



An  
Bord  
Pleanála

**Board Order**

**ABP-313311-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A0036**

**Appeal** by Stefanie and Ben Murphy care of BPS Planning and Development Consultants Limited of Ballinatone, Greenan, Wicklow against the decision made on the 15<sup>th</sup> day of March, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission.

**Proposed Development:** Subdivision of an existing residential property, a new four-bedroom, two-storey, split-level, flat roof detached house, revisions to existing vehicular entrance, and all associated site works, all at 'Stella Maris', Commons Road, Loughlinstown, Dublin.

## **Decision**

**GRANT** permission for the above proposed development for the reasons and considerations under and subject to the conditions set out below.

## Reasons and Considerations

1. Having regard to the location, nature, scale and design of the proposed development, an infill house on a site that is zoned objective 'A' which seeks to 'protect and/or improve residential amenity' in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, where residential amenity is permitted in principle, and to the wider policy support for compact growth, including re-intensification of infill/brownfield sites expressed through Policy Objective PHP18 (Residential Density), the Board was satisfied that the proposed development is appropriate on such residential zoned lands and that it would not give rise to any unacceptable residential or visual amenity impacts, would be acceptable in terms of traffic safety, having regard to the low level of traffic that would result, and would be in accordance with Policy Objective PHP19 (Existing Housing Stock – Adaptation) with respect to new infill development and would otherwise be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the proper planning and sustainable development of the area.
2. With respect to the matter of flood risk, the Board noted that the dwellinghouse structure would lie outside of 'Flood Zone A or Flood Zone B' lands as identified under the Office of Public Works Catchment Flood Risk Assessment and Management (CFRAM) final flood maps and Flood Zone Maps within the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and that no new access is required because the proposed development would share the existing access that currently serves the existing host house, 'Stella Maris'. While noting that the lands to the north of the site include the existing driveway proposed to serve the new infill house development, and also that the main private open space and car parking area of the site are situated within Flood Zone A and B lands, the Board was satisfied that, in the event of a flooding event whereby the access may be impeded, safe pedestrian access and access for emergency vehicles to and from the property would be reasonably possible to the south (from Seaview Wood Road network) in the case of any

emergency requirement. Having regard to the information on file, including the submitted flood risk assessment that included a justification test, and to the drainage measures proposed, whereby the risk of flooding is mitigated by providing SUDS for the development which can store water for the 1 in 100-year storm occurrence flood event (and incorporating a 20% allowance for climate change) that in turn would ensure surface water would discharge from the site at greenfield equivalent runoff rates, the Board was satisfied that overall the proposed development would have a mitigated flood risk of 'low'. The proposed development would not, therefore, be contrary to Policy Objective EI22 (Flood Risk Management) of the statutory development plan or the Planning System and Flood Risk Management Guidelines for Planning Authorities', 2009.

In deciding not to accept the Inspector's recommendation to refuse permission on the basis that the proposed development, if permitted, would not be deemed appropriate in Flood Zone B lands, the Board did not share this view. The Board was satisfied, based on the information before it, that the proposed development would have a mitigated flood risk of low and would not be contrary to Policy Objective EI22 (Flood Risk Management) of the statutory development plan or the Planning System and Flood Risk Management Guidelines for Planning Authorities', 2009.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. 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.

3. 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. Drainage measures employed, including attenuation and the use of SUDS measures shall be such so as to ensure that surface water discharge from the development site shall be at greenfield equivalent runoff rates.

**Reason:** In the interest of public health and surface water management.

4. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann (formerly Irish Water) and shall adhere to the standards and conditions set out in that agreement. All development shall be carried out in compliance with the Uisce Éireann standards codes and practices.

**Reason:** In the interest of public health.

5. 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.

6. 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 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 amenities of property in the vicinity.

7. The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters.

**Reason:** In the interest of public safety.

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8. 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 the 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.



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**Patricia Calleary**

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

Dated this 19 day of September 2023.