

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0300.

Appeal by Suzanne and Brendan Nangle and others care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin and by Timo and Ruth Barry care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 23rd day of October, 2020 by Dún Laoghaire-Rathdown County Council to refuse permission to the said Timo and Ruth Barry care of Groarke Architects of 9-10 Eustace Street, Temple Bar, Dublin for the proposed development.

Proposed Development: The demolition of existing dwelling and replacement with a proposed two-storey dwelling with attic space, to accommodate four bedrooms and associated living spaces, the proposed modification of existing vehicular entrance with the addition of a proposed pedestrian gate, proposed new boundary fencing and associated landscape works at The Flags, Dalkey Avenue, Dalkey, County Dublin. Further public notices were received by the planning authority on the 1st day of October, 2020 as follows: The demolition of existing dwelling and replacement with a proposed two-storey dwelling with attic space, to accommodate four bedrooms and associated living spaces, the proposed modification of existing

vehicular entrance with the addition of a proposed pedestrian gate, a proposed second pedestrian gate located at the western boundary (identified as number 5 on original plans submitted on the 24th day of April, 2020, drawing reference number 19054/2/DWG/002), proposed removal of sections of the existing stone boundary walls, renewal of sections of existing hedge and existing boundary wall along the western site boundary (identified as numbers 5 and 7, on drawing reference number 19054/2/DWG/010) and associated landscape works.

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 location and zoning of the site and its established residential use, the nature and scale of the proposed development, and the existing pattern of 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 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 1st day of October, 2020 and by the further plans and particulars received by An Bord Pleanála on the 19th day of November, 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. 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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

3. 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.

4. 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.

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

Reason: In the interest of visual amenity.



6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows and shrubs, specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (iv) Details of screen planting which shall not include *cupressocyparis x leylandii*.
- (v) Hard landscaping works, specifying surfacing materials and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. All reconstruction, repair and restoration works to the boundary wall shared with 'The Metals' shall be carried out in accordance with best conservation practice as detailed in the application and the "Architectural Heritage Protection Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to cause minimum interference to the structure of the wall.

Reason: To ensure that the historic character and integrity of 'The Metals' is maintained and protected from unnecessary damage or loss of fabric.

8. 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.

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 measures to protect the integrity of 'The Metals'/'The Flags' from damage, details of on-site car parking facilities for site workers during the course of construction, noise management measures, and off-site disposal of construction/demolition waste.

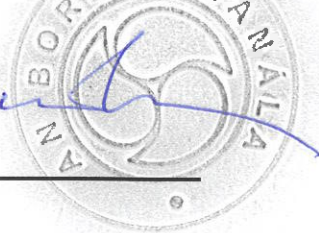
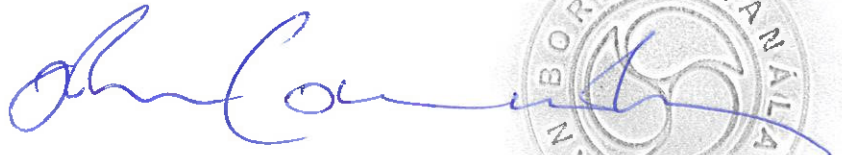
Reason: In the interests of public safety and residential amenity.

10. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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 the 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.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 15th day of July 2021.