

An
Bord
Pleanála

Board Order
ABP-309832-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0852

Appeal by Julie Anderson of "Wavetree", Stone House, Donnybrook, Dublin, and by Michael Reidy and Geraldine Sayers of 20 Ashfield Park, Stillorgan Road, Dublin against the decision made on the 5th day of March, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Ted and Celine Marah care of Bright Design Architects of 4 Seafield Park, Booterstown, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new 3.5 metres wide vehicular entrance gateway to Ashfield Park, removal of two number trees close to new entrance gateway at north-west boundary of existing site, construction of a new part single storey, part two-storey, three bedroom dwelling, and all associated site, drainage and landscaping works at 'Galini', Stone House, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016–2022 and the zoning of the site for residential purposes, to the location of the site in an established, serviced, urban area within walking distance of public transport, and to the nature, form, scale, density and design of the proposed development, 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. 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 to the planning authority on the 10th day of February 2021, 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 first-floor window serving the landing only, on the north-east elevation shall be revised to include either screening or opaque glass so as to ensure that overlooking of the property to the north-east cannot occur.
 - (b) Only a manually operated gate shall be used for the vehicular access onto Ashfield Park. This gate shall be timber finished on the public road side.

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 interests of visual and residential amenity.



3. The proposed vehicular entrance shall be positioned/aligned with the roadway on Ashfield Park. Vehicles accessing the proposed dwelling shall not cross the existing footpath on Ashfield Park.

Reason: In the interest of the proposed planning and sustainable development of the area.

4. Details of the materials, colours and textures of all the external finishes 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 disposal of surface water and the provision of a green roof, 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 waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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 the hours of 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 amenities of property in the vicinity.

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

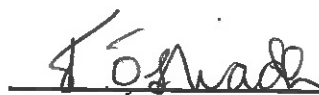
Reason: In the interest of orderly development and the visual amenities of the area.

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.

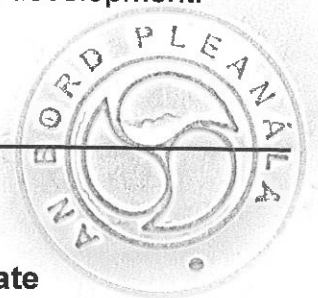
11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of tree planting as compensation for the removal of an existing mature tree. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.



Terry Ó Niadh

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



Dated this 26th day of July, 2021.