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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D18A/1180**

**Appeal** by Bernadette Duffy of 2 Larchfield, Dundrum Road, Dundrum, Dublin against the decision made on the 29<sup>th</sup> day of March, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Karl and Frances Condrón care of JS Design of 'Ashcroft', 30 Cuil Fuine, Lisloose, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1a) Retention of number 1 and associated site works within revised boundaries, (1b) permission to construct vehicular access and associated boundary wall alterations and (1c) all associated site works, (2a) permission to construct an end of terrace two-storey dwelling, (2b) utilise existing access gate for afore-mentioned new dwelling, and (2c) all ancillary site works, all at 1 Rosemount Estate, Dundrum, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, to the zoning of the site for residential purposes and its location in an established residential area, and to the nature, form, scale and design of the proposed development and the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the proposed development and the proposed development for retention would not seriously injure the residential or visual amenities of the area. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, 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 the 6th day of March 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The width of the proposed new vehicular entrance shall be at maximum of 3.5 metres and the footpath in front of the new vehicular entrance shall be dished and strengthened at the developer's own expenses including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and the planning authority.

**Reason:** In the interest of pedestrian and traffic safety.

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

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

5. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

7. 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 the 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.

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**Dave Walsh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this                      day of                      2019.**