

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0004

Appeal by Brendan and Elizabeth Bastible care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin against the decision made on the 1st day of March, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: (A) Demolition of garage/shed with an area of 51.7 square metres, and (B) construction of a new two storey two-bedroom mews dwelling, with an overall height of 5.79 metres, and a total gross floor area of 80.11 square metres to accommodate kitchen/living room/dining, toilet and lobby at ground floor level and bedrooms, storage/utility room and bathroom at first floor level, along with three number roof lights to the east side pitched roof. Private open space with an area of 48.1 square metres to be provided as follows: 33.7 square metres to north side of dwelling and 14.4 square metres to courtyard on south side of dwelling including two number bicycle spaces, all on site with area of 103.16 square metres which has a previous granted permission under planning register reference number D17A/0630 (PL 06D.249330), all to the rear of 30 Sandycove Road, also known as 30A Sandycove Road, Sandycove, 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.

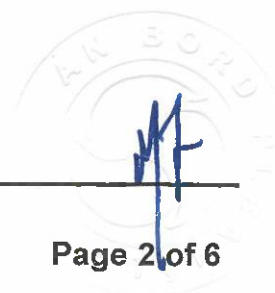
Reasons and Considerations

Having regard to the character and the established pattern of development of the laneway and the lands in the vicinity of the site, to the previous planning history on the site, and to the design and limited 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 residential amenities of the area or of property in the vicinity and would be acceptable in terms 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, 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 proposed roof lights on the eastern roof slope shall be fitted with opaque glass and shall be fixed shut (non-opening).

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

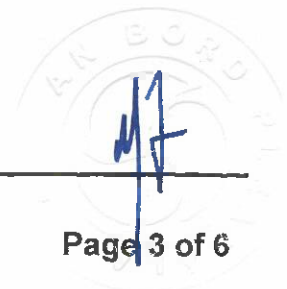
Reason: In the interest of residential amenity.

3. Prior to commencement of development, the existing conservatory attached to the main dwelling and the existing shed within the rear garden of number 30 Sandycove Road, which is in the ownership of the applicant, shall be demolished and the line of the garden wall bounding the lane shall be set back to facilitate the provision of a permeable paving footpath of two metres in width as required by condition number 2 of the planning permission granted by An Bord Pleanála under PL 06D.249330 (D17A/0630). Detailed 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 residential amenity and pedestrian traffic safety.

4. No access shall be permitted to any of the flat roofs or green roofs at first floor or second floor level, save for maintenance. The roof areas shall not be used as a roof terrace or garden area.

Reason: In the interest of residential amenity.



5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provisions amending or replacing them, the use of the proposed development shall be restricted to a single dwellinghouse (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of protection of residential amenity.

6. 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.

7. 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.

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

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

9. Water supply and 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.

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

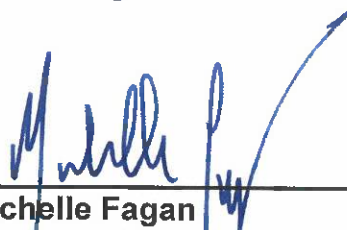
Reason: In the interest of public health.

11. 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.

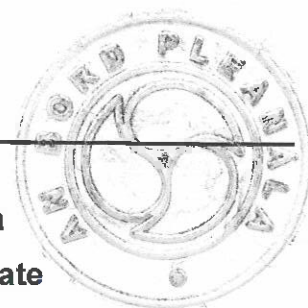
Reason: In the interest of visual and residential amenity.

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.



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



Dated this 27th day of July 2022.