

An
Bord
Pleanála

Board Order
ABP-310459-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D21A/0224.

Appeal by Jennifer and Andrew Jackson care of O'Keeffe Architects of Suite One, The Avenue, Beacon Court, Bracken Road, Sandyford, Dublin against the decision made on the 13th day of May, 2021 by Dun Laoghaire Rathdown County Council to refuse a permission to for the proposed development.

Proposed Development: The development will consist of the demolition of the existing three-storey, four bedroom house known as Whitestacks and the construction of a new, low energy, three-story, four bedroom house of total floor area 398.6 square metres with balconies to the West and South East, a roof terrace and a garage of floor area 29.2 square metres; the existing access, perimeter planting and all boundaries are to be retained; associated site works to include landscaping, drainage, automatic entrance gates and a new pedestrian access gate; all at Whitestacks, Killiney Hill Road, Killiney, Co. Dublin. The site is located in Killiney Architectural Conservation Area.

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.

Reasons and Considerations

Having regard to the location and zoning of the site and its established residential use, to the nature/topography of the receiving environment, and to the design, massing and scale of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with and would satisfactorily integrate into the built environment, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would not materially and adversely affect the Killiney Architectural Conservation Area 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 received by An Bord Pleanála on the 9th day of June, 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 proposed wall/gate featuring along the site's southern boundary will have a maximum height of two metres,
 - (b) the north-facing window serving the kitchen shall be permanently fitted with obscured glass, and
 - (c) the dimensioned heights included on the proposed elevations and sections shall be updated to reflect the 0.6 metre reduction in building height indicated by the floor and roof levels provided on the drawings.

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: To protect the character of the Killiney Architectural Conservation Area and in the interests of residential amenity and clarity.

A handwritten signature in dark ink is written over a circular official stamp. The stamp contains the text 'AN BORD PLEANÁLA' around the perimeter. The signature is a stylized, cursive 'B'.

3. Prior to commencement of development, details of the materials, colours and textures of all external finishes to the proposed development, including that of the proposed wall/gate featuring along the site's southern boundary, shall be submitted to, and agreed in writing with, the planning authority.

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

4. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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.

Reason: In the interest of sustainable waste management.

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. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

7. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

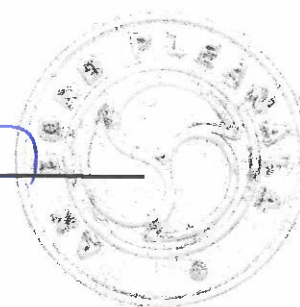


9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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



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



Dated this 5th day of August 2022.