



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0954

Appeal by Peter Brennan care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 6th day of February, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission to Peter Brennan for the proposed development.

Proposed Development: Permission for two new four-bedroom detached houses, single storey to front and three storeys to rear (floor area of each house 134 square metres, total area for two houses 268 square metres). The houses will contain entrance, living, dining, kitchen and toilet; two bedrooms and bathroom at single storey entrance level; two bedrooms and bathroom at lower middle level and stairs and access to garden at lower garden level; one new shared vehicular entrance and shared parking off Orwell Road, new drainage works, landscaping and ancillary works all to the rear of Number 8 Orwell Gardens, Churchtown, 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:

- (a) the site's location on lands with a zoning objective for residential development;
- (b) the policies and objectives, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 to 2022;
- (c) the "Rebuilding Ireland Action Plan for Housing and Homelessness", issued by the Department of Housing, Planning, Community and Local Government in July 2016;

- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)” and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the “Planning System and Flood Risk Management Guidelines for Planning Authorities” (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (f) the nature, scale and design of the proposed development;
- (g) the pattern of existing and permitted development in the area;
- (h) the submissions and observations received; and
- (i) the report of the inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and would not give rise to risk for flooding. The proposed development 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 is satisfied that the proposed development represents an appropriate design response to the receiving topography, is an acceptable distance from adjoining properties and would not, therefore, seriously injure the amenities of adjoining properties by reason of overlooking. Furthermore, the Board considered the Site-Specific Flood Risk Assessment (SSFRA) submitted with the application along with the submissions from third parties and the analysis of the Inspector and was satisfied that the conclusions reached in the SSFRA were acceptable. Having regard to the provisions of the "Planning System and Flood Risk Management Guidelines for Planning Authorities" in relation to development proposals in Flood Zone B areas, the Board considered that the information provided was satisfactory and that the proposed development would 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. 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.

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. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety 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.