



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0501

Appeal by Niall and Susan Coleman care of Brazil Associates Architects of The Studio, Maple Avenue, Stillorgan, County Dublin against the decision made on the 9th day of September, 2020 Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

Proposed Development: Demolition of existing dormer dwelling house and construction of a new replacement house comprising two-storey over basement plant room and store room at garden level, new vehicular entrance, upgrading all perimeter boundaries and all associated site works and services including landscaping works to front and rear gardens at 6 Cunningham 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 design and massing of the proposed development, as revised, the site characteristics, the pattern of development in the area and 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 detract from the character of Cunningham Road and would not seriously injure the residential amenities of adjacent properties. Furthermore, having regard to the nature and design of the existing single storey dwelling and the extent of intervention required to extend and modernise the dwelling and also having regard to its limited visibility from the road, it is not considered that the loss of this dwelling would detract from the visual amenities or character 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 received by An Bord Pleanála on the 6th day of October, 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 modified as follows:
 - (a) The east facing ground floor window at the north end of the proposed living room shall be omitted.
 - (b) The trellis shall be of a sturdy steel structure and to a height of 1.7 metres for the depth of the raised terrace at ground level.

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. Details of all boundary treatment which shall be no higher than two metres to the rear of the building façade unless agreed with the neighbouring property but not exceeding 2.2 metres in height shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details shall also include boundary landscaping which shall include replacement hedging along the front boundary.

Reason: In the interests of clarity and residential amenity.

4. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. 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.

6. The excavation and site preparation work shall not interfere with the structural integrity of adjacent properties and shall be certified by a competent structural engineering firm. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amenities of adjacent properties in the area.

7. 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 and off-site disposal of construction/demolition waste.

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

8. 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.

9. Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including roof slates/tiles, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. 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 2021