

An
Bord
Pleanála

Board Order
ABP-311601-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: D21A/0670.

Appeal by Gerry Farrell, Ruth Farrell and Declan O'Donnell care of Fitzsimons Doyle and Associates of 250 Harold's Cross Road, Dublin against the decision made on the 14th day of September, 2021 by Dun Laoghaire Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Permission is being sought for the following development:- (a) the construction of a new replacement dwelling, part two storey and part one and a half storey, with access off Tibradden Lane to accommodate our resident Farm Manager Ruth Farrell and her family. The proposed house would replace an existing flat-roof sub-standard structure off Mutton Lane, currently used by Ruth Farrell and family as their only dwelling. The proposed works would involve new vehicular access off Tibradden Lane and the connection to the existing wastewater treatment works on the site; (b) change of use and conversion of the existing flat roof dwelling on Mutton Lane referred to in (a) above from residential use to use for storage and office use. The proposed uses would be ancillary to the existing uses contained within

the area outlined in red on the plans accompanying this application; all at Joinery Mutton Lane/Tibradden Lane, Rathfarnham, 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.

Reasons and Considerations

Having regard to the existing dwelling on the site for which a change of use from residential to storage and office use is proposed, and to the nature and extent of the proposed replacement dwelling, it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the provisions of section 12.3.10.4 and Policy Objective PHP23 of the Dun Laoghaire Rathdown Development Plan 2022 – 2028 and would not seriously injure the visual amenities of the area or the amenities of property in the vicinity. 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 attach a condition requiring the demolition of the existing dwelling to be replaced, the Board was satisfied that, in the particular circumstances of this case, its use for office/storage purposes associated with the adjoining commercial activity on the site would constitute a beneficial and sustainable use for the structure.

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. Upon first occupation of the new dwelling the subject of this permission, the use of the existing dwelling (Blackberry Lodge) shall be restricted to use for office/storage purposes associated with the adjoining commercial activity on the site.

Reason: In the interest of clarity.

3. The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

4. 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.



5. 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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. No surface water shall discharge onto adjoining lands

Reason: To ensure adequate servicing of the development, and to prevent pollution.

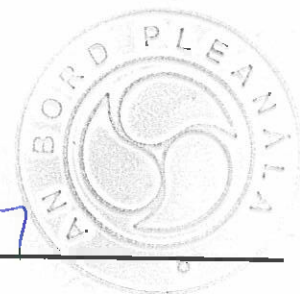
6. The site shall be landscaped in accordance with details and specifications set out in the Site Layout (landscaping) plan, drawing number 105 Rev. C accompanying the application.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. 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 the 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 16th day of MAY 2022.