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**Planning and Development Acts 2000 to 2020**

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

**Planning Register Reference Number: D20A/0321**

**Appeal** by Signature Capital care of SSA Architects of 42 Haddington Road, Dublin against the decision made on the 17<sup>th</sup> day of July, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** The construction of a new two-storey, 267 square metres, four-bedroom detached house (replacing existing outbuilding) with all associated works plus an attached car port using existing entrance driveway, together with connections to existing public services and drainage at Clontra House, Quinns Road, Shankill, Dublin. Clontra House is a protected structure RPS reference 1811.

**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 policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (b) the zoning of the site as 'GB', where the objective is "to protect and enhance the open nature of lands between urban areas",
- (c) the location of the proposed development within the grounds of a protected structure,
- (d) the area of the overall landholding,
- (e) the proposal to demolish an existing outbuilding and replace it with a house within the demesne of the protected structure, and
- (f) the design, scale and massing of the proposed development and its disposition within the site,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a negative impact on the open nature of the lands, nor have an impact on the function of the green belt in providing an easily identifiable buffer between the expanding, built-up areas of Shankill and Bray, would not have a negative impact on the fabric or setting of the protected structure, and would not, therefore, be contrary to the policies and objectives of the development plan. The proposed development would not seriously injure the residential and visual amenities of the area and 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, considered that the nature of the proposed development which replaces an existing outbuilding with a structure of similar form, in the same location, and which would remain part of the demesne of the protected structure, would not diminish the open nature of lands between urban areas, nor diminish the greenbelt between Bray and Shankill, and given the particular nature of the proposed development would not provide a precedent for development on lands zoned 'GB'. 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, 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) Porch height shall be reduced to a maximum external height of 2.82 metres.
  - (b) Roof finish shall be a neutral grey colour.

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 visual amenity.

3. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interest of public health.

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. 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.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. All works to the protected structure, shall be carried out under the supervision of a Conservation Architect Grade 1 or 2.

**Reason:** To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

8. The proposed development shall not be subdivided or otherwise separated from the demesne of Clontra House and shall not be sold or conveyed, save as part of the demesne, without a prior grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area, and in the interest of preserving the architectural integrity and heritage value of the protected structures.

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, including noise management measures, 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. 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.

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

**Dated this            day of            2020.**