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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D19A/0152**

**Appeal** by Lorcan Lyons of 44 Rathdown Park, Terenure. Dublin, by Tom Lyons and Lynne Andrews of 11 Nothumberland Avenue, Dún Laoghaire, County Dublin and by ANR Developments Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 1<sup>st</sup> day of March, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to ANR Developments Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Change of use, refurbishment and extensions to the existing building to accommodate a residential development of seven number apartments. The development will include change of use of existing three-storey building from office to residential to accommodate six number one bedroom apartments with associated alterations to internal layouts and external façade, construction of extension over part of the building to the rear creating a part four-storey building to accommodate penthouse studio apartment and lift core over-run, construction of extension to main (rear) entrance lobby and circulation areas at upper levels, construction of extension to west elevation to accommodate ground floor storage and external terraces at upper levels, and landscaping, bicycle parking, stores, refuse compound

and all ancillary site development works and services at 12 Northumberland Avenue, Dún Laoghaire, 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 relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, including the Objective A residential zoning of this site,
- the existing buildings on site,
- the proximity of the site to the Dún Laoghaire town centre, and
- the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining properties or of property in the area, would be acceptable in terms of pedestrian and traffic safety, would not adversely affect the streetscape and would otherwise constitute an appropriate and sustainable use of existing buildings on the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the removal of apartment number 7 would address any material adverse effect from overbearance or visual incongruity.

Furthermore, having regard to the location of the site proximate to public parks and the town centre, and also considering that the proposed development entails the reuse of the buildings on site, the Board considered that the proposed apartments should enjoy a sufficient level of residential amenity.

## **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. The proposed second floor/penthouse accommodation and associated external terrace shall be omitted and the proposed development modified as follows:
  - (a) The height of the lift overrun shall not exceed one metre above the existing parapet level of the annex building.
  - (b) The height of the proposed wall flanking the northern side of the first floor external terrace associated with apartment number 6 shall measure 1.8 metres above the floor level of the terrace.

Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority revised drawings showing compliance with the above requirements.

**Reason:** In the interest of proper planning and sustainable development.

3. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

4. The proposed refuse compound shall be secured by way of a gate. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority plan and elevation drawings of the proposed 1.5 metres high fence and gate that would enclose the refuse compound.

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

5. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

6. Proposals for an estate name, apartment 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 signs, and apartment 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.

7. 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.

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

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

9. All new pavements shall be made with a specifically designed permeable stone system. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

10. Prior to commencement of development, the developer shall submit to and agree in writing the planning authority a detailed Construction Management Plan which includes the following:
  - (a) A Traffic Management Plan including details of access to the site for construction vehicles and how conflicts between construction activity and pedestrian and vehicular traffic on the public road would be avoided.
  - (b) Details of car parking arrangements for site workers during construction.
  - (c) Details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.

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

11. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and shall repair any damage to the public road arising from carrying out the works.

**Reason:** In the interest of proper planning and sustainable development of the area.

12. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

13. 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.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**