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**Planning and Development Acts 2000 to 2018**

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

**Planning Register Reference Number: D18A/1013**

**Appeal** by Michael McInerney care of Boyd Cody Architects of 68 Dame Street, Dublin against the decision made on the 17<sup>th</sup> day of December, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of the existing single storey semi-detached dwelling, small rear conservatory, side garage and rear studio on site and the construction in lieu of a new semi-detached dwelling to be part three storey and part single storey dormer. Work will include the widening of the existing front entrance gates, repair of front boundary wall, new parking area, bin store and shed to the rear. New associated drainage and soakaway with external hard and soft landscaping, all at 2 Highfield Park, Windy Arbour, 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 design, scale and height of the proposed development at the end of a row of single storey houses on Highfield Park in proximity to the River Slang, it is considered that the proposed development, subject to compliance with the conditions set out below, would not materially contravene the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would be consistent with zoning objective for the site and with the objectives of the development plan, and would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity. 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 did not agree that the proposed development would be overtly dominant or visually incongruous with the streetscape, which displays a variety of developments of varying styles, scales and heights.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the original 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 dwelling 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 diversion of the foul sewer shall comply with the requirements of the planning authority, following consultation with Irish Water.

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

5. The front boundary wall to widened entrance shall match the existing in height and finish.

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

6. The footpath in front of the widened entrance shall be dished and strengthened at the developer's expense to the satisfaction of the planning authority.

**Reason:** In the interest of orderly development.

7. The proposed driveway/parking area shall not discharge to the sewer but shall be infiltrated locally to the satisfaction of the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable drainage.

8. Tree protection shall be carried out in accordance with the Arborist's Report and Tree Survey submitted to the planning authority on the 30<sup>th</sup> day of October, 2018.

**Reason:** To protect the trees to be retained on the site.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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 property in the vicinity.

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

**Dated this            day of            2019.**