

An
Bord
Pleanála

Board Order
ABP-312620-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0965

Appeal by Robert Gilmartin care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 6th day of January, 2022 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

Proposed Development: Demolition of the existing outbuilding located to the rear of number 24 Cambridge Terrace and fronting Knapton Lane, and construction of a new two-storey, two-bedroom mews dwelling with two associated car parking spaces all accessed off number 24 Knapton Lane. All with associated site works. The proposed development is within the curtilage of number 24 Cambridge Terrace, a Protected Structure (RPS 957), all to the rear of 24 Cambridge Terrace, York Road, Dún Laoghaire, 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.

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Reasons and Considerations

Having regard to the zoning provisions for the site to be accessed from Knapton Lane along which mews development is acceptable in principle in the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and to the design and scale 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 or of property in the vicinity, would not adversely affect the character of the neighbouring Protected Structures, would be acceptable in terms of pedestrian and traffic safety, and would not be prejudicial to public health. 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 plans and particulars received by An Bord Pleanála on the 1st day of February 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.

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2. The proposed development shall be amended as follows:
- (a) The first floor balcony to the front elevation of the dwelling shall be omitted.
 - (b) The six metre wide vehicular entrance from Knapton Lane shall be omitted and replaced with a vehicular entrance no greater than 3.5 metres in width and with a separate dedicated pedestrian entrance. Parking provision on-site shall be for one vehicle only.

Revised plans and 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 protecting the amenities of property in the vicinity and of visual amenity.

3. Details of the proposed rear boundary wall between the proposed mews house and the existing dwelling at 24 Cambridge Terrace, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of clarity and residential amenity.

4. Details of materials, colours and textures of all external finishes to the proposed mews 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. 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.

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

8. 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.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

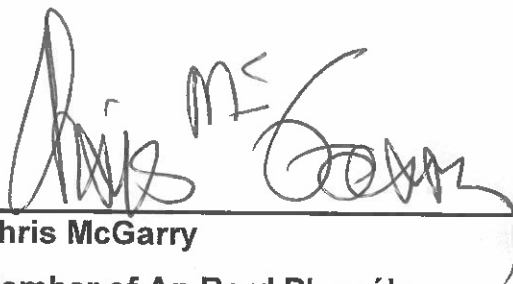
Reason: In order to safeguard the amenities of property in the vicinity.

10. 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 noise management measures and off-site disposal of construction/demolition waste.

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

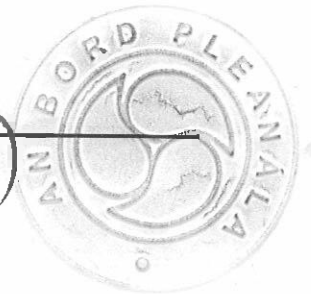
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Chris McGarry

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



Dated this ^{18th} day of  2022.