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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22A/0362**

**Appeal** by Paul Conway of Ailort, 15 Dalkey Avenue, Dalkey, County Dublin against the decision made on the 20<sup>th</sup> day of July, 2022 by Dún Laoghaire-Rathdown County Council to grant permission subject to conditions to Geoff Brannigan care of Demesne Architects of Desmond House, Main Street, Maynooth, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention permission is sought (as a revision to previously granted permission, file register reference number D20A/0649) for the demolition of select additional internal and external walls at ground and first floor levels in order to accommodate this development at the site; and in addition, planning permission is sought (as a revision to previously granted permission, file register reference number D20A/0649) for the construction of select new walls to replace additional demolished, as well as the construction of extended basement area of +32 square metres to incorporate new utility room and ground floor connection, along with minor revisions to the ground floor layout along the eastern boundary, all at 4 Cunningham Road, Dalkey, 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 Dún Laoghaire-Rathdown County Development Plan 2022-2028, the zoning objective of the site “To provide residential development and improve residential amenity while protecting the existing residential amenities”, and the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed for retention would not seriously injure the visual amenities or residential amenity of property in the vicinity. The proposed development and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

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

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

2. The development shall comply with all conditions of planning register reference number D20A/0649, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

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

**Reason:** In the interest of visual amenity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 amenities of property in the vicinity.

5. 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 and surface water management.

6. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

7. 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *30<sup>th</sup>* day of *June*, 2023.

