



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0442

Appeal by Joe Wiley care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 19th day of August, 2019 by Dún Laoghaire-Rathdown County Council to refuse a permission to Joan Kavanagh care of Martin Noone Architect of 136 Lower George Street, Dún Laoghaire, County Dublin for the proposed development.

Proposed Development: Subdivision of the existing site, together with a new road entrance and pedestrian entrance to provide a site for a future proposed dwelling, at 138 Rock Road, Booterstown, County 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, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the setting, character or heritage value of the adjacent Protected Structures, Numbers 138 and 140 Rock Road, would not seriously injure the residential amenities of adjoining property, would not give rise to traffic hazard, and 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 did not concur that the proposed development would materially or adversely affect the character or setting of Protected Structures in the vicinity.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with 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 submit revised drawings showing the proposed new vehicular entrance modified to be of a set-back, Bell-mouth design (e.g. similar to existing as-built entrance), and with gates that open inward only to the planning authority for written agreement.

Reason: In the interests of visual harmony, the conservation of the architectural heritage and to safeguard any special architectural or historical interest of the site, and in the interest of pedestrian safety.

3. This permission relates only to the proposed site sub-division and new vehicular and pedestrian entrances.

Reason: In the interest of clarity and orderly development.

4. Prior to commencement of the proposed development, the suspension of a 'Pay and Display' parking bay (or part of) on the Rock Road shall be arranged at the developer's expense and agreed with the planning authority.

Reason: In the interest of public safety, and the proper planning and sustainable development of the area.

5. The footpath in front of the new vehicular entrance shall be dished at the developer's expense to the satisfaction of the planning authority.

Reason: In the interest of orderly development.

6. All wall, pillar and gate finishes, shall harmonise in material, colour and texture with the existing dwelling's boundaries/entrance on site.

Reason: In the interest of visual harmony and amenity, and the conservation of the architectural heritage and to safeguard any special architectural or historical interest of the building.

7. The disposal of surface water shall comply with the requirements of the planning authority. All new hard standing areas, if any, shall be made either with gravel or a specifically designed permeable stone system.

Reason: In the interest of public health.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020