



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0536

Appeal by Aidan O'Donoghue and others care of 55 Churchview Avenue, Killiney, County Dublin against the decision made on the 13th day of November, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Lisa and Derek McDonald care of Extend of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development consisting of: 1. New vehicular entrance and new pedestrian entrance off Churchview Avenue for the proposed new house. 2. The construction of a three-bedroom detached pitched roof house with 'Velux' rooflights and flat roof single storey to the rear. 3. Alterations to boundary walls, landscaping, drainage works and ancillary and associated works. All in the side garden of number 1 Churchview Park, Killiney, County Dublin. Further public notices were received by the planning authority on the 17th day of October, 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 residential zoning objective for the site, to the pattern of development in the area and to the nature, scale and form 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 amenity of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would be in accordance with the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would constitute an appropriate form of development at this location. 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 17th 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 attic level which is proposed to be accessed via a hatch, as shown on the plans and particulars received by the planning authority on the 17th day of October, 2019 shall be used for storage purposes only.

Reason: In the interest of clarity.

3. The width of the new vehicular entrance shall be a maximum of three metres and shall be designed/constructed in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater agreement/s with Irish Water.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 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.

7. 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.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.