawings submitted to An Bord Pleanála on the 27<sup>th</sup> day of March 2018, 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 the 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 boundary wall between the existing house plot and the proposed house plot shall be not less than 1.8 metres in height, and shall be either of concrete block, which shall be rendered on both sides and capped, or of brick, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of proper boundary definition and of residential and visual amenity.

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. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 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 order to safeguard the residential amenities of property in the vicinity.

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.

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

**Dated this            day of            2018.**