



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/1207

Appeal by Joe O'Shea of "Roslyn", Barnhill Road, Dalkey, County Dublin against the decision made on the 21st day of February, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ciaran Brady care of CPR Architects of 93 Upper George's Street, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing single-storey dwelling and replacement with four number new two-storey three bedroom dwellings. These comprise of Houses A1 and A2 to the front (130 square metres and 144 square metres respectively) and B1 and B2 to the rear (135 square metres and 141 square metres respectively). Site works include replacing the existing front boundary wall with a new 2.1 metre high wall set further back with a consequent widening of the public footpath, widening of the existing entrance, provision of an access driveway with eight number parking spaces to serve the proposed dwellings and miscellaneous site and landscaping works as part of the development, all at Killea, Barnhill Road, Dalkey, 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 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 seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of 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, 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 units, 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. The glazing within all proposed windows at first floor level to the west side elevations of proposed Houses A1, A2, B1 and B2 shall be manufactured in opaque or frosted glass and on the eastern elevation of houses B1 and B2. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. 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.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables crossing the site shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

6. Public lighting shall comply with the detailed standards of the planning authority, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

7. (a) Prior to commencement of development, the applicant shall submit a letter of consent from the relevant Utility Company indicating that the required relocation of the existing Utility (Telegraph) Pole is deemed acceptable to the relevant Utility Company in order to accommodate the required sightlines to the west for future vehicles exiting the new shared vehicular entrance for the proposed residential development onto Barnhill road. The applicant shall include plans and details of the required relocation of the Utility (Telegraph) Pole to back of the proposed setback front boundary wall. All relocation works shall be carried out at the applicant's own expense.
- (b) Prior to commencement of development, a detailed plan and elevation drawings shall be submitted to, and agreed in writing with, the planning authority (Transportation Planning Section) indicating the following:
- (i) the proposed 'Low level wall' to the east of the shared vehicular entrance to the residential development shall be setback a minimum of 1 metre from its proposed location and the height of the proposed 'Rubble Granite Wall' shall be a maximum of 1.1 metres for a minimum distance of 1 metre from the back of the new widened footpath located along the roadside frontage of the proposed residential development so as to provide good visibility for pedestrians or other vehicles on Barnhill road for exiting vehicles and vice versa from the said shared vehicular entrance.
- (c) The applicant shall ensure the widening of the existing footpath located along the roadside frontage of the proposed residential

development be designed and constructed to meet Dún Laoghaire-Rathdown County Council's 'Taking In Charge Policy Document (April 2016)': and 'Taking in Charge Procedure Document' and all to the satisfaction of the planning authority. All of the above works shall be carried out at the applicant's own expense.

Reason: In the interests of amenity, and traffic and public safety.

8. (a) The construction of the development shall be managed in accordance with the Construction Management Plan submitted with the application.
- (b) Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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 the interests of public safety and residential amenity.

9. All of the parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

12. 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.