



Planning and Development Acts 2000 to 2018

Planning Authority: Dun Laoghaire Rathdown County Council.

Planning Register Reference Number: D18A/0949

Appeal by Steven Van den Burgh care of RD Architecture of 17 Norwood, Ballybrack, Glenageary, County Dublin against the decision made on the 26th day of November, 2018 by Dun Laoghaire Rathdown County Council to refuse permission to the said Steven Van der Burgh for the proposed development.

Proposed Development: Change of use and sub-division of the existing dwelling back to the original two number dwellings, including the demolition of the existing single storey extensions and the following alterations to each proposed dwelling: 1. remove roof, increase wall height and build dormer first floor with dormer roof lights to front and rear, roof lights to sides, 2. construct single storey extension to rear and sides, 3. front door to front with associated alterations, including remove front bay window, 4. alteration of window and door openings to side, 5. back-up existing vehicular entrance and make two number vehicular entrances (one for each dwelling). 6. boundary wall and associated alterations, all at 35-37 Farmhill Drive, Goatstown, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations 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 Dun Laoghaire Development Plan 2016-2022, to the pattern of development in the area and to the nature scale and layout 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 visual or residential amenities of the area , would not set an undesirable precedent for similar developments and 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, having regard to the pattern of development in the area and to the large site area, the proposed development would represent an acceptable design approach to the site constraints, would not be excessive or out of character with the area and the site and surrounding streetscape would be capable of absorbing the proposed increase in quantum of development.

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 Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of 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 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.

- 5 The site shall be landscaped, using only indigenous deciduous trees and hedging species. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. 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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.