

An
Bord
Pleanála

Board Order
ABP-311289-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0567

Appeal by Simon Redden care of Reid Associates, Planning Development Consultants of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin against the decision made on the 10th day of August, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Demolition of an existing single storey garage and the construction of a two-storey, flat roof, two-bedroom mews type dwelling circa 135 square metres with terrace balcony to master bedroom at first floor level, the main proposed materials to the building are painted render and glazing with metal features, the provision of one parking space and parking turntable, the widening of the existing vehicular access to Monkstown Road and the lowering of the existing boundary wall to Monkstown Road either side of the vehicular access and erection of manual sliding gate the construction of a new rear boundary wall to the rear of 5 Montpellier Place and all open space landscaping works and servicing and ancillary site development. All located at the rear of 5 Montpellier Place, within an Architectural Conservation Area, with vehicular access to Monkstown Road, Monkstown, 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

Having regard to the provisions of the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the pattern of development in the area, to the nature, form, scale and design of the proposed development, and to the availability of on-street parking in the general area, 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 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.



In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that, having regard to the availability of on-street parking in the general area in the event of occasional maintenance of the turntable, and the requirement for capability of manual operation of the turntable in the event of an interruption to the power supply or motor malfunction, the proposed development would not endanger pedestrian and traffic safety by reason of creating a traffic hazard.

Conditions

1. The proposed 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. The proposed development shall be amended as follows:
 - (a) The site shall be extended to the rear by two metres and the new rear boundary wall shall be relocated accordingly.
 - (b) The turntable shall be installed on a level plane and be capable of manual operation in the event of an interruption to the power supply or motor malfunction.



- (c) The front boundary wall shall be no more than 1.1 metre in height for at least a distance of 1 metre each side of the vehicular entrance.
- (d) The footpath in front of the proposed vehicular entrance shall be dishd in accordance with the requirements of the planning authority and at the developer's own expense.

A full set of revised drawings and details 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 ensuring the adequacy of private open space provision and traffic safety.

- 3. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. 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.

- 5. 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.

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.

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.

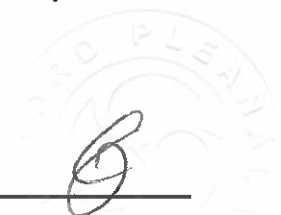
Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The turntable shall be installed and commissioned prior to the first occupation of the proposed dwelling.

Reason: In the interest of traffic safety.

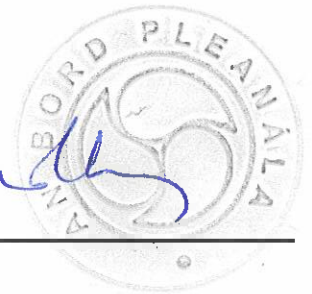
9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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



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.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 2nd day of MARCH 2022