



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0143

Appeal by Tom and Victoria Maughan care of O'Connor Whelan of 222-224 Harold's Cross Road, Dublin and by Foxrock Area Community and Enterprise Limited (F.A.C.E.) care of Feargall Kenny of 45 Hainault Drive, Foxrock, Dublin against the decision made on the 18th day of June, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Amberwell Vision Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing dwelling (377 square metres) and provision of four number three-storey, four-bed plus study detached dwellings, measuring between 285 square metres and 305 square metres. The development also includes private carparking spaces to the front of each residential dwelling; the provision of an internal roadway leading to each of the four number residential dwellings; the closing up of the existing access and the provision of a new access to a position further east on Brighton Road requiring the partial set-back of the boundary wall; the removal of trees and tree planting; hard and soft landscaping; boundary treatments; and all other

associated site works above and below ground, all on a 2,150 square metres site at 'Amberwell', Brighton Road, Foxrock, 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 current development plan for the area, to the pattern of development in the area and to the nature, scale and layout of the proposed development, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the special character of the Foxrock Architectural Conservation Area as identified in the Character Appraisal for Brighton Road, would represent an appropriate infill design solution to the site context and would be acceptable in terms of the visual and residential amenities of adjoining property and of the area. 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 agreed with the conclusions of the planning authority and considered that the proposed development would not injure the character of the Architectural Conservation Area and would in fact represent a visual enhancement of the street, and would represent an acceptable increase in density and quantum of houses at this location in close proximity to a public transport corridor. Having regard to the separation distance to the west, the Board did not consider that the proposed development constitutes an overbearing feature relative to the existing single storey dwelling.

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 on the 25th day of May, 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 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

3. The roof area of the flat roofed ground floor area of each dwelling shall not be used as a balcony, roof (terrace) garden or similar amenity area.

Reason: In the interest of residential amenity.

4. The glazing within the dormer windows of house type A and A1 shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

5. 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.

6. The existing vehicular entrance shall be blocked up at the developers' expense.

Reason: In the interest of traffic and pedestrian safety.

7. The relocation of the existing bus stop (with associated works) and ESB pole (number 29) with a lamp standard on top on Brighton Road in front of the proposed new shared vehicular entrance as part of the proposed development shall be carried out at the developers' expense.

Reason: In the interest of traffic and pedestrian safety.

8. The construction of the development shall be managed in accordance with a Construction 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. All planting, seeding and other landscaping works shown on lodged plans shall be carried out in the first planting season following the occupation of houses on the site, or the completion of the development, whichever is first. Any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul Hyde

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

Dated this day of 2019.