



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0539

Appeal by Raymond Reilly of Woodley Villa, Woodley Court, Kilmacud Road Upper, Dublin against the decision made on the 18th day of September, 2019 by Dún Laoghaire-Rathdown County Council to refuse an outline permission for the proposed development.

Proposed Development: Outline permission for the construction of a detached, single storey dwelling (circa 190 square metres) with vehicular entrance and all other associated site development works above and below ground, including a septic tank and percolation area, at Belline, Killiney Hill Road, Killiney, County Dublin.

Decision

GRANT outline 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 existing pattern of development in the area, to the location of the site within a 50 kilometre per hour speed limit zone, to the provisions of the Dún Laoghaire-Rathdown Development Plan 2016-2022, the Board considered that the proposed development for outline permission, subject to compliance with the conditions as set out below, would not endanger public safety by reason of traffic hazard and would represent an appropriate response to a serviced infill site. The proposed development for outline permission 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 was satisfied that the proposed development for outline permission for a detached house to be served by a single vehicular entrance onto the Killiney Hill Road would not endanger public safety by reason of traffic hazard and that the additional traffic turning movements the development which would be generated on the Killiney Hill Road could be absorbed and that the proposed mitigations measures proposed in the planning application were acceptable.

Conditions

1. This outline permission relates solely to the principle of the proposed development on this site. The plans and particulars to be submitted by way of a separate application for permission consequent on the grant of outline permission shall include the following:
 - (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features,
 - (b) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveway/entrance and septic tank drainage system,
 - (c) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,
 - (d) proposals for the landscaping of the site (including planting), and
 - (e) details of external finishes.

Reason: To enable the application for permission consequent to be fully assessed.

2. 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.

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

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. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

5. 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.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020