



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0240

Appeal by Redmond and Yvonne Joyce of 27 Linden Grove, Blackrock, County Dublin against the decision made on the 24th day of July, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Bartra Property Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Amendments to a previously permitted development (Dún Laoghaire-Rathdown County Council planning register reference number D17A/0397, An Bord Pleanála appeal reference number ABP-300517-17, as amended by Dún Laoghaire-Rathdown County Council planning register reference number D18A/1205) generally comprising the demolition of the existing two-storey dwelling and ancillary two-storey structure (circa 623 square metres) and construction of an infill residential scheme of 22 number units and all associated site development works. The proposed development comprises a new set-back penthouse floor to each of the two number permitted three-storey apartment blocks to provide an additional two number two-bedroom apartments (one number two-bedroom

apartment with associated private roof terrace to each apartment block). The proposed development will increase the height of both of the permitted apartment blocks to four-storeys and will increase the total number of residential units on the overall site to 24 number. The development will also include an enlarged stair core, reconfigured lift shaft, water tank and solar panel arrangement at the new roof level of each apartment block, a minor reconfiguration of the permitted car parking and site landscaping layout to provide for two number additional car parking spaces and five number additional cycle parking spaces, reconfigured external waste storage areas and all associated site and development works above and below ground, all on a site (circa 0.94 hectares) located at Glensavage, Avoca Road, Blackrock, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 2nd day of July, 2019.

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 Dún Laoghaire-Rathdown County Development Plan 2016-2022, the planning history of the site 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 residential or visual amenities of the area, would not give rise to traffic hazard and would, otherwise, be in accordance with the provisions of the development plan. 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 submitted on the 2nd day of July, 2019, and by the further plans and particulars received by An Bord Pleanála on the 13th day of September, 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. The terms and conditions of the parent and amending permissions granted for the development under planning register reference number D17A/0397/An Bord Pleanála appeal reference number ABP-300517-17 and planning register reference number D18A/1205 shall be complied with, unless they are modified by the terms and conditions of this permission.

Reason: In the interest of clarity.

3. Revised plans and elevations shall be submitted to and agreed in writing with the planning authority prior to commencement of development which provide for alternative screening mechanisms (scale of 1:20) for the proposed penthouse level terraces of Blocks A and B which demonstrate that overlooking of adjoining properties is precluded.

Reason: In the interest of visual amenity.

4. The developer shall ensure that the relocation of the proposed bike store shall not impact upon existing or proposed planting/trees.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.