



Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0931

Appeal by Anthony and Sarah Cosgrove care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin and by Rose Ivory care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 2nd day of March, 2022 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to John Sheridan care of Extend Architects of 14 Castle Street, Dalkey, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: New flat roof, four-bedroom, two-storey contemporary dwelling and all ancillary site works, including terraces, access road, on-site parking, landscaping, and associated drainage works. The proposal is located to the rear of and within the curtilage of 'St. German's' which is a Protected Structure and is accessed from Torca Road, where a new vehicular entrance is proposed. It is also proposed that the existing boundary wall to Torca Road is to be repaired and raised in height to form a guardrail. The application is similar to and an amendment of the previously approved planning applications planning register reference numbers D17A/0995 and D15A/0730, all on a site to the rear of and within the curtilage

of 'St. German's', Vico Road, Dalkey, County Dublin (a Protected Structure) accessed from Torca Road.

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 site's land use zoning objective (A) in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and the nature, scale and contemporary architectural design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with Policy Objective PHP19 and Section 12.3.7.7 (Infill Development) of the development plan, would not seriously injure the residential amenities of the area due to overbearing, overlooking or overshadowing impacts, would not be prejudicial to public health, and would not give rise to a traffic hazard. Furthermore, having regard to the design of the proposed development, including the retention of a significant number of trees on site, it is considered that the proposed development would not adversely impact on the visual amenities of the area or the Vico Road Architectural Conservation Area, would not negatively impact on the character or setting of St. German's (a Protected Structure), and would be consistent with Policy Objectives HER13 and GIB6 of the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 the planning authority on the 4th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All exterior glazing, including the glass guardrail/balustrade to the terrace, shall comprise non-reflective glass only.

Reason: To protect the visual and residential amenities of the area.

3. The entire dwelling shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity.



4. (a) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a comprehensive landscape plan/Landscaping and Maintenance Report, including an updated Tree Survey Report.
- (b) Prior to commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant and Arborist throughout the life of the site development works and shall notify the planning authority of that appointment in writing.
- (c) When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, a Practical Completion Certificate shall be submitted for the written agreement of the planning authority as verification that the approved landscape plans and specifications have been fully implemented.
- (d) Planting shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, with a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect the sylvan character and visual amenities of the area.

5. The recommendations outlined in the Tree Survey Report dated June 2015 submitted with the planning application shall be carried out in full, except where otherwise required by conditions of this permission or as agreed with the planning authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

6. The construction of the proposed 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 proposed development, including tree protection measures, noise management measures, off-site disposal of construction/demolition waste, and details to ensure that adjoining areas/streets are kept free of dirt and debris.

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

7. Prior to commencement of development, a construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety and residential amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times shall 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.



EJK

9. 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.

10. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann (formerly 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.

Reason: In the interest of visual and residential amenity.



ESK

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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *19th* day of *June* 2023.