

An
Bord
Pleanála

Board Order
ABP-312417-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0714

Appeal by Brinnin Holdings Limited care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin and by Eda Smyth of 23 Summer Street North, Dublin against the decision made on the 3rd day of December, 2021 by Dún Laoghaire-Rathdown County Council in relation to the application by the said Brinnin Holdings Limited for permission for development comprising (i) the demolition of 58 square metres of the existing 226 square metres three storey detached dwelling (including the single storey rear extension, two storey portion of the dwelling to the west side, and demolition works at second floor level), and the two garages to the side (24 square metres) and at the rear (86 square metres) of the dwelling, (ii) the construction of a part single part three storey extension (322 square metres) to the side and rear of the existing dwelling to form two number four bedroom semi-detached dwellings (245 square metres per dwelling), (iii) works to the front boundary to Spencer Villas to form one number additional vehicular access, one number additional pedestrian access (existing pedestrian access is unchanged), and modify existing vehicular access, (iv) the construction of a new part single part two storey three bedroom mews type dwelling (182 square metres) to the rear of the proposed semi-detached dwellings with vehicular access at the adjoining laneway, (v) works to the side boundary wall to replace existing roller shutter vehicular access to rear garage and to form a new vehicular access for the proposed mews dwelling, (vi) landscaping, boundary walls,

and all associated site development works at 28 Spencer Villas, Glenageary, County Dublin as revised by the further public notices received by the planning authority on the 9th day of November, 2021, in accordance with the plans and particulars lodged with the said Council which decision was to grant subject to conditions a permission for (i) the demolition of 58 square metres of the existing 226 square metres three-storey detached dwelling (including the single storey rear extension, two-storey portion of the dwelling to the west side, and demolition works at second floor level), and the two garages to the side (24 square metres) and at the rear (86 square metres) of the dwelling, (ii) the construction of a part single part three storey extension (322 square metres) to the side and rear of the existing dwelling to form two number four bedroom semi-detached dwellings (245 square metres per dwelling), (iii) works to the front boundary to Spencer Villas to form one number additional vehicular access, one number additional pedestrian access (existing pedestrian access is unchanged), and modify existing vehicular access, (iv) landscaping, boundary walls and (v) all associated site development works and to refuse permission for (i) the construction of a new part single part two-storey three bedroom mews type dwelling (182 square metres) to the rear of the proposed semi-detached dwellings with vehicular access at the adjoining laneway and (ii) works to the side boundary wall to replace existing roller shutter vehicular access to rear garage and form a new vehicular access for the proposed mews dwelling).

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 condition set out below.



Reasons and Considerations

Having regard to the residential land use zoning of the site (Objective A), the nature, design and massing, and density of the proposed development, and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including Policy Objective PHP19 that aims to 'densify' existing built up areas through small scale infill development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity by reason of overlooking, overbearing or overshadowing impacts and would be satisfactory in the context of pedestrian and traffic safety. 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 submitted on the 9th 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 developer shall submit detailed boundary treatment plans for the written agreement with the planning authority prior to the commencement of the development.

Reason: In the interest of pedestrian and vehicular traffic safety.



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

Reason: In the interests of orderly development and the visual amenities of the area.

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. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

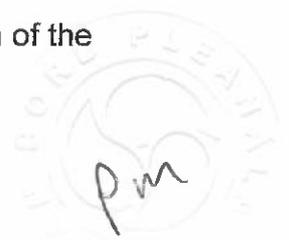
Reason: In the interest of public health.

6. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

7. The naming and numbering of the dwellings shall be in accordance with a naming and numbering scheme, details of which shall be submitted to, and agreed in writing, with the planning authority, prior to the occupation of the dwellings.

Reason: In the interest of orderly street numbering.



8. 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 tree protection measures, noise management measures and off-site disposal of construction/demolition waste.

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

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the Best Practice Guidelines on the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) published by the Environmental Protection Agency. This plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of orderly development and sustainable waste management.



10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

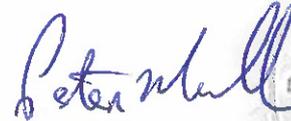
11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



12. 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.



Peter Mullan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this *25th* day of *February*, 2023