



An
Bord
Pleanála

Board Order
ABP-312061-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0817

Appeal by Cormal Limited care of Cantrell and Crowley of Priory, Stillorgan Road, Blackrock, County Dublin against the decision made on the 4th day of November, 2021 Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

Proposed Development: Proposed amendments to the previously permitted development as granted under planning register reference number D20A/0189 (An Bord Pleanála reference number ABP-307640-20) to include the following modifications: the addition of one number new house type D2, house number 11 (a three-storey semi-detached house with three bedrooms plus study, 144 square metres in size with roof terrace) in lieu of the house omitted by condition 2(a). The relocation and modification of permitted house type D1, house number 12 (a two-storey detached house, with two bedrooms, 80 square metres in size). The relocation of permitted house type D, house number 10 (a three-storey semi-detached house with three bedrooms plus study, 144 square metres in size with roof terrace) to position the house 1.0 metres further away from the LUAS track. Permission is also sought for associated carparking, landscaping, services and site works, all at 'Annefield' and Saint Anne's, Dundrum, Dublin (a Protected Structure).

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 pattern and character of existing and permitted development in the area, the design and scale of the proposed development, the planning history of the site, and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity of the area or the character of the protected structures within and adjoining the site, would provide an acceptable standard of residential amenity for the prospective residents and would not seriously injure the residential amenity of surrounding properties, and would not endanger public safety or convenience by reason of traffic generation or otherwise. 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 26th day of November, 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 two proposed parking spaces and associated hardstanding areas to the south of house number 12 shall be omitted.
 - (b) The area referred to in (a) above shall be included as part of a larger, landscaped open space with a pedestrian connection to Kilmacud Road Upper.

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: In the interest of sustainable transportation, residential amenity and visual amenity.

3. Apart from any departures specifically authorised by this permission, which are limited to the area outlined by a broken purple line in the 'proposed site plan' received by An Bord Pleanála on the 26th day of November, 2021, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 22nd day of April, 2021, under appeal reference number ABP-307640-20, planning register reference number D20A/0189, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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.



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

Dated this 31st day of January 2023

