



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0379

Appeal by Roebuck Hall Management Company Limited care of AK Planning of Mill Road, Corbally, Limerick and by Patricia McDonnell care of McCauley and Associates of 4 Westbourne Road, Terenure, Dublin against the decision made on the 30th day of July, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Simon O'Leary care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said Council

Proposed Development: Demolition of existing garage and construction of new replacement single storey detached two-bedroom mews dwellinghouse including new boundary walls, landscaping works, car parking, site services and all associated works located on grounds of and accessed via Roebuck Hall, The Palms, Roebuck Road, Clonskeagh, Dublin (A Protected Structure).

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 nature, extent and design of the proposed development, to the established pattern of development in the area, to the current use of the structure on site and to the zoning of the site for residential use, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not adversely impact on the conservation value of Roebuck Hall, would not adversely impact on the established amenities of Roebuck Hall, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate use at this location. 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 shared the views of the Inspector, that the proposed development would be acceptable in terms of traffic and parking, would not seriously injure the amenities of adjoining residential property and would not negatively impact on the architectural conservation value of Roebuck Hall. The Board also considered that the proposed residential development, which would remove the current garage use, would constitute an appropriate form of residential development at this location and that the proposed development by reason of scale, layout and design would not constitute overdevelopment and would not adversely affect the current form of amenity, provided within the overall Roebuck Hall complex.

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

Reason: In the interest of public health.

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

Reason: In the interests of visual and residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. 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.

Chris McGarry

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

Dated this day of 2019.