



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0306

Appeal by Peter Grealis care of Roger Hofler Architects of 129 George's Street Lower, Dún Laoghaire, County Dublin against the decision made on the 27th day of June, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for development comprising retention of the following: (1) timber fencing to eastern and southern boundary of the property for a temporary period of two years, (2) the completed boundary works and landscaping including granite dividing wall dividing front garden and car park area, and (3) revised design for plant room and courtyard to replace refused utility room and courtyard on east boundary at Ross Cottage, Seafield Road, Killiney, County Dublin in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the granite dividing wall dividing the front garden and car park area, the revised design for plant room and courtyard to replace refused utility room and courtyard on east boundary in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for timber fencing to eastern and southern boundary of the property and the completed boundary works (along the southern and eastern boundary to the car park area and front garden) based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the zoning objective of the area, the design, layout and scale of the development proposed to be retained and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Within six months of the date of this Order, the applicant shall install the glass panel to the eastern courtyard wall as indicated in the plans and particulars lodged with the application.

Reason: To reduce the mass and scale of the courtyard wall when viewed from the public right-of-way to the east in the interest of visual amenity.

3. 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 interests of public health and surface water management.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or 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 amenities of property in the vicinity.

5. 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 within three months of the date of this Order 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.

Reasons and Considerations (2)

The timber fencing to the eastern and southern boundary of the property and the completed boundary works (along the said southern and eastern boundaries), by reason of the scale, detailing and rudimentary appearance, as viewed from the south and east and, in particular, from the public pedestrian right-of-way from Seafield Road to Killiney Strand, would be out of character with the area, would seriously injure the visual amenities of the area, would fail to respect the established pattern of development in the vicinity, and would set an undesirable precedent for similar type of development in the area. The development proposed to be retained would be contrary to Specific Local Objective SLO 130 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, which seeks to ensure that development within this objective area does not significantly detract from the

character of the area visually. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the granite dividing wall between the car park area and the front garden, and the plant room and courtyard, the Board had regard to the limited extent, size and scale of the granite dividing wall, and the plant room and courtyard walls along the eastern boundary and also had regard to the now demolished toilet/utility room which previously existed at this location which was similar in extent, size and scale to the proposed plant room and courtyard walls. The Board considered that, subject to conditions, the proposed granite dividing wall and the plant room and courtyard would not adversely impact on the visual amenities of the area or conflict with SLO 130 of the local statutory plan.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 28th day of July 2023.