

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/1002

Appeal by Martin Anderson of 29 Glenamuck Cottages, Carrickmines, Dublin against the decision made on the 15th day of June, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Christine O'Connor care of Stephen Newell Architects of Jollylands, Ballycorus, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development of four number units to comprise (a) demolition of part existing house and shed, (b) alterations to the remaining existing detached single storey house including new fenestration, (c) construction of one number further detached single storey house and two number semi-detached two-storey houses and (d) associated site works including on site surface water attenuation, utility service connections on Glenamuck Road, closing of existing gateway and provision of new cul-de-sac roadway from Glenamuck Road, car parking, boundary walls and fences and landscaping at 'Tandesann', Glenamuck Road South, Carrickmines, 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 relevant Development Plan for the area and to the identification of the site for infill residential development within the Kiltiernan Glenamuck Local Area Plan 2013-2023; the pattern of development in the area; and to the limited extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and 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 further plans and particulars submitted on the 19th day of May 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.

2. Each proposed house shall be used as a single dwelling unit only, and no part shall be sold, let or otherwise transferred or conveyed, save as part of one single dwelling.

Reason: To restrict the use of the houses in the interest of residential amenity.

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

Reason: In order to ensure that a reasonable amount of rear garden private open space is retained for the benefit of the occupants of each bungalow, in the interest of the amenities of the area.

4. (a) The roofs of the proposed dwellings shall be blue-black or slate-grey in colour throughout (including ridge tiles) – using slates or flat-profile tiles only.

(b) External render finish shall be of a uniform colour.

Reason: In the interest of visual amenity.

5. 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 amenity.

6. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to occupation of any of the houses. The scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, footpaths, parking areas, lighting, waste storage facilities and sanitary services, together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity and public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 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 services of an arborist shall be retained during the demolition and construction phase, to ensure that trees for retention are fully protected.

Reason: In the interest of visual amenity.

9. The internal road network serving the proposed development (including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of traffic safety.

10. Proposals for a street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames.

11. The open spaces shall be developed for, and devoted to, public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

12. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, prior to occupation of any of the dwellings.

Reason: In the interest of residential amenity and safety.

13. Surface water drainage arrangements (including attenuation) shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

14. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

15. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, a Cycle Statement, setting out how the development meets the requirements of the Planning Authority's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018), in accordance with the requirements of the relevant section of the County Development Plan.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the provision and satisfactory completion of footpaths and drains, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory completion or maintenance of any works on Glenamuck Road South. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of works on the public road.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development, with others of similar size and species. The form and the amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.

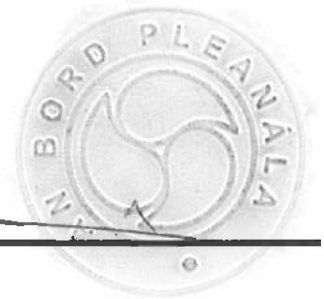
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act, be applied to the permission.

19. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act, be applied to the permission.

20. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act, be applied to the permission.



Liam Bergin
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this 25 day of September 2023