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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22A/0464**

**Appeal** by Val Smith and Aveen Murray of Bramleigh House, Churchtown Avenue, Dublin and by Ronan Fleetwood of 11 Churchtown Avenue, Churchtown, Dublin against the decision made on the 3<sup>rd</sup> day of October, 2022 by Dún Laoghaire-Rathdown County Council to grant, subject to conditions, a permission to Eoin Griffin care of Broadstone Architects of Unit 2, Brunswick Court, North Brunswick Street, Dublin, in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development will consist of the construction of a new three-bedroom, two storey, detached dwelling of 145 square metres floor area, in the rear garden of the existing house, along with all ancillary and landscape works including a new separating boundary wall. The works will also include the demolition of an existing 10 square metre single storey garage structure as well as the removal of a section of the existing boundary wall to Churchtown Avenue. A new vehicular entrance and car port accommodating two car parking spaces is proposed which will be accessible off Churchtown Avenue. A pedestrian gate to the garden is also proposed along Churchtown Avenue, all at a site to the rear and side of 27 Churchtown Road Lower, 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 pattern of development in the area and its residential zoning under the Dun Laoghaire Rathdown County Development Plan, 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed house would not seriously injure the character of the area or the amenities of property in the vicinity, would provide an adequate standard of residential amenity to future occupiers and would be acceptable in terms of traffic safety and convenience. The proposed development 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 12th day of September, 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. The entire dwelling shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority and Uisce Eireann for such works and services.

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

4. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

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

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, 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 residential amenities of property in the vicinity.

6. The proposed development shall be managed in accordance with a Demolition and 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 development, 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 interest of public safety and residential amenity.

7. All necessary measures shall be taken by the developer and contractors to avoid conflict between construction traffic/activities and all other road users, particularly pedestrians and other vulnerable road users on Churchtown Avenue and on Churchtown Road Lower during construction works.

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

8. The developer and contractor shall prevent any mud, dirt, debris or building material being carried out onto or placed on the public road or adjoining properties as a result of the site works, and shall repair any damage to the public road arising from carrying out the works.


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

9. Only a 4.8 metre long section of kerb, in front of the proposed two numbered undercroft car parking spaces, shall be dished to try and ensure that vehicles exit centrally from the undercroft car parking spaces.

**Reason:** In the interest of public safety and residential amenities.

9. 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.

  
Liam Bergin

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

Dated this *06<sup>th</sup>* day of *December* 2023.