

An
Bord
Pleanála

Board Order
ABP-308374-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0984

Appeal by Eric Connor of Nirvana, Coliemore Road, Dalkey, County Dublin and by David and Berna Williams and Yvonne Fogarty care of Colin Galavan and Associates of 9 Cumberland Street, Dun Laoghaire, County Dublin against the decision made on the 15th day of September, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to James and Mary Foley care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council

Proposed Development: Construction of a new dwelling (269 square metres/2,896 square feet) and a widened vehicular entrance with two number off-street car parking spaces to the front of the site and the demolition of the existing 1950s dwelling (206 square metres/2,217 square feet). The proposed new dwelling consists of living areas at Nerano Road level, with bedrooms at lower ground level and a hobby room with utility at basement level at 'Twin Trees', Nerano Road, Dalkey, County Dublin, as amended by the further public notices received by the planning authority on the 20th day of August, 2020.

Decision

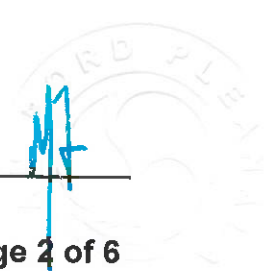
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 planning and development history of the site and the policy and objective provisions in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development, and the pattern of existing and permitted development in the area, it is 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 or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. 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 20th day of August 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) The front boundary wall shall not be raised in height, and shall not exceed the height of the neighbouring boundary wall to the south-east.
 - (b) The entrance gates and pillars shall be reduced in height to match that of the existing front boundary wall, and shall not exceed the height of the neighbouring boundary wall to the south-east.
 - (c) None of the timber fencing, proposed or existing, along the front boundary wall shall exceed the height of the wall.

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 order to comply with the objective for the site to preserve views and in the interest of visual amenity.

3. The roof area of the dwelling shall not be used as a balcony, roof (terrace) garden or similar amenity area.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes and boundary treatments 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.

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. 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.

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

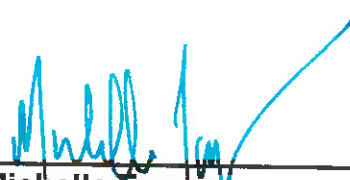
Reason: In the interest of visual amenity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006.

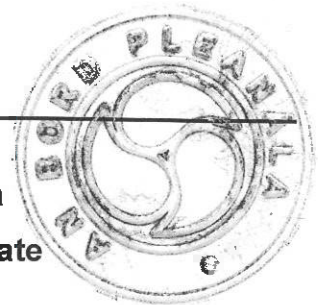
Reason: In the interest of sustainable waste management.

9. 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 *22nd* day of *June* 2021.