



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0227

Appeal by David, Alan and Richard Harrison care of Delahunty and Harley of 122 Merrion Road, Ballsbridge, Dublin against the decision made on the 14th day of December, 2019 by South Dublin County Council to refuse permission to for the proposed development.

Proposed Development: Demolition of existing derelict outbuildings and structures and the construction of eight number dwelling houses as follows: four number Type A detached, two-storey, four bedroom, to the north of Mount Michael House; two number Type B semi-detached, two-storey, four bedroom, to the east of Mount Michael House; one number Type C detached, two-storey, four bedroom, to the south of Mount Michael House with proposed access from Scholarstown Road. One number courtyard house: dormer style detached house, three bedroom, with projecting front dormer, to the west of Mount Michael House. All with private rear gardens. Modified entrance to the site from The Rookery with widened vehicular entry and pedestrian entrance. All associated site works including shared space access road and footpaths, driveways, parking, hard and soft landscaping, boundary treatments and drainage. Part of boundary wall with Scholarstown Road to be removed and

rebuilt to form new vehicular access to house eight (House Type C). There will be no change to Mount Michael House (a Protected Structure); proposed works will only consist of landscaping and site alterations, including new boundaries, proposed gates in existing courtyard walls to access front and rear gardens and new vehicular entrance and gate to front, accessed through The Rookery estate at Mount Michael and Wits End, The Rookery, Scholarstown, Dublin, as amended by the revised public notices received by the planning authority on the 15th day of February 2019 as follows: two number house Type B (semi-detached, to the east of Mount Michael House) have been replaced with House Type A2, thus reducing the overall development to seven dwellings. Change to proposed position of houses to the north and east of Mount Michael, and alterations to their rear elevations to remove window to bedroom three and provide an angled window to bedroom two. Dwellings have been renumbered, creating House Type A1 (Houses 3, 4, 5) and House Type A2 (Houses 1, 2 - as per A1 but handed). Projecting front dormer to Courtyard House has been moved to rear roof. Reduced modifications at site entrance in order to retain a greater number of original trees and subsequent change to proposed access road layout, parking and landscaping. Increased public open space and consequent changes to proposed boundary to Mount Michael House.

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 zoning of the site, the pattern of development in the area, and the design, form and height of the proposed dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national policy and local development policies and objectives for the area, would not seriously injure the integrity, setting and character of the protected structure or the visual and residential amenities of the area, would be acceptable in terms of traffic safety and convenience, 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 submitted on 15th 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. The Courtyard House shall be omitted.

Prior to commencement of development, revised drawings and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of protecting the integrity, setting and character of the protected structure.

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. Prior to commencement of development, proposals for increased on-site attenuation in accordance with the *Greater Dublin Regional Code of Practice for Drainage Works*, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

4. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenities.

6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (b) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety.

7. Prior to commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (a) Proposals to setback the full length of the boundary along Scholarstown Road to provide for a shared footpath and cycle lane similar to that on the western side of Scholarstown Road,
 - (b) Details of the height and specification for the new boundary wall to be provided along Scholarstown Road,
 - (c) Details of replacement bellmouth access to Mount Michael House from Scholarstown Road which shall be a pedestrian access only,
 - (d) Details of the proposed recessed access to dwelling number 7 from Scholarstown Road, including adequate sightlines in both directions.

The new footpath and cycle lane along Scholarstown Road shall be provided by the developer, in accordance with the requirements of the planning authority.

Reason: In the interests of traffic and pedestrian safety.

8. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

9. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and numbers shall be provided in accordance with the agreed scheme.

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

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

12. All of the houses with on-curtilage parking shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

13. Site development and building works shall be carried out only between the hours of 0700 and 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.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 15. 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 management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 16. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority full details of the proposed public lighting, including the lighting levels within open areas of the development.

Reason: In the interests of public safety and residential amenity.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

18. 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.

19. 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019