



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0958

Appeal by Francis Cassidy of 58 Stillorgan Wood, Stillorgan, County Dublin and by Geraldine O'Connor care of Conor Sheehan of 44 Balnagowan , Palmerston Park, Dartry, Dublin, against the decision made on the 7th day of August, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Vincent O'Farrell Junior care of C. and W. O'Brien Architects of 1 Sarsfield Quay, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for development consisting of the construction of two number semi-detached two-storey, with part third level, dwellings, consisting of one number three-bedroom and study and one number four-bedroom units. Development is to include new vehicular and pedestrian access with two number proposed parking spaces per house and all associated site development works necessary to facilitate the development, all on a site of circa 0.04457 hectares at 59 Stillorgan Wood, Stillorgan, 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 architectural design and massing of the proposed development, to the location of the site at the periphery of Stillorgan Wood and fronting onto Saint Raphaela's Road and in an area well-served by infrastructure, and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with the existing built development in the area, would not seriously injure the residential amenity of adjacent properties and would not detract from the character or visual amenities of Stillorgan Wood. 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 21st day of May, 2020 and on the 15th 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. The front boundary wall shall align in height with the existing boundary wall along Number 60A and shall otherwise be in accordance with the requirements of the planning authority in respect of dishing of footpath which shall be carried out at the expense of the developer.

Reason: In the interest of orderly development.

3. The roof terrace screening shall be 1.7 metres in height in the rear elevation and shall harmonise with the proposed design. All details of roof terrace delineation, screening and access shall be submitted to, and agreed in writing with, the planning prior to commencement of development.

Reason: In the interests of amenity and orderly development.

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

Reason: In the interest of visual amenity.

5. 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. All service cables associated with the proposed development (such as electrical, telecommunications, communal television and public lighting cables) shall be run underground within the site.

Reason: In the interests of visual and residential amenity.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees to be retained as indicated in site plan of the Tree Survey lodged with the planning authority on the 21st day of May, 2020 and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on or alongside the site, or the replacement of any such trees which die, are removed or become seriously damaged or diseased, within a period of three years from the substantial completion of the development, with others of similar size and species. 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 secure the protection of the trees within and adjacent to the site.

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, access, deliveries, parking, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of traffic safety and to protect the amenities of the area.

10. Site development and building works shall be carried out only between the hours of 0800 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: To protect the amenities of the area.

11. 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 without a prior grant of planning permission.

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

12. (a) The layout of car parking spaces including the access and boundary arrangement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The footpath in front of the proposed vehicular entrances shall be dished at the road junction in accordance with the requirements of the planning authority and at the developer's expense.

Reason: In the interests of traffic safety and orderly development and to ensure that adequate off-street parking provision is available to serve the proposed development.

13. 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.

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

Dated this day of 2021.

