



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0912

Appeal by Adrian and Yvonne Kearns and others of The Bungalow, Adelaide Road, Glenageary, County Dublin against the decision made on the 25th day of January, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ellen McMahon care of McMahon Architects Limited of 3 The Coppins, Castletown, Celbridge, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: The demolition of existing bungalow and adjacent stables building with combined footprint of 142 square metres, the reinstatement of garden wall facing Adelaide Road to previous location within boundary line of site with two sliding gates for vehicle access (relocation of wall previously approved register reference number D15A/0119) and the construction of two number three bedroom two-storey houses over basement, with ridge height of 6995 millimetres and with combined footprint of 153 square metres. The reinstated wall facing Adelaide Road is proposed to include two number 3500 millimetres sliding gates with 1000 millimetres of 1100 millimetres high walls on either side of each gate to accommodate off street parking for each house at Green Gates, Adelaide Road, Glenageary, County 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 nature, scale and design of the proposed development and the provisions 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 development would integrate in a satisfactory manner with the existing built development in the area, would not detract from the character or setting of Adelaide Road, would not seriously injure the amenities of residential property in the area and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 received by the planning authority on the 20th day of December, 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. Full details of the relocated front boundary wall, and its confirmed location a minimum distance of two metres from the road edge, along with dishing of the footpath, at the applicant's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed building 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.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the houses, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

5. (a) During the works, if the developer (including their representatives, contractors, etc) observe indications of the presence of an underground water stream or a former (dead or live) drain crossing the site, the developers shall submit this information to the planning authority, together with proposals to address this matter for the written agreement of the planning authority.
- (b) 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. 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.

7. (i) 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 noise and dust management measures and off-site disposal of construction/demolition waste.
- (ii) Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details and methodology for the site excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- (iii) 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.
- (iv) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. 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

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

Dated this day of 2019.