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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D19A/0749.**

**Appeal** by Barry and Louise Bowden care of Future Analytics Consulting Limited of 23 Fitzwilliam Square (South), Dublin against the decision made on the 21<sup>st</sup> day of February, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** (a) Construction of a two-storey above lower ground floor detached dwelling, (b) repositioning and widening of an existing vehicular entrance to the south-west of the property onto the private road which adjoins Torca Road, (c) the construction of new boundary walls including a new wall along the road frontage, (d) the demolition of the existing detached house and associated outbuildings and (e) associated drainage and landscaping works within the curtilage of the site. All at "Clanaber", Torca Road, Dalkey, 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 the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale 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 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, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of January, 2020, 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:
  - (a) No part of the first-floor terrace shall be within 10 metres of the boundary it faces to the south-west.
  - (b) The protective guarding to the terrace on the south-eastern side shall consist of a solid or louvred screen similar to brise soleil. The remaining terrace may be fitted with glass as proposed or be revised to match the south-eastern side.

- (c) A hedgerow shall be retained and augmented where necessary on the front/south-western side boundary and the south-eastern side boundary. The vehicle entrance consisting of a timber gate and stone clad pillars shall be provided in accordance with Drawing Number PL-06.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The flat roof elements of the development other than those areas specifically indicated as a terrace, shall not be used as a terrace, balcony or for any similar amenity purpose.

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

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2 of Part 1 of those Regulations shall take place within the curtilage of the existing or permitted house.

**Reason:** In the interest of the amenities of the area.

5. The bathroom windows including en-suites and the walk-in wardrobe serving the master bedroom shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

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

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

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

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. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

9. 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, incorporating the 'Construction and Environmental Plan (CEMP) dated the 20<sup>th</sup> day of January, 2020 and also including noise management measures and off-site disposal of construction/demolition waste.

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

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

11. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

12. 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.

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**Paul Hyde**

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

**Dated this            day of            2020.**