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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D19A/0051**

**Appeal** by Richard McCarthy of Ulysses, Ardbrough Road, Dalkey, County Dublin and by David Harris of 17 Ardbrough Road, Dalkey, County Dublin against the decision made on the 6<sup>th</sup> day of June, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Christopher Boucher and Lisa Lennon care of JFOC Architects of 11a Greenmount House, Harold's Cross, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Removal of existing single storey shed to the south-east corner and an internal garden wall of the existing dwelling and the construction of a new single storey, stepped split level dwelling of 167.4 square metres and all ancillary site works. The new dwelling will consist of three bedrooms, kitchen/dining/living room, bathroom, den/playroom, WC and a utility. A walled 39 square metres courtyard is to be formed at the entrance of the dwelling at 7 Cunningham Drive, Dalkey, 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 designation of the site for the protection of residential amenities, and the design and layout of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area 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 the 10<sup>th</sup> 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 applicant shall provide written confirmation of an agreement with ESB networks for the relocation of the lighting pole to the rear of the pavement. This shall be carried out at the applicant's expense.

**Reason:** In the interest of road safety and local amenities.

3. All hardcore and surfacing shall be permeable where possible and carried out in association with SUDS requirements.

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

4. The dwelling shall be used for single occupancy only.

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

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

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

6. Site development and building works shall be carried out only between the hours of 0800 to 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.

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 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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**Paul Hyde**

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

**Dated this            day of            2019.**