



An
Bord
Pleanála

Board Order
ABP-312537-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0920

Appeal by Rotorua Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 13th day of December, 2021 by Dún Laoghaire-Rathdown County Council to refuse a permission to Rotorua for the proposed development.

Proposed Development: The proposed development will consist of: the removal of the existing pitched and flat roof, selected internal walls, existing stone entrance stair, partial removal of the existing boundary wall (to facilitate a new access), demolition of 49 square metres of floor area. The development will include the construction of extensions at ground, first and second floor levels which will create a more functional layout and will also include a garden room and new garage. The proposed development will result in an increase of gross floor area from 300 square metres to 405 square metres in addition to a garage (57 square metres) and a garden room (40 square metres). The development will increase the ridge height of the dwelling by 0.47 metres (from +28.03OD to +28.50OD). The development will also comprise: the extinguishment of the existing vehicular access to Number 92 Coliemore Road, the creation of a new vehicular access/egress, repositioning and

upgrades to the entrance laneway, terraces, boundary treatments, hard and soft landscaping and all other associated site works above and below ground. All at Number 92 Coliemore Road, Dalkey, County 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the Dalkey Architectural Conservation Area or of Coliemore Road, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of residential amenity and traffic safety and convenience. 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 (referred to as Option B) submitted to An Bord Pleanála on the 18th day of January, 2022, 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. Amended plans to include sections and elevations showing a one and a half metre separation distance of the western end of the garden room from the western boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the residential amenity of the adjoining property.

3. A revised plan and elevation drawing showing reduced glazing at second floor, to comprise no greater than 50 per cent of the southern wall of the upper kitchen/living/dining area to be glazed, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, 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. Site development and building works shall be carried only out between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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. Water supply and drainage arrangements, including the attenuation and 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.

7. The developer shall enter into water supply and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

8. The development shall comply with the requirements of Roads and Traffic Planning Division of Dún Laoghaire-Rathdown County Council.
- (a) The splayed entrance in front of the new relocated vehicular entrance shall be dished and strengthened at the applicant's own expense including any moving/adjustment of any water cocks/chamber covers and all to the satisfaction of the appropriate utility company and the planning authority. With regards to the dishing and strengthening of the footpath the applicant shall contact Road Maintenance and Roads Control Sections to ascertain the required specifications for such works and any required permits.
- (b) The developer shall prevent mud dirt debris or building materials being carried onto the public road or adjoining property as a result of site construction works and shall repair any damage to the public road arising from carrying out the works. All necessary measures shall be taken by the developer to avoid conflict between construction activities and pedestrian/regular movements during construction works.

Reason: In the interest of traffic safety.

9. A plan containing details for the management of construction waste 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, especially recyclable materials, in the interest of protecting the environment.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

11. 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.





Joe Boland

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

Dated this *24th* day of *August* 2023.