



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0940

Appeal by James Grennan and Dervela Walsh care of Lyons Kelly of 5 Fitzwilliam Street Lower, Dublin against the decision made on the 6th day of February, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Michael and Oonagh Beale care of Flynn Architects of 11 Saint Joseph's Avenue, Clonliffe Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of alterations and additional alterations to previously granted planning permission, Dún Laoghaire-Rathdown County Council planning register reference number D15A/0657, which granted permission for construction of a new single storey extension to the side, a new single storey extension to side and rear, and a new single storey extension to rear of the existing two-storey detached house; to externally insulate and re-render the existing house; to re-roof and alter the existing windows and doors and to demolish the existing garage and construct a new garage to be part single storey, and part two storey to the rear and include a home office with associated site works which include widening the vehicular entrance gates, and providing a new pedestrian gate. The proposed alterations to this permission are (a) Reduction of 17.7 square metres in the overall area of the

proposed single storey extension to the rear, adjusted floor level, and altered fenestration to this extension; (b) Reduction of 23.2 square metres of the area of the proposed garage. The garage is now proposed as single storey, including omission of the proposed home office, and omission of the boiler room. It is also proposed to reduce the overall height of the garage, and to use a concrete roof tile to match the existing house roof, rather than the slate roof previously proposed; (c) Omission of the proposed single storey extension to the side and rear, a reduction in proposed area of 2.4 square metres; (d) Increased footprint of the single storey side extension by 2.3 square metres, to allow for construction build-ups; (e) It is now proposed to repair the existing flat roof to the rear return, rather than replacing it with a new pitched roof. This reduces the overall height of the rear return; (f) It is proposed to omit the replacement render to the original existing house; (g) It is proposed to relocate the outdoor terrace area at the rear of the house to the west of the site; (h) Minor internal alterations to the internal layout of the house and minor alterations to windows to rear elevation; (j) Alteration of surface water drainage to proposed new soakaway in rear yard, all at Karinya, North Avenue, Mount Merrion, 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 location of the site on serviced urban lands, the policy and objective provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development and the development to be retained shall be carried out and completed/retained 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, retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Save for amendments granted on foot of this permission, the development shall otherwise be carried out and completed in strict accordance with the terms and conditions of planning register reference number D15A/0657, save as may be required by the other conditions attached hereto.

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

3. Within three months of the date of this Order, either
 - (a) the layout of the master bedroom shall be amended so that it is in strict accordance with the terms and conditions of planning register reference number D15A/0657 with respect to the position of the en-suite bathroom, or
 - (b) the rear window cill of the master bedroom shall be raised by one metre, and the entire glazing of this window shall be obscured

Revised drawings, demonstrating compliance with this condition, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of the residential amenity of adjoining property.

4. (a) Within three months of the date of this Order, the developer shall submit to, and agree in writing with, the planning authority a detailed boundary landscaping plan.

- (b) The boundary landscaping plan shall be carried out within the first planting season following agreement. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with other of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

5. The developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, they shall submit a Practical Completion Certificate (PPC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

6. The roof area of the extensions shall not be used as a balcony, roof (terrace), garden or similar amenity area.

Reason: In the interest of residential amenity.

7. Within three months of the date of this Order, the width of the vehicular entrance shall be reduced to a width of no more than 3.5 metres. Revised drawings, demonstrating compliance with this condition, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of road safety.

8. 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.

9. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining 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 within three months of the date of this Order. 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.

Reason: In the interest of sustainable waste management.

11. 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 within three months of the date of this Order 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

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.