

---

**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D21A/0382**

**Appeal** by Frances McNeill care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 1<sup>st</sup> day of April, 2022 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Julie Cox, Alan Kirwan and Hilary Pratt care of RD Design of 17 Norwood, Ballbrack, Glenageary, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a detached dormer dwelling (two storeys consisting of ground floor and dormer first floor with rooflights and side dormer windows), new vehicular entrance, solar panels, soakaway, boundary walls and services, all at Golf Club Lane, Ballinclea Road, Killiney, 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, the pattern of development in the area and the nature, form, scale, design and layout 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 or visual amenities of the area and would not give rise to any traffic related inconvenience. 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 7<sup>th</sup> day of March, 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 the 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. The development hereby permitted shall comprise of a three-bedroom dwelling house as shown in the plans and particulars submitted to the planning authority with the further information on the 7<sup>th</sup> day of March, 2022.

**Reason:** In the interest of clarity and to ensure adequate provision of private open space amenity for occupants of the proposed dwelling.

3. The porch proposed to the front of the dwelling shall be omitted in the development hereby permitted.

**Reason:** In the interest of orderly development.

4. The windows on the northern first-floor elevation shall be permanently glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilages of the existing or proposed houses without a prior grant of planning permission.

**Reason:** In the interest of orderly development.

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

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

8. 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.

9. 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.

10. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority complete details of all proposed boundary treatment within and bounding the proposed development site. This shall include for the following:
- (a) The piers, including coping, of the proposed vehicular access onto Golf Club Lane shall not exceed a height of 1.1 metres.
  - (b) Any gate to the proposed relocated vehicular access on Golf Club Lane shall not be an automatic electronic gate in accordance with Section 12.4.8.1. Vehicular Entrances and Hardstanding Areas.
  - (c) The width of the proposed access shall be a maximum of 3.5 metres.
  - (d) Gates at the entrance shall be designed so that they are not capable of being opened outwards.
  - (e) The piers and all modifications to the lane side boundary shall match the existing stone finish of the existing boundary wall.
  - (f) The two-metre timber fencing to the side and rear boundaries shall be omitted. In their place a solid two-metre in height boundary wall, faced in stone or other suitable external facing on both sides, as agreed with the planning authority, shall be provided to the side and rear boundaries.

**Reason:** In the interests of traffic safety, visual and residential amenity.



11. Site development and building works shall be carried out only 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 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.

12. Prior to commencement of development, an Invasive Species Treatment and Management Plan, prepared by an appropriately qualified Invasive Species Specialist, shall be submitted to, and agreed in writing with, the planning authority (Biodiversity Officer). The Invasive Species Treatment and Management Plan shall detail the location, extent, and proposals for the removal of any invasive species and contaminated soils on site.

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

13. No works shall be carried out on site between March to August inclusive, unless otherwise agreed in writing with the planning authority (Biodiversity Officer), following the submission of a report from a qualified ecologist which clearly establishes that no breeding birds or mammals are present on site.

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

14. The proposed development shall be carried out in accordance with measures set out in the Arboricultural Report, as received by the planning authority on the 7<sup>th</sup> day of March, 2022.

**Reason:** In the interest of orderly development.

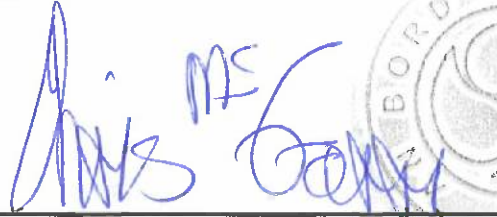
15. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise management measures, dust management measures, protection of the trees during the construction phase, protection of the existing water mains, and off-site disposal of construction/demolition waste through to management of traffic arising from construction works, deliveries and removal of waste.

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



16. 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 30<sup>th</sup> day of June 2023.