

An
Bord
Pleanála

Board Order
ABP-311357-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0088

Appeal by Tom and Susan Sheridan care of Reid Associates of 2 Connaught Place, Crofton Road, Dún Laoghaire, County Dublin and by Rosemary White of The Lodge, Roebuck Road, Clonskeagh, Dublin against the decision made on the 17th day of August, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Thomas and Mary O'Grady care of SSA Architects of 42 Haddington Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of a new, 127 square metres, two-storey, detached, pitched roof dwelling with four number bedrooms and rooflights to the front (west) and rear (south), together with new vehicular entrance, ancillary services, public utility and connections and associated works, all in the existing side garden (north) at 194 Roebuck Castle, Clonskeagh, 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 its nature scale and layout, distance to the dwelling to the north, and the size and orientation of the adjoining dwellings private open space, the Board was satisfied that, subject to compliance with the following conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties and 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 pattern of development in the area, and the size and configuration of the site and its relationship with adjoining properties, would not represent overdevelopment of the site; and represented an acceptable design response and would be in accordance with the guidance set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 under section 8.2.3.4(v) in relation to the

development of corner/side gardens. Furthermore, the Board did not consider that the proposed development would be overbearing and considered that it would not seriously injure the visual amenities of the adjoining property to the north.

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 submitted on the 26th day of July, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

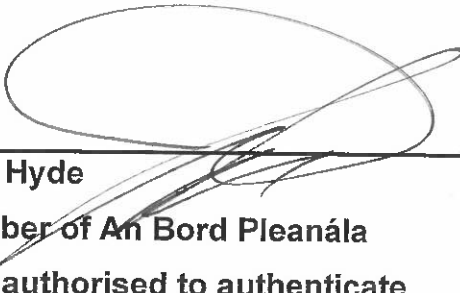
Reason: In the interest of visual amenity.

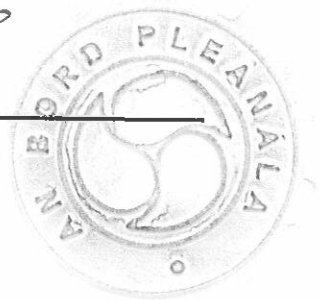
3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

4. The 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.


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



Dated this 11th day of FEBRUARY 2022