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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: D18A/0028**

**Appeal** by Muiris O’Ceidigh of 10 Brighton Terrace, Sandycove, County Dublin and by Anthony and Maureen Kerr care of Diarmuid Ó Gráda, 16 Louvain, Roebuck Road, Dublin against the decision made on the 7<sup>th</sup> day of March, 2018 by Dún Laoghaire Rathdown County Council to grant subject to conditions a permission to T. and P. O’Higgins care of Jones and Kelly Architects of 20 Summerhill Road, Sandycove, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** One bedroom first floor residential unit with a floor area of 61.5 square metres and overall height of 7.62 metres with two number roof lights to the front and two number roof lights to the rear with pedestrian access from the ground floor with elevational alterations and 9.9 square metres of open space to the west side at first floor and part change of use of ground floor, eight square metres from commercial to residential, all at 52 Sandycove Road, Sandycove, Dún Laoghaire, County Dublin (located within the original curtilage of Burdett House, Number 1 Burdett Avenue, which is a protected structure.

## **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 Dún Laoghaire-Rathdown Development Plan 2016 – 2022 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the Burdett House protected structure or of neighbouring protected structures and would not seriously injure the amenities of the area or of property in the vicinity. 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, 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 1.9 metre high glass panels surrounding the first floor terrace shall be permanently fitted with obscured or frosted glass.

**Reason:** In the interest of visual and residential 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 and to ensure a proper standard of development.

4. The proposed bicycle store shall be large enough to accommodate/store a standard bicycle, either horizontally or vertically. Prior to commencement of development, details of the proposed bicycle parking area shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. Details of the materials, colours and textures of all the external finishes including the balcony glazing, 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. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall include details of intended construction practice, proposals for traffic management, noise management and measures for off-site disposal of construction/demolition waste.

**Reason:** In the interest of amenities, public health and safety.

7. Site development and building works shall be carried out only between the hours of 0800 and 1800 Mondays to Fridays inclusive, between 0800 and 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.

8. 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 the Board 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.

9. Due to the lack of car parking provided, the developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of Monkstown Village Traffic Improvement Scheme and Public Realm. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the SCSI Price Tender Index.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this            day of            2018.**