



An
Bord
Pleanála

Board Order ABP-315721-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0853

Appeal by Matthew and Fiona Broderick care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 9th day of January, 2023 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Planning permission is sought for: the construction of one two-storey and single-storey dwelling with dormer window at roof level, comprising four number bedrooms and associated living, dining and utility spaces, served by a wastewater treatment plant and polishing filter, one number single-storey office room, the provision of all associated ground and landscape works, the repositioning of existing gate to property, the widening of existing adjacent laneway and widening of existing shared vehicle gateway to Lordello Road all at site to front of Clova, Lordello Road, Shankill, 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 Dún Laoghaire-Rathdown County Development Plan 2022-2028, including the zoning objective for the site Objective A1 for which the objective is 'to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans', it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to Development Plan policy including the zoning objective, would not seriously injure the visual or residential amenities of the area, or of property in the vicinity, would provide an acceptable standard of amenity for future residents, and would not, by virtue of overlooking or overshadowing, lead to loss of privacy or amenity in neighbouring properties. Furthermore, noting the single reason for refusal, the Board considered that the location of the proposed wastewater treatment plant and percolation area provided for in the documents received by the Board would provide that the development as proposed would accord with the requirements of the Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021 and would not be prejudicial to public health and that the location of the vehicular entrance to the site would not represent a traffic hazard. 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 and the further plans and particulars received by An Bord Pleanála on the 7th day of February 2023, 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. Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The storage area located on the roof slope shall be omitted. Drawings showing compliance with this modification shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

5. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with

the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

- 6. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

- 7. The developer shall pay to the planning authority a financial contribution of 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Una Grosse

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

Dated this *7th* day of *March* 2024