



Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0084

Appeal by Tracey Davies of Sylliz, 29 Dalkey Avenue, Dalkey, County Dublin against the decision made on the 31st day of August, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Jarlath and Susan O'Leary care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development shall provide for the clearance of the existing site and the construction of 1 number residential unit (circa 734 square metres) and including associated garage (circa 56 square metres) within the lower ground floor. The residential development proposed comprises a six-bedroom residential unit with associated private garden to the rear, garden terraces at ground, first and second floor level and the provision of PV panels on the sedum roofs. The unit is one to three storeys in height over lower ground floor. The development will include lower ground floor level car parking for three cars and a lift from the lower ground to the second floor. A new access point for pedestrians and vehicles will be provided on to Dalkey Avenue as part of the proposal with a new automatic steel gate (approximately 2.7 metres in height) and stone piers. The development will

also include all associated site development works above and below ground including site services and landscape works, all at a site of approximately 1,588 square metres at the site be known as "Imladris", Dalkey Avenue, Dalkey, County Dublin, bounded to the south by an existing dwelling known as "Scarsdale", and to the north and north west by Killiney Hill Park. Further public notices were received by the planning authority on the 5th day of August, 2021.

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 site's land use zoning Objective A in the Dún-Laoghaire Rathdown County Development Plan 2022-2028, and to the nature, scale and contemporary architectural design 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 amenities of the area and 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 submitted on the 5th day of August, 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.
 - (a) The 1.8 metres high obscure glazed screens shown on the side (southwest) and rear (southeast) elevations at second floor level on the further information drawings shall be extended the full length of the side and rear elevations at second floor level.
 - (b) Obscure glazed screens shall be provided on/along the wall of the external terrace accessed from the study at first floor level. The overall height of the screening (wall and obscure glazing) shall be minimum 1.8 metres.

Reason: In the interest of residential amenity.

3. 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.

4. 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.

5. 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.

6. 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.

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

Reason: In the interest of public health.

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.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 27th day of JUNE 2022