

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0136

Appeal by Kieran and Ros Geraghty and others care of Joe Bonner Town Planning Consultants Limited of The Airport Hub, Unit 1, Furry Park, Old Swords Road, Santry, Dublin and by Joe and Clare Meighan of 48 Avondale Lawn, Blackrock, County Dublin against the decision made on the 9th day of April, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Daniel Hughes and Malindi Demery care of Greg Jackson Architects of 23 Mount Auburn, Bryanstown, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: (A) Partial excavation and lowering of ground level with associated site works. (B) The construction of one number three-bedroom two-storey mews dwelling. (C) Construction of new boundary walls to the rear of the proposed dwelling and adjacent dwelling at number 5 Proby Square Mews. (D) Construction of a parking area and a turning circle accessed from laneway. (E) Installation of new foul and surface drainage runs under adjoining laneway, and all associated site works. All on a site to the rear of numbers 4 and 4a Proby Square, Blackrock, County Dublin.

Decision

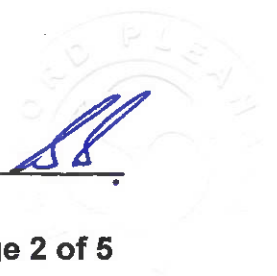
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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

The application site is located in an area zoned for residential development in the Dún Laoghaire-Rathdown County Development Plan 2016- 2022. Having regard to the planning history of the site, the modest scale of the proposed development, its orientation relative to and separation distance from houses on Proby Square, and subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the amenity of adjoining property by reason of overshadowing or overlooking, would be acceptable in terms of traffic safety and convenience and would, otherwise, be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan and 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, 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. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works.

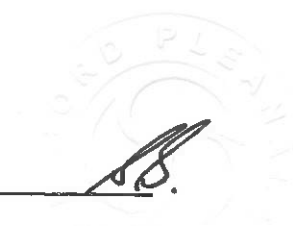
Reason: In the interest of public health.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The external finishes of 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.



5. Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

6. All screen walls shall be two metres in height above ground level, constructed in brick or concrete block (which may be agreed in writing with the planning authority), and shall be capped and rendered on both sides in a finish that matches the external finish of the proposed mews house.

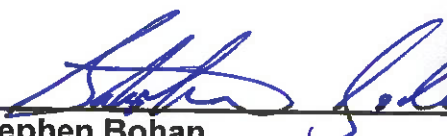
Reason: In the interests of residential and visual amenity.

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. 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.



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



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