

Planning and Development Acts 2000 to 2020

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D20A/0698

Appeal by Clon Brugh Residents' Committee care of Cuala Property Management of First Floor Offices, 70 Upper George's Street, Dun Laoghaire, County Dublin against the decision made on the 25th day of March, 2021 by Dun Laoghaire Rathdown County Council to grant subject to conditions a permission to Coshon Two Limited care of Hussey Architects of 13 Gilford Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission and retention permission for the amendment of planning register reference number D16A/0393 as previously amended by planning register reference number D18A/0509, for the retention and completion of a retaining wall in the residential development known as Dun Gaoithe. Permission is sought to retain and complete a partially built retaining wall along the western part of the site, along with all associated site works, to the west of 29 Dun Gaoithe Heights, 40-43 Dun Gaoithe Heights and to the southwest of Dun Gaoithe Hall. Existing site contours need to be adjusted to achieve vehicle and pedestrian compliant access to houses. This will result in significant earth moving works across the site and the

partially constructed retaining wall is the subject of this application, all at Dun Gaoithe at Aikens Village, Village Road, Sandyford, Dublin as amended by the revised public notice received by the planning authority on the 3rd day of March, 2021.

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 zoning objectives for the site as set out in the current Development Plan for the area and pattern of development in the area, together with the design, scale, layout and appearance, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would provide for the safe completion of the adjoining residential development. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to the planning authority on the 3rd day of March, 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 within three months of the date of this order and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted under planning register reference numbers D16A/0393 and D18A/0509 and any agreements entered into thereunder.

Reason: In the interest of clarity.

3. The area to the west of the retaining wall 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 within three months of the date of this order. This scheme shall include the following:



- (a) a plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs, and
 - (ii) hard landscaping works, specifying surfacing materials, furniture 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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

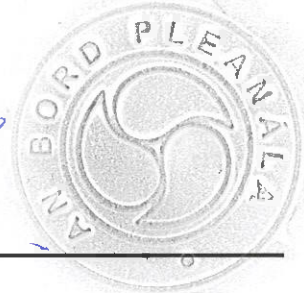
Reason: In the interests of residential and visual amenity.

- 4. Works in relation to tree protection zones, pruning and tree health monitoring shall be carried out in accordance with the Arboricultural Assessment and accompanying Tree Protection Plan submitted to the planning authority on the 3rd day of March, 2021.

Reason: In the interests of residential and visual amenity and the protection of trees.

5. Any trees identified for retention which die or become severely damaged or diseased within five years from completion of the development hereby permitted shall be replaced with trees of similar size and species or as otherwise approved by the planning authority.

Reason: In the interests of residential and visual amenity and the protection of trees.



Stephen Bohan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *30th* day of *July* 2021.