



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0576

Appeal by Sean and Aisling Canniffe care of Argo Studio Ireland of 23 South Great George's Street, Dublin against the decision made on the 2nd day of October, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: A new two storey, flat roofed dwelling with painted render and masonry finish. The development involves the splitting of the existing site in two while retaining the existing dwelling as is. The proposed site to the rear will have an area of 230 square metres and the dwelling will have a total floor area of 158.9 square metres. The application also includes alterations of the existing 27.6 square metres rear garage building, proposed services and all associated site works. The site will be accessed via the existing garage space on Grotto Avenue, all to the rear of 7 Booterstown Avenue, Booterstown, Blackrock, County Dublin (Protected Structure - DLR RPS No.14 /candidate Architectural Conservation Area Map No. 2).

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, the Board 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 Structure, number 7 Booterstown Avenue, 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the information lodged on appeal to An Bord Pleanála on the 25th day of October, 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 proposed development shall be amended as follows:

The coach house roof shall be retained and repaired in accordance with the plans and particulars lodged on appeal to An Bord Pleanála on the 25th day of October, 2019 referenced in the pre application booklet of November 2018, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity.

3. No access shall be permitted to any of the flat roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The site shall be landscaped in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 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.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works or services.

Reason: In the interest of public health.

9. 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.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.