

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0914

Appeal by Windsor Homes Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 19th day of June, 2020 by Dún Laoghaire-Rathdown County Council in accordance with the plans and particulars lodged with the said Council:

Proposed Development:

- (i) refurbishment of front (southern) elevation and demolition of western/northern elevations, and associated outbuildings to rear, of existing single storey commercial unit and renovation/conversion of this structure to accommodate one number single storey two-bedroom dwelling with associated private amenity space to rear within the footprint of the existing unit;
- (ii) construction of three number two-storey with attic level accommodation five-bedroom detached houses, each with private amenity space to the rear;
- (iii) provision of nine number vehicular parking spaces, upgraded vehicular entrance on Barnhill Road, internal road, footpaths, shared surfaces and street lighting;



- (iv) landscaping tree planting and boundary treatments;
- (v) alterations to site levels, SuDS surface water drainage, foul water and potable water connections; and (vi) all ancillary works necessary to facilitate the development,

all at 34 Barnhill Road, Dalkey, County Dublin.

The proposed development is amended by the revised public notice received by the planning authority on the 20th day of May 2020.

Decision

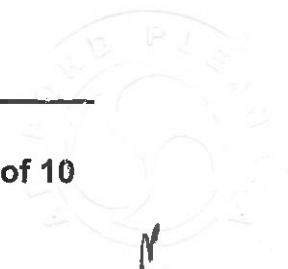
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 zoning objective for the site in the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022 and to the provisions for protecting architectural heritage and providing for infill development, it is considered that the proposed development, subject to compliance with the conditions set out below, would integrate in a satisfactory manner with the existing built development in the area, 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 safety and convenience. 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 to the planning authority on 20th day of May 2020 and by the further plans and particulars lodged with the appeal on the 16th day of July 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.

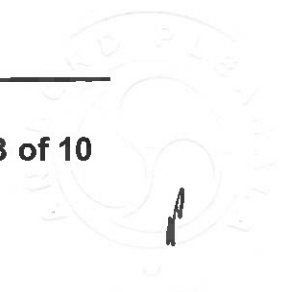
Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and boundary treatments 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. All of the parking areas serving the residential units shall be provided with ducting to facilitate the installation of electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of sustainable transportation.



4. 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.

5. Prior to commencement of development, the applicant shall submit to the planning authority details of compliance with Iarnród Éireann Infrastructure requirements in respect of compliance with health and safety measures in relation to structural, landscaping and site works.

Reason: In the interests of public safety and protection of public transport infrastructure.

6. 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, Part 1 of those Regulations shall take place within the curtilage of the house, shall be erected on the site/within the rear garden area, without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the extended dwelling and in the interest of the amenities of the area.



7. 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. In this regard the following shall apply:
- (a) Prior to commencement of development the applicant shall submit to the planning authority for its written agreement a revised surface water drainage proposal which incorporates local infiltration of surface water from the development or submit a SI report and results confirming why this is not feasible.
 - (b) Prior to commencement of development the applicant shall submit to the planning authority for its written agreement a revised surface water drainage proposal which provides interception/treatment for the hardstanding and roofs as per the requirements of the Greater Dublin Strategic Drainage Study and in accordance with the Sustainable Drainage Systems Manual (Construction Industry Research and Information Association C753)
 - (c) Prior to the commencement of development, the applicant shall submit to the planning authority for its written agreement a revised surface water drainage proposal which ensures that the attenuation system and access manholes are located appropriately in communal areas to allow for ease of maintenance and foul connections are not routed through the system. Adequate cover and protection shall be provided for the attenuation system and evidence of this shall be provided by a competent structural engineer. All details to be included in the surface water layout.

Reason: In the interest of public health.



8. The developer shall facilitate the industrial heritage appraisal of the site and shall provide for the presentation, recording or otherwise protection of industrial heritage materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to commencement of any site operations (including stripping of topsoil and hydrological or geotechnical investigations), and
 - (b) employ a suitably qualified and experienced industrial heritage professional to assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of industrial heritage material on the site, and
 - (ii) the impact of the proposed development on such industrial heritage material.

A report, containing the results of the assessment, shall be submitted to the planning authority. Arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further industrial heritage requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In the interest of industrial heritage, to secure the preservation (in-situ or by record) of any remains of industrial heritage merit that may exist within the site.

9. The site shall be landscaped, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and to safeguard the operation of the adjoining railway infrastructure.

10. Prior to commencement of development the applicant shall submit the following for the written agreement of the planning authority:
- (a) Detailed drawings of car parking allocation for all dwellings on the site (as outlined in blue), that is, including the refurbished townhouse in the old forge.
 - (b) Revised elevation drawings for the proposed vehicular entrance treatment demonstrating all existing and proposed levels.
 - (c) Details of road safety signage.
 - (d) Details, following consultation with the Roads Maintenance and Roads Control Section, for the dishing and strengthening of the footpaths fronting the development and associated adjustment to any public utilities infrastructure which shall be carried out at the applicant's own expense.

Reason: In the interests of amenity and traffic and public safety.



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

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

12. Proposals for a development/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all development and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement



empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. Public lighting shall comply with the detailed standards of the planning authority, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

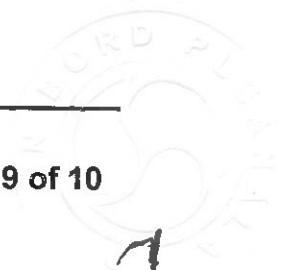
Reason: In the interests of amenity and public safety.

15. Prior to commencement of development, a detailed plan and elevation drawings of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential and visual amenities.

16. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 the interests of public safety and residential amenity.



17. 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 the SCSl Price Tender Index 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

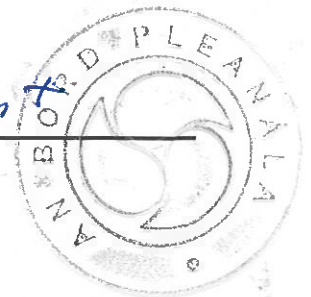
Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *25ⁿ* day of *May* 2021.