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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D19A/0603**

**Appeal** by Maeve O'Donnell care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 10<sup>th</sup> day of October, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of the: 1. demolition of existing detached house, 2. the construction of three number new detached houses on the site, two number to the front facing Dundela Park and one number to the rear facing Dundela Avenue, 3. the proposed two number houses facing Dundela Park will be two-storey four bedroom detached pitched roof houses, 4. these two number new houses will also have flat roof single storey extensions to the rear, 5. new vehicular entrances and driveways for each house onto Dundela Park, 6. new pedestrian entrance from House B onto Dundela Avenue, 7. the proposed single rear house facing Dundela Avenue will be a two-storey two bed flat roof house, 8. new vehicular entrance and driveway for rear house onto Dundela Park, 9. new house to integrate with existing rear garage structure, 10. alterations to boundary walls,

landscaping, soakaway, drainage works and ancillary and associated works, all at 51 Dundela Park, Glenageary, County Dublin.

## **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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and to the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of the DART station at Glenageary, and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not materially contravene the current development plan for the area, and would not seriously injure the residential or visual amenities of the area. 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, 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. This permission is for the demolition of 51 Dundela Park, and for the construction of three number residential units in the form of two number detached four-bedroom houses and a single detached two-bedroom house.

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of visual amenity.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In the interest of residential amenity.

5. The following details shall comply with the requirements of the planning authority shall be adhered to in full:
  - (i) the vehicular access, serving the proposed development, shall comply with the requirements of the planning authority for such road works.
  - (ii) any gates to be installed shall be inwards opening only and shall not open across the public footpath.

**Reason:** In the interest of traffic and pedestrian safety.

6. All of the in-curtilage car parking spaces serving dwellinghouses shall be provided with electric connections to the exterior of the dwellinghouses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

7. Water supply and drainage arrangements, including the 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.

8. 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.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local

Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

11. 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 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 interest of public safety and residential amenity.

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

**Reason:** In the interest of orderly development and the visual amenities of the area.

13. 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.

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**Terry Ó Niadh**

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

**Dated this            day of            2020**