



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0841

Appeal by Michael and Tara McNally care of Diarmuid Ó Gráda of 16 Louvain, Roebuck Road, Dublin and by others against the decision made on the 1st day of April, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Zoe MacManus care of Tyler Owens Architects of The Mash House, Distillery Road, Drumcondra, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning Permission is sought for: (i) construction of one number two-storey, two-bedroom contemporary style detached dwelling with first-floor garden terrace and rooflights; (ii) creation of one number new vehicular entrance (providing access to two number on-curtilage car parking space) and one number new pedestrian access off Albany Avenue; (iii) the removal of sections of existing boundary wall to Albany Avenue to accommodate new vehicular and pedestrian accesses; and (iv) SUDS drainage, boundary treatment, landscaping and all ancillary works necessary to facilitate the development. Retention permission is sought for: (i) a stone wall constructed to the southern boundary of the application site. The site is in the historic grounds of a protected structure, all on the historic

grounds of Albany Lodge, on a site adjacent to Castle Mews, Albany Avenue, Monkstown, 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 design and layout of the proposed dwelling within an established urban area on a site zoned for the protection of residential amenities, it is considered that the proposed development would be in accordance with policies to protect and enhance the Monkstown Architectural Conservation Area, and would not detract from the setting of a Protected Structure, or otherwise seriously injure the residential and visual amenities of the area. 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 An Bord Pleanála on the 27th day of May, 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. Prior to the commencement of development, the developer shall agree with the planning authority all details for the removal and replacement of the street tree, utility pole, pay and display parking space, and all details for the construction of the new entrance and dished footpath.

Reason: In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundary elements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual 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. The applicant or developer shall enter into water and/or waste water connection agreement with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. The dwelling shall be occupied as a single residential unit.

Reason: To restrict the use of the extension in the interest of residential amenity.

7. 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 public safety and residential amenity.

8. Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of the mature trees to the south of the site within the grounds of Albany Lodge, shall be carried out under the supervision of a specialist arborist, a manner that will ensure that all major roots are protected and all branches are retained.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

9. 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.

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of providing a new street tree on Albany Avenue. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the SCSi Price Tender Index.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Paul Hyde

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

Dated this day of 2019.