



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/1119

Appeal by Keith Jackson and Justyna Benko care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 31st day of January, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission for development comprising demolition of the existing single-storey return and construction of a part single, part two-storey extension and new window to the second storey of the rear elevation of the existing building, currently operating as a B&B. Construction of a new single-storey mews house to the rear of number 15 Railway Road to be accessed from Saint Patrick's Avenue with alterations to the elevation of the garden wall and all associated internal and ancillary works at Desmar, 15 Railway Road, Dalkey, County Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the demolition of the existing single-storey return and the construction of a part single, part two-storey extension and new window to the second storey of the rear elevation of the existing building in accordance with the said plans and particulars based on the reasons and

considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of a new single-storey mews house to the rear based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential and visual amenities of the area and 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 An Bord Pleanála on the 27th day of February, 2019, 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 development 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 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 house shall be used as a single dwelling unit.

Reason: In the interest of clarity.

5. All necessary measures shall be taken by the developer 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.

6. 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 amenities and public safety.

Reasons and Considerations (2)

It is considered that the proposed mews development would fail to comply with Section 8.2.3.4(x) 'Mews Lane Development' of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, in terms of private open space provision. The proposed development would represent a substandard form of development, would represent overdevelopment of the site, would seriously injure the residential amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Michelle Fagan

Member of An Bord Pleanála

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

Dated this day of 2019.