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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: D18A/0611**

**Appeal** by Ann Devlin and others of Oak Lodge, South Hill Avenue, Blackrock, County Dublin and by Clodagh Moreland of Biscayne, South Hill Avenue, Booterstown, Blackrock, County Dublin against the decision made on the 27<sup>th</sup> day of September, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission/outline permission to David Keogh care of DMVF Architects of 276-278 Lower Rathmines Road, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of one number part single storey/part two storey dwellinghouse, single storey plant room/store, one new vehicular entrance and all associated site works at the rear of Hamilton Lodge (a Protected Structure Reference RPS 374), Mount Merrion Avenue and South Hill Avenue, Blackrock, County Dublin, as amended by the further public notice received by the planning authority on the 31st 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 sensitive location of the site adjacent to protected structures, the nature, scale and design of the proposed dwelling and the provision of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of nearby Protected Structures, would not create a traffic hazard and would adequately protect the residential amenity of adjacent property. 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 on the 31<sup>st</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 including samples 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.

**Reason:** In the interest of protecting the character of the area.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

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

4. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following: -
- (a) a detailed tree Survey and Arborist Report for the entire site. Identified trees shall be fenced off and protected during the construction of the development and shall be retained thereafter,
  - (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for steps, footpaths, kerbing and boundary treatments within and bounding the development,
  - (c) proposed locations of new trees and other landscape planting in the development, including details of proposed species and settings, and
  - (d) the boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of protecting the character of the area.

5. (a) Only one of the existing verge trees (Identification Reference T645) on Mount Merrion Avenue shall be removed, at the developer's own expense, in order to provide adequate visibility from/to the proposed new vehicular entrance, and no additional verge trees shall be removed, without the prior written agreement of the planning authority.

- (b) The existing traffic sign in front of the proposed new vehicular entrance shall be relocated, at the developer's expense, adjacent to the existing access to number 123 Mount Merrion Avenue, in accordance with the requirements of the planning authority.

Details shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety and visual amenity.

- 6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

- 7. 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.

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. Access arrangements shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and traffic safety.

10. 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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**Maria FitzGerald**

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

**Dated this            day of            2019.**