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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: D18A/0219**

**Appeal** by Dalkey Community Council care of Susan McDonnell of Mount Salus House, Mount Salus, Dalkey, County Dublin and by Others against the decision made on the 29<sup>th</sup> day of August, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ian Curley care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the existing three-storey four bedroom detached dwelling and its replacement with a new three-storey five bedroom detached dwelling of approximately 582 square metres and all associated ancillary works to facilitate the development including site development works and landscaping, all at Sunnyside, Vico Road, Killiney, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 2nd day of August, 2018.

## **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 zoning objective for the area in the current development plan for the area, to the design, scale, layout and location of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the Architectural Conservation Area and would not seriously injure the residential amenities of properties 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, as amended by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> day of August, 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 dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These shall include the use of non-reflective glass on all elevations facing the sea.

**Reason:** In the interest of visual amenity.

3. The construction of the development shall be managed in accordance with the Construction and Environmental Management Plan, submitted to the planning authority on the 2<sup>nd</sup> day of August 2018. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Construction Traffic Management Plan.

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

4. All rock excavation on site shall be carried out by a specialist company in accordance with the details set out in the Consulting Engineers Report Ref: CORA – 1807 – LO/JP – 02 submitted to the planning authority on the 2<sup>nd</sup> day of August 2018.

**Reason:** In the interest of residential amenity.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

6. All necessary measures shall be taken by the developer to maintain the integrity of the retaining wall along Vico Road. In this regard, the developer shall comply with the recommendations and requirements set out within Section 1.2 - Monitoring During Construction, of the “Photographic Condition Report to Existing Boundary Retaining Wall” submitted to the planning authority on the 2<sup>nd</sup> day of August 2018.

**Reason:** In the interest of orderly development and the proper planning and sustainable development of the area.

7. Prior to commencement of development, the developer shall liaise with the Iarnród Éireann to determine the required measures to protect the existing DART line to the south during the construction phase.

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

8. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

9. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The survey shall show the location of each tree on site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to fell and those which it is proposed would be retained.
- (b) All trees within and on the boundaries of the site shall be retained and maintained with the exception of the following:
  - (i) Specific trees, the removal of which are authorised in writing by the planning authority.
  - (ii) Trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report and which shall be replaced with agreed specimens.

- (c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to and agreed in writing with the planning authority before any trees are felled.

**Reason:** In the interest of visual amenity.

10. 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:** In the interest of public health and to ensure a proper standard of 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.

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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.**