



An
Bord
Pleanála

Board Order
ABP-308705-20

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0849

Appeal by Margaret Corcoran and Michael Clarke of 89 Rosemount Estate, Churchtown, Dublin, and by Larry Kelly and Others care of 91 Rosemount Estate, Dundrum, Dublin against the decision made on the 21st day of October, 2020 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Charco Properties Limited care of Regan and Associates of 60 Clonlea, Ballinteer Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of existing one storey shed on the site, and construction of a new two-storey two bedroom house, and provision of one car parking space to the front of the proposed dwelling off Taney Park Lane, all at site to the rear of number 90 Rosemount Estate, Churchtown Lower, Dublin. The proposed development was revised by further public notices received by the planning authority on the 24th day of September, 2000.

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 land use zoning of the site in the current development plan for the area, to the infill nature of the site, to the design, layout and scale of the proposed development, and to the nature and pattern of development in the vicinity, 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, would represent an appropriate residential density, would comply with the provisions of the development plan, 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 on the 24th day of September 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. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In the interest of residential amenity, having regard to the restricted nature of the site.

3. The revisions to the layout of the garden area and parking provision to the front of number 90 Rosemount as shown on Sheet No. 1 received by the planning authority on the 24th day of September, 2020 shall be omitted from the development.

Reason: In the interest of clarity.

4. The first floor stairwell window on the eastern elevation of the dwelling house shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

5. No part of the first floor flat roof shall be used as a balcony or terrace and access to this area shall be restricted to maintenance requirements only.

Reason: In the interest of clarifying the extent of the proposed development of residential amenity.

6. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

9. The external finishes of the proposed dwelling shall harmonise in material, colour and texture with the existing dwelling on site unless otherwise stated in the planning application.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall 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

Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 30th day of *July* 2021.

