



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0113

Appeal by Michael and Oonagh Beale care of FLYNN Architects of 11 Saint Joseph's Avenue, Clonliffe Road, Drumcondra, Dublin against the decision made on the 12th day of April, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to James Grennan and Dervela Walsh care of LyonsKelly Architecture + Design of 5 Fitzwilliam Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of changes made to the site levels to the rear garden and permission for new screen planting along the site boundaries to the rear, at Burnside, 39 Saint Thomas Road, Mount Merrion, 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 zoning objective of the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022, the existing pattern of development in the vicinity and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development to be retained and completed would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would, therefore, be acceptable in terms of 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, 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 re-commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The 100 millimetres uPVC perforated land drain shown on Drawing Number 57-09-C01 Revision C, as submitted to the planning authority on the 18th day of February, 2019 shall be relocated outside of, that is to the south east of, the proposed planting area of the seven number oak trees, as shown on Drawing Number 0018-10-18-01- rev a, as submitted to the planning authority on the 18th day of February, 2019, and the associated surface water drainage layout shall be altered accordingly. Details shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order.

Reason: To avoid interference with the proposed planting, it is considered necessary that this drain is relocated out of the planting area.

3. The landscaping scheme submitted to the planning authority on the 18th day of February, 2019 shall be carried out within the first planting season following this decision. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall

submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no further structures or patios shall be erected and no alteration in site levels shall take place within the overall site, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of adjoining properties and to allow the planning authority to assess the impact of any such development through the statutory planning process.

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

Dated this day of 2019.