

---

**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: D22A/0617**

**Appeal** by Louise Reynolds care of MRD Architects of Harow House, Church Road, Killiney, County Dublin against the decision made on the 13<sup>th</sup> day of October, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

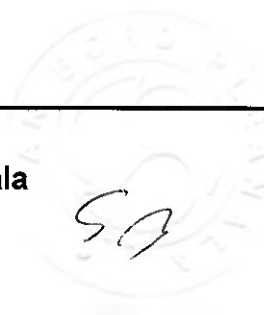
**Proposed Development:** The construction of four two-storey dwellings (total area 437 square metres), modifications to the internal access road and curtilage. The development provides for a new internal access road to serve the new dwellings off the existing vehicular access road, open space, surface parking, landscaping, boundary treatments, site development works and services provision at Harrow House, Church Road, Killiney, Co. Dublin (a Protected Structure).

**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 land-use zoning objectives for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the nature, layout, scale and design of the proposed development and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would appropriately intensify residential use on this suitably located infill site, would constitute an acceptable quantum and density of development, would not detrimentally impact on the architectural heritage of the area including the character or setting of adjacent Harrow House, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in terms of traffic safety/future road upgrades and would comply with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. 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, 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.

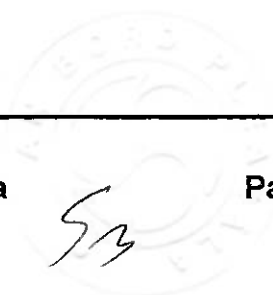
**Reason:** In the interest of clarity.

2. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interests of orderly development and the visual amenities of the area.

3. The site shall be landscaped and earthworks carried out in accordance with the Landscape Plan, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the apartments are made available for occupation.

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



4. Prior to commencement of the proposed development on site, the applicant shall ensure that the Church Road reservation line to accommodate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', be set out by the contractor and agreed with the planning authority. The western boundary wall of the proposed gardens shall be constructed along or behind this line.

The applicant shall ensure that the area of land between the existing Church Road boundary wall and the western boundary wall of the proposed gardens shall be reserved free of development to facilitate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)'.

**Reason:** In the interest of ensuring the future completion of the proposed 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)' and in the interest of proper planning and sustainable development of the area.

5. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

6. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees on the Proposed Landscaping Plan drawing number P-05, as submitted to the planning authority on the 22<sup>nd</sup> day of August, 2022, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas designated in condition number 5 of this Order shall be carried out using non-mechanised hand tools only.

**Reason:** To ensure that the tree(s) are not damaged or otherwise adversely affected by building operations.

7. Trees to be removed on site shall be felled in late summer or autumn.

**Reason:** In the interest of nature conservation.

8. Proposals for an estate 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

9. All of the parking spaces serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

10. The construction of the 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 development, inclusive of noise management measures and off-site disposal of construction/demolition waste.

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

11. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

12. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

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

14. Water supply and drainage arrangements, including the 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.

15. 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.

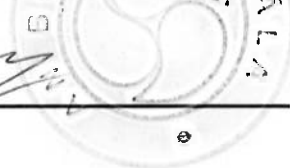



16. The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 in lieu of public open space provision. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

17. 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 residential amenities of property in the vicinity.



**Stephen Brophy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 20<sup>th</sup> day of December 2023.