

An  
Bord  
Pleanála

Board Order  
ABP-310293-21

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## Planning and Development Acts 2000 to 2020

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D21A/0218**

**Appeal** by Suzanne Marr and Philip Marr care of Armstrong Planning of 12 Clarinda Park North, Dún Laoghaire, County Dublin against the decision made on the 7<sup>th</sup> day of May, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Proposed development comprising (i) removal of single-storey link between main house and existing ancillary structure, (ii) alterations to and extension of existing ancillary structure, (iii) subdivision of site and existing dwelling to separate the extended ancillary structure from the main house and create a new fully serviced, independent, two-storey, two-bed dwelling, (iv) removal of garden shed, and (v) all associated site development works at the side garden site at 11 Beech Park Avenue, Foxrock, 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 policies and provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, to the design, scale and nature 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 amenities of properties in the vicinity and would provide an acceptable level of amenity for future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the proximity of the development to the Quality Bus Corridor/Bus Priority Network on Kill Lane and on the N11, to the proximity of local amenities at Deansgrange, Foxrock and Cornelscourt, and to policies which actively promote a modal shift to more sustainable forms of transport, and considered that the proposed development in this accessible location would be acceptable in terms of traffic and pedestrian safety and would be in accordance with sustainable development in 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. No parking associated with the proposed development shall be permitted on the public pedestrian laneway, and no parking shall be provided within the site of the proposed dwelling which shall be served by a pedestrian gate only.

**Reason:** In the interests of pedestrian and traffic safety.

3. The external finishes of the proposed development shall be as specified on the drawings submitted with the planning application, unless otherwise agreed, in writing, with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 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 residential amenities of property in the vicinity.

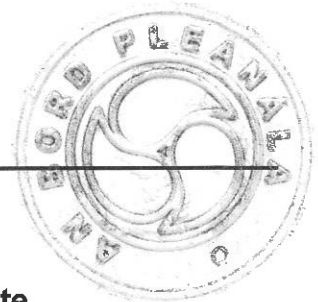
8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.



Michelle Fagan

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



Dated this 9<sup>th</sup> day of November 2021